

Criminals in Uniform

Examining the Role of State Agents in Criminal Violence Against Undocumented Migrants in Southern Mexico



Title Picture: Official Border Crossing between Mexico and Guatemala at *El Ceibo*.

Master Thesis by Lisa Bühner
S4617266

Supervised by **Mathijs van Leeuwen**

Master's program Human Geography, **specialization** Conflict, Territories and Identities
Radboud University Nijmegen
October 2019

Abstract

The present thesis investigates the role of Mexican state agents in criminal violence against undocumented migrants and asks how this might be explained. The study is designed as a case study, empirical evidence was collected in the Municipality of Tenosique, a town near the border in Southern Mexico. The starting point of this research interest was the apparent paradox between the theoretical and actual situation of undocumented migrants in Mexico. While Mexican migration policies appear to be improving on paper in terms of provision of security as well as justice, in practice, the harm migrants experience in Mexico is not diminishing nor is the prosecution of these criminal cases rising.

Empirical evidence indicates that the nature of criminal violence in which Mexican state representatives are engaging can be categorized in two groups: crimes that result from an extension of legal state violence, and crimes explicitly intended to benefit the perpetrators.

State agents pursue undocumented crossings by extending the legal means of the detention procedures. This includes illegal persecution over long distances, an act that many times results in migrants injuring themselves, as well as direct physical aggression, to intimidate, bring to heel and detain migrants. Combining empirical research with literature review it is revealed that historically, state formation processes in Mexico were rather violent. Until today, violence has been perceived by state agents as essential to foster authority.

Moreover, empirical observation strongly suggests state agents are involved in the commodification of migrants to benefit themselves. This thesis makes the statement that a strong state-crime network in Mexico contributes to this violence of the state.

By further investigating how denounced cases of criminal violence against undocumented migrants are dealt with, this thesis concludes that crimes are covered up by state agents to restore their legitimacy. The restoration of state legitimacy results in locals having more negative perceptions of migrants, which again leads to more harm against migrants.

Based on these findings, this thesis emphasizes the need to (re)consider state agents as active operators of and contributors to the perpetuation of criminal violence. Finally, the academic argument that the emergence of extensive (criminal) violence in a country can be ascribed to the state's weakness to front criminal groups is challenged. Moreover, correspondent societal organizations in Mexico are recommended to move away from pure legalistic lens as they fail to grasp what makes the abuse of migrants possible in the first place.

Preface

I am deeply grateful to my supervisor Mathijs. The understanding and motivation I was met with has supported me very, very much. His feedback and criticisms were more than helpful and always clear and comprehensible to me. In addition, I am thankful for every other teacher I had the opportunity to learn from during my time in Nijmegen.

During this whole study process, from the beginning of the Master Program in the Netherlands, to my work experience in Mexico, to my final writing in Germany I was blessed with the companionship of wonderful people. And I am very thankful for that.

My dearest appreciation goes to *La72*, Home and Refuge for Migrant Persons, and to all that accompanied that experience—the hopes, the dreams, the anger, the friendships, the tears. I admire every one of the many team members I met during my stay. I have the greatest respect for all of them. I came for three months but stayed for over twelve. What makes you stay are compassion and solidarity, things that are literally lived in this house.

Over the course of a year people shared their stories with me, and I with them. Even though I constructed this work on the basis of the abuses of people, I never saw them as merely victims. Abuse, experiencing criminal violence, does not determine who you are. Moreover, the people I met are not merely migrants. I am convinced that people occupy various identities. This thesis just happens to focus on one, while the others are not forgotten. They are mothers, brothers and sisters, painters and farmers, teachers and journalists, can be funny and angry, lazy and dedicated. All seeing in migrating a better chance to live their lives. In a shelter that huge, you get to talk with dozens of new people every day. I am more than happy to have had the great pleasure to meet so many different personalities.

Lastly, I want to say thank you to my Mama, Papa & Auntie.

Table of Contents

Abstract	III
Preface	IV
List of Maps, Figures and Pictures	VI
Maps	VII
CHAPTER 1 INTRODUCTION	1
1.1 Research Question(s)	3
1.2 Academic Relevance	4
1.3 Societal Relevance	5
1.4 Outline	6
CHAPTER 2 ANALYTICAL APPROACH	7
2.1 Criminal Violence and how it relates to Legal Violence	7
2.2 Connection between State Violence and Criminal Violence	9
CHAPTER 3 RESEARCH STRATEGY	12
3.1 The Data Set	12
3.1.1 Operationalization	12
3.1.2 Collection and Sampling	13
3.1.3 Analysis and Presentation	16
3.2 Reflection	16
CHAPTER 4 STATE AGENTS AS PERPETRATORS OF CRIMINAL VIOLENCE	19
4.1 Practicing Unlawful Detention	19
4.1.1 Unlawful Detention Procedures in Tenosique	19
4.1.2 Justifying the Extension of the Limits of Legal Force	21
4.2 Commodification of Migrants	22
4.2.1 Introducing Extortion and Human Trafficking	23
4.2.2 Commodification of Migrants in Tenosique	23
4.2.3 The State-Crime Network	25
CHAPTER 5 STATE AGENTS AND THE COVERING UP OF CRIMINAL VIOLENCE	28
5.1 Covering up Step 1	28
5.1.1 Not Recognizing the Crimes in Tenosique	28
5.1.2 Absent Investigation Procedure in Tenosique	30
5.2 Covering up Step 2: Carrying out Random Arrests in Tenosique	31
CHAPTER 6 CONCLUSION	33
6.1 Summary	33
6.2 Discussion: Relevance and Recommendations	35
REFERENCES	37
Maps, Figure and Pictures	43

List of Maps, Figures and Pictures

Title Picture: Official Border Crossing between Mexico and Guatemala at *El Ceibo*.

Map 1: Most common Migrant Routes through Mexico.	p. VII
Map 2: Institutions concerning migrants in and around Tenosique.	p. VII
Map 3: Municipality of Tenosique.	p. VIII
Figure 1: Crimes against migrants in Mexico from 2014 to 2016.	p. 2
Picture 2: Road section of <i>El Pedregal</i> .	p. 1
Picture 3: Entrance area of the Migrant Shelter <i>La72</i> .	p. 14
Picture 4: Dining hall of the Migrant Shelter <i>La72</i> .	p. 14
Picture 5: Presentation in a Community.	p. 15
Picture 6: INM Patrol Car “ <i>La Perrera</i> ”.	p. 20
Picture 7: Cargo Train on Bridge in Tenosique (at <i>Boca del Cerro</i>).	p. 21

Maps



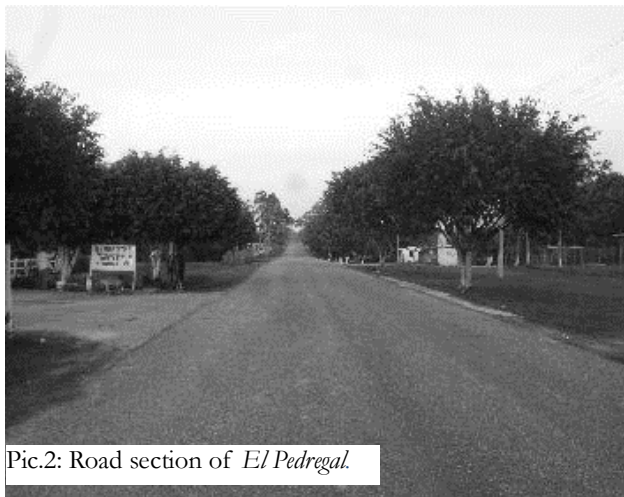
Map 1: Most common Migrant Routes through Mexico.



Map 2: Institutions concerning migrants in and around Tenosique.

Chapter 1 Introduction

Two roads lead from the Guatemalan border to the town of Tenosique, located in the south of Mexico in the state of Tabasco. Both roads are around 60 kilometers (mostly paved), passing alongside little villages and fenced farmland. And both are regularly patrolled by the national migration police (*INM*¹), *Grupo Beta*² and local police units. Although being a remote border area, the state is very present. Paradoxically, cases of people being harmed as a result of criminal violence are also found here extensively.



Pic.2: Road section of *El Pedregal*.

The omnipresence of the state is certainly connected to the fact that this area is the second most frequented border crossing³ into Mexico (cf. Map 1, illustrating the principal migrant routes through Mexico, and Map 2, listing the various state institutions present here). Excluding tourists and frontier runners, not many people use the official crossing but traverse the border here in a rather unofficial manner, climbing hills, crawling through walls and transiting rivers. The majority who cross in these ways comes from northern Central America, comprising the countries Honduras, El Salvador and Guatemala⁴, which are consistently heading the lists of the most violent countries in the world (Suárez Enriquez, Knippen & Meyer, 2016). The poverty and unemployment prevailing in this region drive every year hundreds of thousands of people to

decide to leave their hometowns and migrate (IOM, 2018). Up until the last several years, most have emigrated towards the north with the ultimate goal of reaching the US⁵. To do so, crossing Mexican territory—whether by foot or by vehicle—is inevitable.

By entering Mexico without getting registered, the travelers become undocumented migrants. Depending on their place of departure and their economic means, migrants will choose one of two routes to reach the next travel break-point in the town of Tenosique. To take the *el Pedregal route* (cf. Pic. 2) one starts in Guatemala and travels by boat across the border near the village of *el Pedregal*. As one has to pay off the smuggler and gas, this traveling style is costly but is also said to be the safer alternative. People with no money at all have to bypass the official border crossing at the village of *el Ceibo* by foot (cf. Title Picture) (cf. Map 3, the red lines mark the two main transit routes, the border communities I worked with are marked in yellow).

The main reason why so many people cross into Mexico here (into the municipality of Tenosique) is the fact that the train tracks of the freight trains (*la Bestia*⁶), making its way up north, starts here. Still, today most migrants intend to use the freight train network, which stretches from the south to the north. While it splits into various tracks in Central Mexico, until there, the network consists of only two lines, the one crossing through Tenosique and one starting in Chiapas. Another reason why many people choose Tenosique as their first destination in Mexico is the existence of one of the largest migrant shelters in Mexico, *La 72 Hogar – Refugio para Personas Migrantes*⁷. This shelter is home base to this research, and is where the project intentionally started and where I, later on, continued to work as a social worker during the year 2017.

¹ Instituto Nacional de Migración

² *Grupo Beta* is a special force created by the Mexican state to reduce the risks for vulnerable migrants by assisting them with information, water, and medical device. This unit is composed out of federal, state and municipal agents (Gobierno de México, 2018).

³ First being Tapachula, Chiapas.

⁴ 92% of the people crossing Mexico's southern border are from one of the mentioned countries. In the Shelter *La72*, a great majority of the people arriving is migrating from the country of Honduras (Martínez, 2017).

⁵ In recent years more and more Central Americans also decide to stay in Mexico to find employment and/or apply for asylum (Basok & Rojas Wiesner, 2018).

⁶ Informal name for the freight train crossing Mexico. In order to move across Mexico, migrants ride on top of it.

⁷ There are over fifty migrant shelters in Mexico (Vogt, 2013).

During my time in Tenosique, I can't recall how many times I drove down the roads to the border, accompanied by colleagues or local church members. Though, I do remember that every time on our way back we were afraid to encounter the state in the form of a border patrol or police car. It was unthinkable for us to pass by migrants walking the 60 kilometers in the blazing heat with poor footwear and not offer them a ride to town. But by taking in people without valid visas, we could be charged with human trafficking.

On the whole, we were aware of the fact that the roads were raided, arbitrarily but consistently. The state had been present in this area to this extent since July 2014 which was the year that the new border strategy, *Plan Frontera Sur* (the Southern Border Plan), was established by the governments of Mexico and Guatemala. The primary goal of this new migration policy was more regulated migration, and was backed by the US government. Still, back then, President Enrique Peña Nieto claimed that this new border enforcement would also serve to combat the exploitation and mistreatment of undocumented migrants by the region's criminal groups (Presidencia de la República México, 2014). Migrants had been crossing into Mexico without documents for decades, and the journey had always been accompanied with severe violence. So, in 2017, as intended by the *Plan Frontera Sur*⁸, the agents of the INM were patrolling the area several times a week, in order to detain migrants but also to generate a safer migration route.

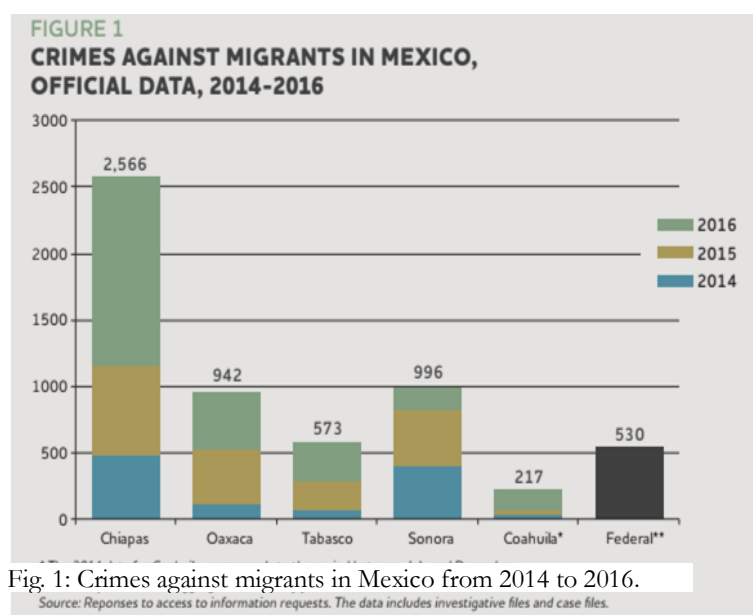


Fig. 1: Crimes against migrants in Mexico from 2014 to 2016.

rapes, and 1 murder. Tenosique can still live up to a nickname given once by an investigative Mexican journalist: *la puerta del infierno*, the door to hell (Carvajal, 2014).

Zooming out on a national level, we can overwhelmingly say that while the transit through Mexico has always been a very risky endeavor, the violence migrants have to endure has increased steadily over the years (UN, 2017). Doctors Without Borders states that around 70 percent of irregular migrants to whom they spoke in 2017 experienced violent acts towards them along their journey (MSF, 2017). More specifically, Amnesty International claims that 60 percent of women⁹ experience sexual assault while in Mexico (Shetty, 2018). Furthermore, a total amount of 70 000 migrants are estimated to have gone missing since 2006 (Vogt, 2016). Because migration offers some glimmer of hope, even in the face of all of the dangers one could encounter, there has been no decline in the number of people migrating (Kovic & Kelly, 2017) (Hiskey et al. 2016).

It is this apparent paradox between state policy that ostensibly benefits undocumented migrants and the recorded rise of criminal violence against those same migrants that is the main concern of this thesis. And the paradoxical situation can be amplified. On paper, the human rights conditions of migrants have improved over the years and, “by contrast with what happens in countries like the United States, in Mexico government rhetoric talks (..) of protecting migrants and of respecting their human rights” (Trevino-Rangel,

⁸ Throughout this thesis I will not analyze nor assess this border enforcement strategy.

⁹ Many women leave their home countries already injected with contraceptives to prevent pregnancy as they know about the high possibility to get raped during the journey.

2016, p. 302). Nevertheless, justice for migrants in Mexico is nearly absent.

Mainly due to pressure by human rights activists, then president Felipe Calderón agreed to sign a new Migration Law in 2011. Worldwide, the amendment had been seen as a huge success by human rights activists as it guaranteed equal rights for Mexican nationals and foreigners, no matter the status of their residency (Velázquez, 2018). While prior to 2011, migrants who crossed the Mexican border unofficially were criminally charged, which could have resulted in a ten-year prison sentence (Vogt, 2013), the new law stated that the unauthorized crossing is merely an administrative faux pas (CNDH, 2018). Not only was the act of irregular crossing decriminalized, migrants became able to denounce crimes against them to a special attorney for migrant affairs while not having to fear detention and deportation. Regulated in the *Plan Frontera Sur*, in so called key areas, such as Tenosique, the department of public prosecution had to install a special body intended to pursue crimes against migrants (Basok & Rojas Wiesner, 2018). To manage the bureaucratic procedure, *La72* is providing legal assistance to migrants in the process of denouncing crimes.

But again, the theoretical improvement is not effective in practice. Over the years, *La72* had assisted in filing many criminal cases. Through detailed descriptions by migrants and some courageous community members, we figured out the names and addresses of several criminals living in the border villages. Though we handed the information over to the local prosecution body, nobody was arrested. In all of Mexico, only 20% of reported crimes are investigated (while only 1 in 5 crimes is indeed reported) and in 2%, the perpetrators are brought before a judge (Shirk & Wallman, 2015). This again does not imply criminal conviction; in fact, 99% of the crimes brought before a judge go unpunished. The impunity rate in Mexico is among the highest in the world, and in Latin America it is even assumed to be the highest (Bargent, 2016). With respect to crimes against migrants, “with thousands disappeared in unacknowledged crimes, it is hardly possible to even denounce the impunity enjoyed by the perpetrators” (Kovic & Kelly, 2017, p. 7). Having spent over a year at the Southern Mexican border I can say that while *La72* is following up every case if the victim is willing to denounce, I did not experience any case being solved during my stay. In fact, many crimes are not even acknowledged, but disavowed with the argument of the lack of sufficient proof.

The very existence of the mentioned facts leads one to question, *how is this possible?* How is it possible, that despite Mexican migration policies improving in terms of provision of justice and security, the abuse of undocumented migrants continues to happen to this extent, and almost absolute impunity persists.

Out of the interest to get to the bottom of this paradox, I decided to construct a research project dedicated to investigating not only the harm resulting from the violence against undocumented migrants, but the patterns of the criminal violence itself and zoom in on the perpetrators.

1.1 Research Question(s)

A great deal of research projects are dedicated to identifying and analyzing dynamics as well as causes of contemporary (criminal) violence. Depending on what field of study the researcher is coming from, each research is asking diverse questions and hence highlighting different angles to describe and understand the emergence of extensive violence. This thesis tries to describe and analyze violence, more precisely the criminal violence against migrants, by zooming in on the role of the state in such violence.

As I had heard and witnessed all kinds of violent stories before deciding which course this thesis should ultimately take, the research is based on the hypothesis that the state contributes to the fact that so many migrants arrive in Tenosique with injuries or other, non-physical, harm. In addition to my own experience, I read articles which indeed pointed out the important role of the state in criminal violence in many Latin American countries. Cruz (2016) for instance, states that while state representatives are not committing more crimes than other groups, their role hereby is certainly especially precarious and deserves more consideration. I hence constructed following research question:

- **What is the role of Mexican state agents in criminal violence against undocumented migrants, and how might this be explained?**

While this main research question is the guidance of the whole research, I broke it down into sub-questions to facilitate the answering process. The first sub-question aims to describe, categorize and analyze the forms of behavior of state agents which result in the migrants' harm. The argument fortified by Cruz (2016) to categorize the direct involvement of state agents in crime was very helpful in order to find a fitting

formulation:

In which ways are state representatives executing criminal violence against undocumented migrants (in the municipality of Tenosique)?

Simply put, Cruz (2016) distinguishes in his article between violence by state agents that can be interpreted as a deformed version of state policy and violence that is blatantly illegal. In examining violence against migrants by state agents, the findings in Tenosique will be analyzed using these two categories.

The main research question implies not only the description of the role of state agents in criminal violence, but also the search for the explanation behind the violence. Being a case study, this research not only attempts an in-depth analysis of the facts on the ground but moreover pays tribute to the context (cf. Yin, 2014). As such, the general situation of the entanglement between state and crime in Mexico will be looked into. The first sub-question will be accompanied by a second one:

How may violent processes/history of state formation in Mexico help explain the criminal nature of this violence?

Cruz (2016) emphasizes that the state plays an important role in “the perpetuation of criminal violence” (p. 377). The third sub-question seeks to understand how state agents impede the solving of crimes:

How are denounced cases of criminal violence against undocumented migrants being dealt with?

By figuring out how criminal behavior is accounted for or not, answering this question will also provide insight on how criminal violence by state agents is (de)legitimized.

Within the set of qualitative tools, this thesis makes use of literature review and (participant) observation. Hence, the answers to the sub-questions will be supported by empirical evidence as well as literature study. The validity of the empirical findings is based on the assumption that the knowledge about violent crime can be gained through stories seen firsthand or due to experiences, told by people affected. As Tenosique is a main entry point for undocumented migrants and the state is very present here (in the form of the National Migration Institute (*INM*), police officers, military personnel, etc.) it is an ideal place for this kind of investigation. Throughout this thesis, the term, migrant, refers to *undocumented migrants*¹⁰, hence to people who have crossed the border into Mexico without documenting themselves at the border control, in contrast to other foreigners who are migrating to Mexico. By mentioning the term *state*, this thesis is referring to a network of people who are agents of the state, and not to a unified actor. Even though this thesis zooms in on the responsibility of the state, it is of course known that the violence cannot be ascribed to the state alone, yet it is an important approach that should be complemented by others. Individual motivations for criminal violence will not be minded nor addressed. *Criminal violence* is understood here as an act of direct crime in the course of which an aggressor and a victim can be made out. Structural violence, like suffering hunger or the dehumanizing of people by framing them as “illegal aliens”, will not be of subject in this thesis.

1.2 Academic Relevance

There has been much research around explanations as to why the state is failing to impede the (criminal) violence and is unable to provide security for the people residing in its territory. In fact, a debate has emerged, with studies arguing that the emergence of extensive (criminal) violence in a country has to be ascribed to the state's weakness to front criminal groups on the one side, and on the other side are theories that see the failure to impede violence as being based on the fact that the state is actually and willingly involved in criminal wheeling and dealing. Accordingly, present research will build on these investigations and critically explore them.

A wide range of academics (Correa-Cabera, Keck & Nava, 2015; Correa-Cabrera, 2014; Pedigo, 2011; Flores-Marcías, 2018) assume that due to the absence of institutional state strength, criminal organizations are able to establish a reign of violence in so-called black spots and safe heavens, and thus

¹⁰ There is no distinction made between refugees and economic migrants.

actively challenge the rule of law and the state legitimacy. Correa-Cabrera, for instance, mentions in her study that “a number of analysts believe that the state in Tamaulipas [North Mexico] has gradual loss of the “monopoly on violence” (2014, p. 424) (cf. Correa-Cabrera, Keck & Nava, 2015). In line with her, Pedigo claims that “state failure in Mexico is caused by the power of drug cartels, which have undermined the state’s monopoly on the legitimate use of force” (2011, p. 111). Flores-Marcías argues that “drug trafficking organizations (DTOs) have emerged as the most dangerous threat to Latin American states” (2018, p. 1). According to her not only the monopoly of violence but also the extraction of revenue is taken over by organized crime.

The proposed solution of such debates often demands the fostering of state presence and strengthening of state institutions as the first measure to front crime and gain back control over so-called ungoverned spaces to once again establish peace, law, and order (Maihold & Hochmüller 2013). Academics in the tradition of Fukuyama (2004) argue that the “western world” has a responsibility in intervening and assisting weak states to gain back its sovereignty, as those states moreover pose great risks to international security and order (Beehner, 2018; Couch & British Army, 2013).

Pointing out the incompetence of states to deal with crime, such approaches assume that installing new, better state programs and/or changing existing state institutions would “curb violence (...) and would eventually lead to a political order less conducive to social violence” (Cruz, 2016, p. 377).

In contrast to these assumptions, other academics adamantly refuse a fixed dichotomy between state and crime. They point at connections and entanglements of state and crime and the fact that specific state formation was/is benefiting from the evolution of criminal organizations. Shirk & Wallman (2015) for instance state, that to properly understand the (criminal) violence in a country, it is required to extensively explore the actual role and involvement of the state in those practices.

Again other academics are even driving the argument further by asking how crime originates from state agents’ behavior/state formation processes at first. Cruz (2016) criticizes that while some academics correctly point to the entanglement of the state and crime relationship (for instance in Mexico), they still credit the state with a predominant marginal and passive role, assuming that organized crime has successfully infiltrated state institutions, political offices as well as police departments (cf. Morton, 2012). Aguirre & Herrera, for instance, state that “the level of corruption of local governments (...) place the police and the entire apparatus of local government at the service of drug cartels” (2016, p. 658). Consequently, this perspective attributes the state a passive role as being compelled, influenced, blackmailed and corrupted.

This thesis concurs with Cruz (2016) and asks in which ways the state and its representatives are acting criminally autonomously. Such a perspective will provide new insights on how criminal violence is maintained, backed up and masterminded by state(s) (representatives) in the first place.

1.3 Societal Relevance

In Mexico, different activist groups and humanitarian organizations are working on the ground trying to make a change for the better in assisting migrants. Hereby they listen to the advice of the several NGOs operating from the Mexican capital, dedicated to the causes and effects of the violence towards migrants. While there is very little academic literature on the abuse of migrants in Mexico, human rights organizations (Mexican as well as international) have written a lot on the issue. Trevino-Rangel (2017) speaks even of mushroomed interest in migrant matters in Mexico. Most of these NGOs, in line with the rare academic literature (cf. Kovic & Kelly, 2017; Vogt, 2013, 2016; Bibler Coutin, 2005; Galemba, 2017), point to the border enforcement processes and to the absence of migrant rights within the Mexican territory, when searching for explanations for the increased suffering of migrants (cf. *MSF*, 2017; Shetty, 2018 (Amnesty International); Human Rights Watch, 2016).

This approach assumes that the state is shaping criminal violence against migrants primarily through its migration policy. First, because the securitization process, the militarizing of the border, transferred Mexico into a vertical border. Since *Plan Frontera Sur* was implemented, undocumented migrants not only have to fear detention when crossing the actual national border, but can now be caught everywhere in Mexico as the migration police has been amplified. These structural factors facilitate the abuse as migrants are forced to take on more obscure routes where criminals have an easy play on them. The state is seen as a passive player making the abuse possible while other criminals are the active abusers. Secondly, it is argued that the specific migration policy makes discrimination and abuse of migrants more socially acceptable.

The authors previously mentioned and with them many NGOs advocate for new and better migrant laws, which uphold common human rights.

The presumption inherent in these approaches is that by a change of the migration policy, the violence would disappear or at least drop significantly. In contrast to such a legalistic approach, (he uses the word *magical legalism*) Trevino-Rangel (2016) argues, that it is too simple to suggest that “upon the disappearance of securitization in migration policy (...), the situation of undocumented foreigners in Mexico will improve” (Trevino-Rangel, 2016, p. 302). He hints at two important points which seem to be forgotten by many human rights organizations in Mexico. First, there is no proof as to how the border enforcement really shapes criminal violence. Secondly, while it is important and necessary to talk about the bordering and othering of human beings that come along with migration policies, on paper, the new laws and enforcements were beneficial to migrants. The migration law of 2011 is seen as an example worldwide in protecting the human rights of migrants (González-Murphy, 2013). Moreover, the overall rhetoric on migrants in Mexico is said to be by far not as hostile as for instance in the US (Trevino-Rangel, 2017).

The findings of this thesis can help assess the appropriateness of such approaches. Locating this research in the middle of this debate, it will provide new insights and deliver new adapted recommendations. By focusing on the direct role of state agents, this thesis can complete the existing literature and provide new insights on direct perpetrators that have not received much attention yet by human rights defenders and activists alike. The renowned Mexican Professor and human rights activist, Sergio Aguayo, stated that to front the violence, we have to first understand it (2015). Human rights defenders, especially, can profit from more detailed knowledge as they are the first ones in denouncing the phenomena.

1.4 Outline

The **second chapter** is going to lay out analytical approaches that I consider appropriate to better understand the connection of the concepts of state and (criminal) violence. While these analytical lenses define how to interpret the research data, **chapter three** will name the research strategy and illustrate by means of what evidences provided by whom and from where the data was collected in the first place. As I, the author, were an engaged actor working in a migrant shelter besides being a researcher, the reflection will form an important part of chapter three, and include viewpoints on objectivity, bias and power imbalance.

Chapter four is describing how Mexican state agents are direct operators of criminal violence against undocumented migrants. In order to understand and explain the empirical findings collected in Tenosique these are brought together with academic literature discussing violent processes/history of state formation in Mexico. **Chapter five** will lay open how state agents precede with denounced cases of criminal violence against migrants. In a second step this chapter is connecting the empirical observations with academic literature addressing how state agents are restoring authority and state legitimacy.

Finally, **chapter six** not only summarizes the main points of this study project but furthermore looks again into the academic as well as societal contribution of this research and provides recommendations for further research on this topic.

Chapter 2 Analytical Approach

The selection and presentation of the analytical lenses is a first step in turning the concept of *the state* and its participation in (*criminal*) *violence* into something measurable, something that can be grasped (and ultimately collected). Before coming to speak about how the connection between state and criminal violence can be classified, we should first determine these two pivotal concepts further.

Latin America is one of the most violent regions in the world (Müller, 2018). In the past, violence in Latin America has been predominantly connected to military dictatorships and their aim of political repression (Müller, 2018). It seemed like every sign of rebellion was combated instantly. In Mexico, the highlight was certainly the massacre of Tlatelolco. In 1968, shortly before Mexico was supposed to host the Olympics, students and opposition members came together in Mexico City protesting the corruption of the authoritarian system. This day hundreds of people were murdered under the command of president Díaz Ordaz (Hernández, 2011). Until today, nobody was held accountable. The state violence was ordered from high above, and state agents were “just” executing orders, acting according to a state paradigm.

Around two decades ago, the violence in Latin America changed its features; “new manifestations of violence were erupting, going beyond the qualification ‘political’” (Pearce, 2010, p. 287). Nevertheless, “the state” is not only a bystander of this new violence.

The contemporary violence in many Latin American countries is mainly of a criminal nature (Müller, 2018). Criminal violence refers to a felony which is, besides being against the law in a certain country and hence implies certain consequences, intentionally directed at one or more persons (cf. Derriennic, 1972; Galtung & Høivik, 1971). It has to be pointed out, that this study is aware of the fact that laws and state structures are man-made and don't exist independent from humans. Nevertheless, once a constitution, or a law, is established, it becomes a reality. The misuse of the law has “a real existence independent of how [it is] constructed” (Maxwell, 2011, p. 149) (cf. Sayer, 2006). Consequently, the violation of the law can be grasped and named. Whether or not these laws are just and reasonable does not matter in this context. One example: Violence against undocumented migrants can also be found in accordance with the securitization process. Some would argue, that the detention and deportation of people is per se a violent act. In this thesis however, as this is an acknowledged state policy, this will not be considered as criminal violence against migrants.

When bringing state and violence together, most research talks about the state as a unified actor. State violence that is ordered from above, like the described incidents in Mexico City, can be explained this way. But the assumption, that state violence always is against one victim group due to ethical, political or racial reasons and “executed as top-down state action, where a selected group of government elites mobilizes and orchestrates large numbers and groups of perpetrators, building on the common motivation of hatred against another group” (Karstedt, 2016, p. 5) does not fit in the context of criminal violence.

In contrast, Gerlach (2006) understands the state, rather than as a unified actor, as a network made up by individual persons who are operating in its different state sectors, hence acting in the role of representatives of the state (Gupta, 2006). The concept of extremely violent societies alludes to conceive state functionaries as operators of criminal acts among other persecutor groups. Nevertheless, as Gerlach points out, all these groups are influenced and manipulated by state formation processes (Gerlach, 2006).

This thesis focuses particularly on criminal state violence done by state agents. The direct abuse of a person is not done by the state itself, as it is an abstract construct, but instead by simple local officers representing it. To better understand and moreover categorize my empirical evidence, I had to find approaches assisting me in categorizing criminal state violence. I made use of first academic literature linking criminal (state) violence to misused state authority and second I brought together approaches classifying criminal (state) violence according to its link to criminal non-state structures. What also plays an important role is the legitimization process of this state violence in order not to lose authority.

2.1 Criminal Violence and how it relates to Legal Violence

In every consolidated state, its representatives are enabled to execute legal state violence. This authority given to state agents can be extended by the same, i.e. legal violence can be deformed resulting in law

enforcement with illegal means or in other words, in criminal state violence.

Citizens agree to a social contract with their state. They accept being ruled in exchange for law and order. This state rule may include violence, whereas this violence is perceived as legitimate as long as it benefits law and order.

One of the main tasks of a constitutional state is to ensure the well-ordered coexistence of the inhabitants, hence the provision of security and order. To be able to execute this task, the citizens¹¹ of a democratic country authorize the state¹², respectively the executive power of the state, to exclusively use violence legally in order to detain those who disturb the order and are hence a threat to common security. Hereby it is important that the violence the state is allowed to execute is perceived as just and fair by its citizens (Funk, 2003). Therefore, what is considered a disturbance of common security is recorded as laws. Hence, a state makes laws and has to ensure that these laws are complied with. Under these circumstances, instead of being forced to obey, civilians have self-interest and willingly do so to be protected by law and order (Levi, Sacks & Tyler 2009). “Ultimately, the people grant the state the right to rule over them in return for the state providing security from civil disorder and war” (Milliken & Kraus, 2002 p. 758).

State agents can also rule by taking authority by force. Nevertheless, if a state is not seen as legitimate by its citizens it is always in danger of falling into rebellion (Tyler et al. 2007). “Without some degree of societal acceptance, any effort to institutionalize a state monopoly of physical violence is doomed to fail” (Funk, 2003, p. 1058). Therefore, having legitimacy is a much more convenient approach to control people than physical force and is hence sought after by the state (representatives).

Even if a state possesses legitimacy, hence a government is elected by its citizens and officially rules in their name, the legitimacy can be challenged. According to Levi, Sacks & Tyler (2009), this is especially so if state agents deform the right to legitimately execute violence and fail to implement the rule of law. When state functionaries apply “laws unevenly or target certain groups, disobedience is likely to increase” (Levi, Sacks & Tyler, 2009, p. 360). Same goes for the law enforcement. If people believe that laws will be enforced, they are more willing to obey and comply with them. “Citizens living in countries with systemic corruption will continue to ask themselves why they should pay taxes if the tax collectors steal their fund” (Levi, Sacks & Tyler, 2009, p. 359).

While allowed to execute violence, state agents are also subject to the law, in other words, legal violence has its limits. Pointing to the thin line between legal and illegal violence, Cruz (2016) highlights that state agents in Latin America continuously extend the limit to achieve a certain state policy and deal with crime. Legitimacy assessments though, are always subjective. While state agents may consider some violence as legitimate in order to keep up law and order, citizens or those targeted by the violence might have a different opinion.

Literature on Latin America suggests that, historically, state (formation) processes have been rather violent. This violence is legitimized by state agents as needed to protect law and order: showing authority by violent means is seen to contribute to the legitimacy of the state. According to Pearce (2010), most Latin American states are not building their legitimacy on the protection of citizen rights and the absence of crime, but on armed encounters with criminal actors, hence the existence of crime and violence. Pearce (2010) calls this reversed legitimacy. In the name of providing security for the citizens, the state responds “with new forms of order, violently imposed, to win its authority” (p. 289). Over time these anti-crime procedures can become accepted tools. With Mexico leading the way, many Latin American countries have militarized their strategies in the name to combat crime. Müller (2018) points out that some Latin American democracies even extended the state violence of their authoritarian predecessors. As a consequence, whole policies can be stretched without being anchored in law by referring to the term “state emergency”. Cruz (2016) highlights in this matter the war on drugs in Mexico, in which framework the torture and extra-judicial killings are widespread state procedures. Even though illegal by law, many state representatives do not question it.

To determine what could be termed as an extension of legal force, one has to know about the legitimate use of violence, hence what is allowed in order to stop and deter criminal behavior. Slack et. al. (2016)

¹¹ This also accounts for migrants respectively non-citizens. The Mexican state legislation has recognized undocumented migrants as being equal to Mexican citizens, hence while they have to obey the Mexican law, they are also protected by it.

¹² While the state refers in general to a political arrangement and its representatives in general, the government is changing over the years and is hence temporary.

mention the chasing of migrant groups through the desert by US border patrol agents, an act that is “scattering and separating the migrants” (p. 15). While this is done in the framework of the US policy to deter illegal border crossings, it is an illegal procedure, forbidden by law because it increases the risks of migrants hurting themselves on the run or, due to being separated from the group, ending up alone in the desert without orientation. The state agents overstepping the boundaries of legal violence results in people getting harmed. The study suggests that US state agents use rampant abuse and violence purposefully to undertake border enforcement strategies: “Pain, suffering, and trauma [are used] as deterrents to undocumented migration” (Slack et. al. 2016, p. 8). Other examples for the “extension of the institutional mandate” (Slack et. al. 2016, p. 20) are the detention of criminals with immense force, torture during interrogations e.g. to exact confessions from suspects as well as extra-judicial killings of supposedly dangerous criminals.

Regarding the aforementioned legitimacy, which is pivotal for the existence of a constitutional state, representatives of the state have to justify the severe state violence against criminal behavior. Therefore, the construction of a criminal “other” can become a driving factor in one country's security governance (Jens, 2018). Violence is actually legitimized by state agents by officially claiming that migrants are dangerous. Gerlach points out that every violence can be justified by pointing out the dangerous character of the other side, so that “people can identify with mass violence, demand it, find it necessary or even urgent” (Gerlach, 2006, p. 463). Continuously state agents create an image that needs severe measures to be done. The primary tool, therefore, is the language about the other side, in the case of Slack et al. (2016) migrants, who are stigmatized with the end goal to normalize forceful detention.

In conclusion, we are dealing here with a cyclic phenomenon. The overstepping of the legal violence seems to be inherent in the state apparatus of Latin American countries. State agents perceive violence to be necessary, and hence legitimate in their eyes, to look for order and law. This extension of the legal limits of force has to be justified and accepted by the population. State agents therefore open a public discourse about the need for severe measures to guarantee the law.

It would be interesting to find out if the violence by state agents found in Tenosique is mostly an illegal continuation of a political goal or if they are primarily acting criminally for purely private interests.

2.2 Connection between State Violence and Criminal Violence

There is a tendency in Latin America for state and criminal violence to be intertwined, which adds to the criminal violence on the part of state agents. The objective of such a state-crime entanglement “is not a distorted understanding of public security but the preservation and enhancement of criminal enterprises” (Cruz, 2016, p. 385). Literature points out that this trend should be understood in the framework of particular state formation trajectories, as they were closely connected to the evolution of criminal organizations.

A lot of academic literature suggests that in order to grasp and delimit criminal violence executed by state agents in the framework of a state-crime entanglement, we have to widen the perspective and take a look at decisive state formation processes (Cruz, 2016; Müller, 2018; Pearce, 2010; Pansters, 2018). The state-crime network in many Latin American countries was established in the past and still exists today, even if in different appearances (Müller, 2018). The concept of extremely violent societies urges us to re-contextualize the violence within its larger framework (Gerlach, 2006). Even though criminal violence within an extremely violent society is understood to be done by state agents not according to a paradigm of the state but “as actors with their independent motives, interests and pursuits” (Karstedt 2016, 6), the execution of mass violence by different groups is seen as being shaped by the context of state formation. In the case of the criminal violence in Latin America, Pearce (2010) argues that “in many countries, it is the very trajectory of the state-formation process which has facilitated this rapid reproduction of violence” (p. 286). Cruz (2016) highlights, that the participation of state agents in the production of criminal violence has to be ascribed to the “particular mode of state development in Latin America” (p. 375). Hence, we can spot a state-crime network when dismantling decisive state formation processes. It will be interesting to find out about the evolution of organized crime in Mexico and the role of the state hereby.

Over the years, Western-centric approaches, which have “[a] flawed assumption about state uniformity” (Nay, 2013, p. 333) along the lines of “one-size-fits-all generic state-building policies” (p. 333), have been challenged by a wide range of academics (Staniland, 2012; Vu, 2010; Verkoren & Kamphuis, 2013; Jüde, 2018). All these researchers claim that the European state-building template has not been successfully transferred to other regions, not because the states have yet to pass through the historical process, but because they have distinct historical and geographical conditions (Verkoren & Kamphuis, 2013). While acknowledging that many Latin American states have developed differently, we can recognize that many countries have gone through a political transformation from authoritarianism to democratic governance, but the state¹³ here never possessed the monopoly on violence in the first place, like the European model suggests (Müller, 2018). Hereby the monopoly was not lost nor was it installed wrongly; it was always knowingly shared with criminal non-state actors, a willing decision by state functionaries. “State elites have built implicit alliances with local landowners, caciques and political bosses to preserve the authority of the status quo. Rather than see this as a loss or absence of the monopoly on violence, (..) the state has never aspired to exercise such a monopoly, welcoming these indirect alliances” (Pearce, 2010, p. 298).

In many Latin American countries, general state formation processes were closely entangled with the rise of criminal groups. Even though democratic institutions were installed, the authoritarian elite and their networks were not erased (Cruz, 2016). Alliances were created to retain territorial supremacy. This way, the power of the state elite was secured. Hence, political practices (such as the monopoly of violence) are executed outside the framework of what is perceived to be “the state” according to western standards. When democracy “was brought” to Latin American countries, the authoritarian leftovers, like clientelism and “patronage-based political systems” (Cruz, 2016, p. 377) did not disappear. “Political transitions could not transform the ways in which the state relates to its citizens, provides security and upholds the legal order because they could not transform (...) the localized order that perpetuates violence” (ibid., p. 377). The implementation of democracy in some Latin American countries lead even to a rise of violence. Pearce (2010) highlights the fact that democratic processes of state formation foster violence rather than diminish it.

The close ties between state and crime still prevails today. This is adding to the prevalence of criminal violence in Latin America. The alliance goes beyond the mere covering up for non-state criminals, but “many of these activities are coordinated from police stations, mayoral offices, parliamentary seats, and even presidential palaces” (Cruz, 2016, p. 385). The state is not just a partner in, but also a primary perpetrator of crime. These coalitions of state and non-state actors with political as well as criminal interests are called *crime-governance manifestations*, as coined by Pansters (2018). It is a productive collusion to accomplish specific goals. Violence is part of this nexus. The “criminal state” gains from the trafficking of arms, drugs and human beings (Pearce, 2010). It will be interesting to investigate what this connection between state and crime looks like in Mexico. Are the characteristics in Tenosique representative of the overall state-crime Nexus in Latin America?

Surveys indicate that an estimated average of over 40% of Latin American citizens distrust state representatives, especially police forces (Cruz, 2016). The state legitimacy is challenged, not least because of the state-crime entanglement.

Instead of carrying a penalty, crimes of criminals, be it state agents themselves or their civil partners, are covered up by the state. The covering up does not only refer to an absent investigation and the high impunity rate. While seeking legitimacy, state representatives search for culprits to blame. In the context of the state-crime network, the state identifies criminals, particularly young men (gang members, etc.) and gets its legitimacy over the claim to combat them, while the big criminal players are spared, as they form part of the state alliances (Pearce, 2010). Pearce (2010) explains that in countries like Honduras and El Salvador, where the official debate attributes most of the violence to young gang members, actually less than 10% of the homicides can be attributed to them, concluding that “the source of much of the violence is likely to be in more sophisticated transnational crime syndicates often enjoying various levels of state protection” (p. 299). Pearce (2010) argues that this results in negligence on the part of the state in addressing criminal behavior, leading to the “unrule of law in contemporary Latin American democracies” (Müller, 2018, p. 174). This leads again to the fact that the boundaries of legal violence are being stretched against small scale criminals (cf. chapter 2.1). The result is the justification of the severe measures with new policies. Examples

¹³ Cruz (2016) states that the only exceptions are Chile, Costa Rica and Uruguay.

in Latin America are various so-called zero tolerance policies.

It would be interesting to investigate if the Mexican state is not only engaging in violence directly but also covering up the criminal behavior of its allies in Tenosique and hence contributing to the perpetuation of criminal violence against undocumented migrants.

Chapter 3 Research Strategy

A researcher ought to clarify which evidence (from who and from where) are perceived as valid indicators for the key variables (which are named by the research question(s)) (de Vaus, 2001). Hence, this chapter illustrates the data collecting and analyzing process in detail and is moreover reflecting these processes. But first, it will begin by introducing the overall research approach as well as research methods.

This thesis is laid out as a case study, the framework of which is a data set compiled using qualitative methods. The research was conducted in an inductive manner: I became acquainted with the phenomena on the ground before theories helped me to understand the observations I made (Creswell, 2013; de Vaus, 2001).

Case studies are first and foremost intensive observations of a phenomena and/or event (Yin, 2014; Creswell, 2013). As this observation can be made using different models, it is important to state that here that a “detailed examination of a single example” (Flyvbjerg, 2006, p. 220) is being executed. The findings of this single case study can later be used to provide a hypothesis for other cases (cf. Flyvbjerg, 2006).

In the vein of a case study, data should be obtained “through detailed, in-depth (..) collection” and involve “multiple sources of information” (Creswell, 2013, p. 97) in order to ensure the research is reliable. To the contrary, as many academics think, a case study research is not limited to qualitative methods (Yin, 2014). Nevertheless, I chose qualitative methods as tools to obtain the data required by the sub-questions. The qualitative approach perceives all stories to be of value, even if there is just one example. Hence it “empowers the individuals” (Creswell, 2013, p. 48) as their story is being heard somehow. Within the toolbox of qualitative research, and with respect to the required triangulation, literature study and (participant) observation were chosen to be valid methods (Yin, 2014).

The main part of my data set was acquired through participant observation and notes from informal conversations. Having been on the ground for over 12 months these methods are fit to explore the case in its “real-life contemporary bounded system over time” (Creswell, 2013, p. 97) and provide an in-depth coverage. As such, most of the time I did not just use direct but rather participant observation (Yin, 2014). Working within the humanitarian space of a migrant shelter, which is a very political space, I got to know the basic facts about the situation of the migrants and the potential aggressors through my work. In her ethnographic work on the emotions of immobilized migrants, Wendy A. Vogt (2012) argues that the experience of living in a Mexican migrant shelter and becoming immobile herself gave her great insight into the migrant experience. Not only did I get significant insight into the actor-network structures due to informal conversations, but I myself experienced the proneness to criminal violence by part of the state on many times.

3.1 The Data Set

At first, interacting with my data set was a very challenging undertaking. I left Mexico with a considerable set of notes but, as I have to admit, not with a very structured one. During my stay, I primarily focused on my role as a social worker, a fact that caused the research to fade from the spotlight. Nevertheless, as I had still written down many notes during work meetings, kept a personal as well as work journal and had many more memories in my mind, I started to work “my data from the ground up” (Yin, 2014 p. 136).

Soon I realized that I wanted to focus on collecting evidence of the relation between state representatives and abuses against migrants. Academic articles I read contemporaneously helped me to figure out an interesting question to able to be answered by the data at hand and fit to guide a research paper.

Before coming to speak about the data collection as well as analysis process, I briefly want to come back to finish converting the ambiguous notions inherent in the main question into values, whose collection by the chosen methods becomes comprehensible (de Vaus, 2001).

3.1.1 Operationalization

The research question guiding this thesis contains three very abstract notions: state, criminal violence and undocumented migrants. As these concepts are charged with many definitions, it is an

important step to explain the meaning that this thesis ascribes to the terms. While the terms *state* as well as *criminal violence* have been broadly discussed and broken down in the previous chapter, and therefore will be addressed here only marginally, the concept *undocumented migrant* needs further explanation.

Throughout this thesis, the term migrant refers to *undocumented migrants*. In line with McNevin, I refer to this term “not in the sense of people whose movements are ‘unauthorized’. Asylum seekers, for example, have rights to cross borders under international law, regardless of their documentation. I use the term rather to refer to those people whose movements are increasingly cast as illegitimate and/or unwanted (...)” (2013: 183). While other foreigners present themselves at the border control, Central Americans fear rejection. They can only enter Mexico with a passport, and in the Central American countries, getting a passport is expensive, which is why many people don’t possess one. While McNevin speaks of irregular migrants, I prefer the term *undocumented*. She further states that some irregular migrants “have crossed borders ‘illegally’, while others have overstayed visas” (2013: 183). Principally this thesis speaks of people who have not yet received any document. This fact can be ascribed to the geographical location where the empirical research was carried out. It is just not possible to apply for documents before reaching Tenosique. Moreover, if people had documents, they could easily adapt to another traveling style, such as using busses legally. There are particular vulnerabilities resulting from being undocumented. Camarillo (2018) for instance argues that migrants are an easy target for organized crime if their status is undocumented as criminals (e.g. bus drivers who extort them) count on their fear to report the crimes to state agents.

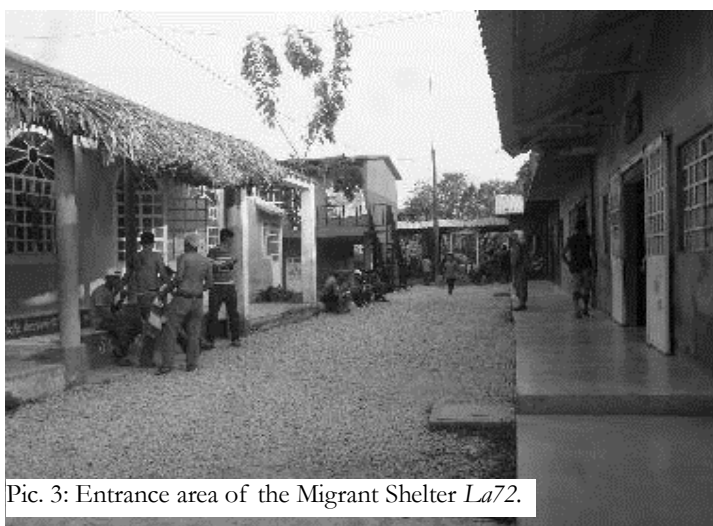
While the term *state agents* comprises many professions, in this empirical research it is exclusively used to refer to agents of the migration police, military personal, local police officers and employees at the local public attorney’s office. As most of the executive officers wear uniforms, they were recognizable for me as well as for my informants. In contrast to other state agents like police officers, agents of the migration police were usually transferred from elsewhere in Mexico and did not originally come from the area, which made it easier for local villagers to recognize.

This research focusses on abuses of intentional physical and/or psychological violence where a victim (group) and an aggressor (group) can be identified. This is in contrast to indirect violence, which does not target specific individuals. *Criminal violence* is hence understood to be first of all, direct personal violence, and secondly a violent act that is against the law and implies certain consequences (Derriennic, 1972; Galtung & Høivik, 1971).

In order to narrow down the possible violent crimes, I used the registration questions of the shelter as a guideline. The formalities of the shelter require the migrant to take part in a questionnaire before being allowed to pass into the shelter. The interrogation is done for security reasons as well as for the staff to know how to best address the needs of the arrived person. Therefore, every person is asked to name the reasons for his/her departure and possible incidents of criminal violence on the way to the shelter. This thesis, just as the questionnaire of the migrant shelter, considers a range of incidents to be categorized as criminal violence: physical (e.g. beatings, assault, theft, abduction, rape and abduction) or non-physical aggression (verbal aggression, extortion, fraud).

3.1.2 Collection and Sampling

The key elements of the data-set were not chosen based on criteria involving the informants, but according to the information they were carrying about the states’ relation to criminal violence. In the tradition of a purposeful sampling approach, I chose “information-rich cases that best provide insight into the research questions and (...) convince the audience of the research” (Emmel, 2014, p. 33). These stories were collected in and around Tenosique from January to December 2017. I either witnessed them myself or they were told to me by migrants themselves, colleagues, local community members. In the following section, the locations and the informants of these information-rich stories will be introduced.



Pic. 3: Entrance area of the Migrant Shelter La72.

Without Borders/Médecins Sans Frontières (MSF) is based inside the shelter (employed by a social worker, a physician and two psychologists). Picture 3 shows the entrance area of the shelter with the office area on the right, and in picture 4 we can see the dining hall and a part of the backyard. To further introduce the shelter, I want to use a quote by Oscar Martínez about the same migrant shelter which has written in the year that I was also present there.

“El albergue, como todos, no es un hotel de lujo. Es un lugar donde migrantes voluntarios cocinan con leña. Sopa de pollo, pasta, frijoles, lo que abunde. Es un lugar donde hay horarios para levantarse y acostarse. Donde, cuando hay casa llena, se dormirá en colchonetas en el suelo, cuerpo contra cuerpo. Hay necesidades en los albergues, porque atienden a miles de personas cada año y dependen de donaciones. Pero los albergues como este son, sobre todo, espacios donde los migrantes vuelven a respirar”¹⁴ (Martínez, O., 2017).

During the first three months, one of my main tasks was registering migrants when they first arrived, the process to which I already referred in the previous section. Reading between the lines was essential here, not only in order to detect smugglers but also to detect abuses that migrants would not openly talk about. Besides registration, I worked on pharmacy duty, curing blisters as well as handing out medicine and clothes. In addition, I supervised the communication area (receiving phone calls and recording internet turns). All in all, I spent my first months in close company with the other people staying at the shelter, while sitting and chatting together at lunch and nighttime or while curing blisters of strangers, hearing stories about their journey.



Pic. 4: Dining Hall of the Migrant Shelter La72.

After my time as a regular volunteer and before I began to work in the humanitarian assistance sector, I replaced a colleague for 2 months in the human rights sector and contemporaneously gave short presentations in several border communities (12 to be exact).

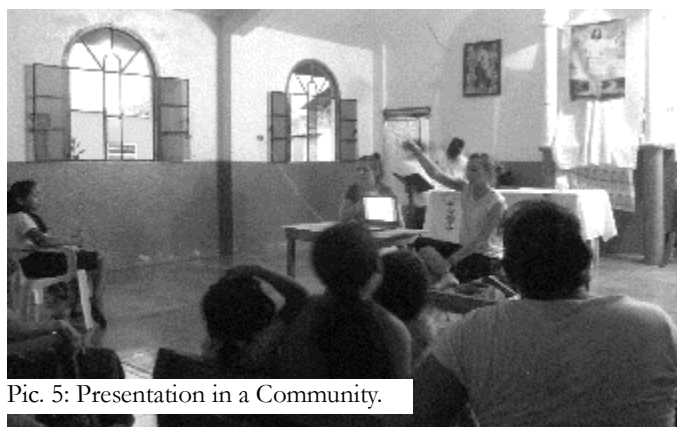
¹⁴ In 2011, the shelter was founded by the Franciscan Order. Prior to the founding, there was an increase in people crossing the municipality as well as several severe murders of migrants in the southern region as well as in other parts of Mexico. Noteworthy is without doubt the massacre of 72 migrants in August 2010 who were slaughtered in San Fernando, State of Tamaulipas, in the north of Mexico. The Shelter was named in remembrance of the 72 people. When “the migrant shelter” or “La72” is mentioned, this shelter is being addressed.

¹⁵ “The shelter like many others, is not a luxury hotel. It is a place where migrant volunteers cook with wood. Chicken soup, noodles, beans, depending on what is available. It is a place where there is a schedule for getting up and going to sleep. A Place, where, when there is a full house, one has to sleep on mattresses on the floor, body next to body. There are many needs in the shelters, because they host thousands of people every year, and because they completely rely on donations. But shelters like this are, before all, places where migrants are able to breathe again” (free translation by the author).

In the area of human rights, the shelter provides assistance to migrants during their asylum process as well as during their denouncement procedure. The cases of violence that had been detected during the initial registration process were channeled to the same human rights department. My job was to inform the people about their right to denounce the abuse and to apply for the humanitarian visa. If issued, a humanitarian visa first acknowledges the fact that the person had been abused on Mexican territory and second allows her/him to stay in the country for as long as the case has not been closed. Nevertheless, we also informed the people that it is unlikely for the state to issue these humanitarian visas. Still, a lot of people handed in their application and waited for up to half a year to get the response. During the whole process, we accompanied them.

Of course, some stories of abuses were never told. One time, during my first months, I was conducting the entrance interview with a woman who had just arrived with her little daughter. I don't know how, but I noticed that something was not quite right. Still, I had to ask her several times until she finally told me that she had been raped. Even then, I had a hard time convincing her to agree to go to the physician¹⁶. In many other cases, we found out about the abuse days later when people approached us voluntarily. Talking to other people in the shelter inspired confidence in our work.

At the same time, I gave small presentations (cf. pic. 5), in front of up to 30 community members, containing stories about the shelter and the vulnerability of the migrants, who pass daily through their villages (all along the *el Pedregal* route, cf. again Map 3). This was done in the context of the monthly church



Pic. 5: Presentation in a Community.

service in the villages. The shelter, being a Catholic institution itself, has strong ties to the local Franciscan church. Therefore, the priests, Fray Bernardo and Fray Mario, agreed to take me with them and donate some time of the church service for our request. After my presentation, which was mainly about how the villagers could help the passing migrants (what they legally could and could not do) I handed out our phone numbers and people were given the opportunity to ask questions and raise concerns. During these talks, I gained a lot of information from the local population. The goal was to raise

awareness as well as to gradually build ties with the border communities. One Saturday afternoon, a man arrived at the shelter telling us his cousin, who had been raped on the way, stayed behind in the village, *Guadalupe Victoria* (cf. Map 3) with her kids, unable to continue to walk. We immediately got into the car. Seeing me, the family who had taken her in, told me they attended my presentation. This was a breakthrough moment confirming the importance of building ties with the locals.

For the last 7 months of my stay I managed the humanitarian assistance sector. That included the health area (working together with *MSF*, managing the pharmacy, asking for donations in the local hospitals, managing hospital stays), the cleanliness area (looking after the implementation of communal clean-up) and the communication area (set up a work schedule). The main part though was the coordination of the food area. Besides looking for donations and buying food there was the coordination of the kitchen-staff. As we were serving every day more or less 200 plates per meal, there needed to be two well organized teams. I did not have as much time as I had during the first months to sit and chat, but I got in touch with people who stayed longer. Most people who were employed in the kitchen were either awaiting their asylum or visa process. Although we did not always speak about the abuses, they came up – “*se detienen a pensar en todo lo demás. Y, poco a poco, hablan. Cuentan*”¹⁷ (Martínez, 2017).

Working in a shelter 6 days a week, your life comes to revolve completely around issues happening there. Whereas at the beginning I stayed inside the shelter, after three months I was asked by the director to move out into an apartment in town – for psychological health reasons. I lived together with other more permanent team members and we certainly talked every evening about our experiences. Besides, we had

¹⁶ It is very important to act and initiate a medical procedure to prevent pregnancy and diseases within the first 72 hours after the crime has occurred.

¹⁷ “They stop to think of everything else. And little by little start to talk, to narrate” (free translation by the author).

weekly team meetings where special severe cases were discussed. I must also mention the personal conversation I had with Diana Munoz Alba, head of the human rights department, to clear some questions. This was an informal conversation and not recorded but written down.

3.1.3 Analysis and Presentation

In order to analyze my collected data by chosen theories, relevant themes and categories had to be created (Creswell, 2013). Hence, the next step was to code the empirical data-set according to the ways in which the state (through its representatives) is participating in and contributing to criminal violence against migrants (Yin, 2014).

As said before, I had written down basically every story illustrating the treatment/demeanor of undocumented migrants/of local people/authorities in and around Tenosique. First, I created different sections according to the sources and locations from which I acquired the information: *notes of participant observation/informal conversations at the migrant shelter/district attorney; informal conversation with Diana Munoz Alba, head of human rights department* and *field notes from conversations with community members*.

Next, I created categories. By color-coding, I brought together cases that had similar characteristics. Testimonies indicating how migrants had been chased and/or beaten by the INM would be colored in blue and named *unlawful detention procedure*, whereas cases showing the involvement of state representatives in human trafficking would be marked in yellow and named *commodification of migrants*, etc.

Simultaneously, I started an extensive literature review. Besides reading academic articles that concentrated on and categorized criminal violence by state representatives (most importantly Cruz (2016) and Müller (2018)) I read newspaper articles and human rights papers to complement and compare my evidence. Furthermore, I read articles especially concentrating on state violence in Mexico. I realized that in order to understand the entire picture of my case, I had to pay tribute to the context in which it is situated (Yin, 2014).

Thanks to the combination of empirical data and academic articles, I created two themes encompassing the aforementioned categories: **state agents extending the limits of legal force** (practicing unlawful detention) and **criminal violence linked to a state-crime network** (commodification of migrants, covering up crimes).

The last step was the presentation of the data-set in the form of a text, where it is used to support theories and statements and ultimately to answer the research questions. Chapter 4 illustrates the ways/categories in which state agents execute criminal violence in Tenosique (**first sub-question**). Contemporaneously, the empirical findings will be contextualized within the historical and contemporary connections between the state and crime/violence in Mexico (**second sub-question**). Chapter 5 concentrates on how the state is eventually proceeding with denounced cases of criminal violence, hence looking into evidence of the state contributing to the perpetuation of criminal violence against undocumented migrants (**third sub-question**).

As a case study demands, the author has to illustrate the case in-depth for the reader to get the feeling as if he was there (Creswell, 2013, p. 199). As I did not record interviews, I cannot provide quotes. Nevertheless, the categories will be represented using significant evidence and stories and if applicable compared to findings made by other authors. Hereby, as I never presented myself as a researcher to my informants, I will not use names, except the ones of my former colleagues.

3.2 Reflection

Field research in the framework of social sciences always comprises ethical implications and a power imbalance between the researcher and the informant(s). This may be even more pronounced when the field research is done in a context that is not your own and is additionally highly tense, politically as well as socially. Moreover, the fact that I played the part of a researcher only marginally, which certainly influenced my objectivity, should not pass unheeded. Hence, devoting a section to a reflection of the empirical research becomes necessary.

A weak point of this research is certainly the fact that the notes were not written down in a systematic and regular manner, which resulted in the fact that the categorization of the data at the end took

a lot of time and effort. Being on the ground, I realized very quickly that the research and questionnaire I had designed before my internship had started was not meeting the reality. I was having a hard time figuring out how to change my research topic and compose a new questionnaire for that matter, and I started to concentrate more and more on the practical work I was fulfilling at the shelter. Still, I continued to take notes on the issues that most shocked me, which called on my sense of justice and morals. It was out of these more personal rather than academic notes, that I set up my data sheet.

In general, “qualitative research is frequently criticized for lacking scientific rigor with poor justification of the methods adopted, lack of transparency in the analytical procedures and the findings being merely a collection of personal opinions subject to researcher bias” (Noble & Smith, 2015, p. 34). According to Noble & Smith, a researcher can follow “strategies to ensure the ‘trustworthiness’ of the findings” (2015, p. 34). All these strategies are aiming at a continuously critical reflection of the researcher’s own bias. Laying open every step of the research, like it has been done in the course of this chapter, and unfolding its weaknesses at this point, does not eliminate the limitations, but nevertheless further validates it by means of transparency and consistency.

The way in which migrants at the shelter perceived me, and moreover spoke to me, was certainly accompanied by a power imbalance. It was first and foremost the imbalance between me as a team member and a “passing visitor”, the disequilibrium between the person who could reprimand them for not keeping up the shelter rules and the those who were being reprimanded. I was for instance, together with other colleagues, responsible for the eviction of many persons (reasons could be illicit businesses, grave insults, violence etc.). Oftentimes, feelings of pity or sympathy in some cases made us act more leniently in the face of violations of the shelter rules, specifically on the part of unaccompanied minors. In order for that not to happen continuously, it was very important to remind ourselves not to see migrants as victims. I personally had to remind myself many times not to idealize the people who had suffered a lot and still continued to stand on their feet.

Reynolds states, that “the research participant also exercises power in terms of actively selecting the information they will make available to the researcher” (2002, p. 304). Recognizing “my power”, when people told me stories of their abuse, they may have expected something in return, although it was not pronounced (cf. Reynolds, 2002). As I got to know the people who provided me with stories on a personal as well as professional level, I did not believe everything that I was told. In the end, “power and authority rested with me because I had ultimate control over the selection, interpretation and analysis of the information that they provided” (Reynolds, 2002, p. 305). Indeed, I often suspected exaggeration. I am aware of the fact that just because someone lied to me in respect to the fulfillment of the kitchen duties, for instance, does not imply that he or she would also lie when it comes to their violent story. But I know for a fact that people sometimes used to lie to the attorney’s office about the incident that happened to them. A “simple” robbery, for example, sometimes turned into an armed robbery. Of course, that does not mean that everybody lied. In fact, I think a small minority did and does so. But this again caused a loss of my objectivity. Still, I only used stories here where I had more insights and where I found the storyteller to be trustworthy. In the end, I did not include many stories because of my bias towards the people telling them.

On the other hand, and in respect to positive effects of being an engaged researcher, I guess that a lot of researchers don’t hear about many issues addressed here or don’t take their eventuality into account. The shelter is famous among investigators and journalists. As a fact, many migrants are suspicious of journalists and investigators. Interviews focusing on a sensitive issue like violent encounters are very delicate. As they are asked to answer at a moment’s notice people who have experienced violence might not be willing to take part in an interview. It might even recreate the hell they have been through (cf. Bibler Coutin, 2005). The overall question posed at journalists was “how might I benefit from this? You get your article, your research, but how is this helping me?” Once in a blue moon I made the first move and asked a person about his/her violent encounters. And in these cases, it was not done with the purpose in mind to use the notes for my research. Referring again to my lack of data collection, one reason I decided not to conduct interviews was certainly because I did not want to be perceived by my migrant fellows this way. By talking to people on a daily basis, stories came up, told voluntarily or in reference to their application procedure.

Besides the power imbalance and the fragmented objectivity, the additional fact of me being a foreign person and moreover a woman certainly had implications for how and which stories were told to me. “A reflexive understanding of power relations between the researcher and research participant in social

research is inextricably linked to wider race, class and gender divisions in society” (Reynolds, 2002, p. 305). I was not just a foreign person, but a white one. Even though my Spanish is fluent, it created some misunderstandings. Although there are other Europeans as well as US citizens doing voluntary work at the shelter, most of the permanent team members come from Mexico, which is culturally very close to Central America. Being white in Mexico as well as in Central America is perceived as being more privileged. Migrants may not have trusted me with their stories because they could have thought that I would not understand them anyway (cf. Reynolds, 2002).

At the end of the day, I was a woman in a male-dominated field. Central American society is still very much characterized by patriarchal and macho culture, which at the beginning I experienced first-hand every day. That changed the longer I stayed and the more respect I gained, not least by learning how to make myself heard and respected. Furthermore, whereas women might have trusted me more because of my gender, men did not have that same trust in me. I remember one story of a young Guatemalan guy. He stayed at the shelter during my second month and we sat together various times chatting. I knew he was waiting for his application process but he never told me what had happened to him. When he got his rejection, he left the same day. A colleague later told me, that he had been forced to strip everything, touched and beaten on his genitals by criminals. Although I cannot prove it, I assume that he omitted to tell me the story of his abuse because of my gender.

Chapter 4 State Agents as Perpetrators of Criminal Violence

The security situation of migrants in Mexico has been getting better and better on paper over the years. While the institution *Grupo Beta* has been installed to provide humanitarian assistance along the journey, other state agents are present on the ground, to detain migrants but also to guarantee a safer route. The new migration law of 2011 was followed by the executive upgrading of the southern Mexican border regions also known as *Plan Frontera Sur*. In the summer of 2014, up to 600 immigration agents were sent to the southern states (Nazario, 2015). This chapter will provide explanation as to why the security amendment did not better the situation of migrants as it is laying open empirical evidences of how state agents in fact are provoking harm for migrants while themselves executing criminal violence. Moreover, in order to explain this criminal behavior, it will be set into context of other violent processes/history of state formation in Mexico.

4.1 Practicing Unlawful Detention

While indeed the abuses migrants have to experience along their journey did not diminish in the last years, the number of detained migrants has indeed risen. This section is naming incidences of migrant harming which can be connected to legal violence, and more precisely, to legal detention procedures.

With the objective to deter migration in Mexico, a new border enforcement mechanism inherent in *Plan Frontera Sur* was established, especially to patrol the southern border of Mexico. Although the official discourse claimed that the program aimed to secure the passage for migrants, it was actually national security agendas that guided the new migration policy (Galemba, 2018). Hence, Mexico set up an arbitrary border security system turning the whole Mexican territory into a vertical border for undocumented migrants (Kovic & Kelly, 2017). “Roads and rivers are heavily policed, but not impermeable” (Isacson, Meyer & Morales, 2014). Migration control is done via fixed and non-stationary checkpoints, staffed with civilian officers, army, military police and navy personnel. Instead of being confronted with one highly militarized borderline like the one in the north, in Mexico’s south, there are various border spaces, known as so-called zones and belts of control (Suárez Enriquez, Knippen & Meyer, 2016).

This border enforcement network can be also found in the municipality of Tenosique. A migration police car is continuously patrolling the two common roads leading from Guatemala to the city. The border enforcement came along with a catalog of different rules that state authorities must follow in order to detain migrants legally. But as empirical evidence documents, these rules are continuously misused.

4.1.1 Unlawful Detention Procedures in Tenosique

Most migrants are encountered while the migration police is arbitrarily patrolling the common routes. Nevertheless, state agents also search for and learn about the location of migrants via illegal procedures.

Often, informants reveal the location of a big group of undocumented migrants. Local villagers cooperate with the migration police, many obey them out of fear (in Chapter 5.2 this issue will be illustrated further). But in addition, institutions, established to help migrants tend to be involved in their detection. It has to be stated at this point, that other law enforcement agents like police, military and navy forces¹⁸, are not allowed to detain people for crossing unauthorized or withhold the documents of a person even if they suspect them to be false (González-Murphy, 2013; CNDH, 2018). Moreover, agents of *Grupo Beta* are in no way authorized to detain migrants nor are they allowed to inform the immigration police about their location. Instead, the task of *Grupo Beta* is to “protect and assist migrants in zones of high risk (...)” (Kovic & Kelly, 2017, p. 5) by raiding the common migrant routes in order to supply water, medication or information (Gobierno de México, 2018). Nevertheless, the villagers of *10 de Mayo*, which is located directly on the road to Tenosique, told me that when they asked *Grupo Beta* for support in assisting harmed migrants, they did not help them. Instead, they made their situation worse by announcing their location illegally to the

¹⁸ However, immigration agents can request the intervention of these forces in cases of danger (Wolf, 2013).

migration police.

In addition, *INM* agents are detaining over and over again migrants who have been hosted inside private property, e.g. houses or churches. *INM* officers are not allowed to enter private property¹⁹ (also churches) in search for undocumented migrants. As some villagers inform the *INM* about the location of migrants, they also do so if they find out that someone in their village has provided tired migrants a roof. Being in the communities, I heard all kinds of stories about *INM* agents violating this law and entering private houses and churches. Margarita Perez Vasquez, the coordinator of the village *Benito Juárez 1ra*, remembered a time when a pregnant woman was hosted inside the local church. When the migration police arrived, some courageous church members refused to let them pass. They already knew about their right to refuse them entrance. As a result, the agents took pictures of everybody and threatened to later arrest them. During the same talk in the same village a man remembered that one time the migration police entered the church and in fact detained the migrants inside. Even though they knew about their right to host migrants, those agents did not care. And out of fear, the villagers did not object.

When encountering people who are assumed to be undocumented migrants while on patrol, agents of the migration police are not allowed to persecute them if it puts the targeted people in physical or psychological danger. Hence, *INM* agents are not allowed to chase migrants for a long distance. Apart from that, it is generally forbidden to carry weapons or use dogs (CNDH, 2018). Nevertheless, I can't count how many times migrants told me they have been persecuted and had hence hurt themselves while trying to escape.

Almost every person that arrives at the shelter tells stories of how the *INM* has hunted them. The car with which the authorities are "catching" migrants is called among migrants colloquially "la perrera" which means "the dog cage". This is deduced from the fact that many migrants feel like animals being



hunted. Some got to escape easily while others get caught, and yet others have to face various injuries because of the hunt. Besides a little section from *el Pedregal* to *la Palma* (cf. Map 3), the road is paved. The sideways are mostly covered by chain-link fence, preventing the cattle from escaping. Therefore, migrants have to walk along the paved road, risking being seen caught by the *INM* cars. Also, there are a lot of stories how *INM* agents have used guns to frighten migrants while persecuting them (cf. Kovic & Kelly, 2017). In other occasions migrants have told us how they heard shooting behind them as they were trying to escape. When being hunted people don't care

about the fence and try to jump over it. This leads to major injuries. "Out of fear, many stop in place and are detained and deported, but others run in all directions. In their attempts to escape authorities, many migrants are injured" (Kovic & Kelly, 2017, p. 6). During a meeting with Laura from the village of *Guasiván*, she told me about various incidents when the *INM* forced migrants with weapons to get off the bus. She and her mother had been cooperating with the migrant shelter in Tenosique for a long time. As she lives in the village but goes to school in Tenosique she had to take the bus almost daily.

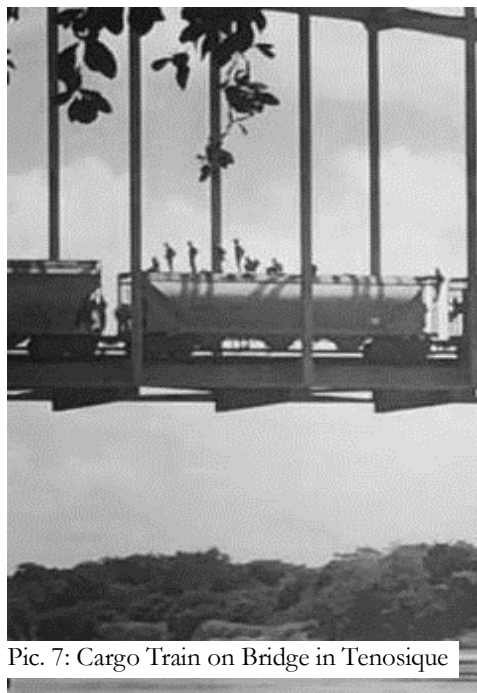
The harsh means of state agents trying to detain migrants can also be seen while they are traveling on the freight train. Riding *la Bestia* is one of the most dangerous chapters along the journey. When people fall off, they often "have their arms and legs caught in couplings and wheels and severed from their bodies" (Vogt, 2013, p. 771). Therefore, raids on the train at nighttime and while it is still driving are prohibited by law (Wolf, 2013). Nevertheless, they are carried out (Kovic & Kelly, 2017). Kovic & Kelly point out that structural accidents from e.g. falling of a train can be the conclusion of a raid of the *INM* where they "demand people to jump off the train" (2017, p. 6). In October 2017, I accompanied the case of four guys from Honduras who were badly hurt from falling of the train while a raid was carried out. I was already in charge of the coordination of the medical treatment of the people staying at the shelter. The four brothers were already on the train when the migration police stopped it in *Boca del Cerro*, around 5 minutes from Tenosique. They tried to escape and jumped of the train. Even though they were severely hurt, they hid from the migration police for a long time. Afterwards they walked back to the shelter, carrying one brother

¹⁹ It is also against the law to detain migrants in the Prosecuting Attorney's Office as well as inside the migrant shelter and its nearby surrounding (Velázquez, 2018). The same goes for other humanitarian spaces like hospitals (every migrant has the right to receive free medical treatment) (CNDH, 2018).

who fell from the train. We drove him to the hospital and there it was found out how bad his fracture was. The hospital in Tenosique was not able to operate on him, so he had to wait, in pain, one week before he could be transferred to the capital, Villahermosa.

Having detained migrants, it is forbidden to use direct physical as well as psychological aggression (Wolf, 2013). The detention procedure has to occur in a nonviolent manner (CNDH, 2018). Nevertheless, in *INM* custody, the abuse is continuous in order to prevent migrants from escaping and/or force them to obey.

In general, the roadblocks and casual raids of the migration police are told to be very violent. A lot of times these are happening in uninhabited areas and are executed with the help of the army, police and with the tools of dogs and weapons. The population of *Guasiván* told me they have even witnessed the migration police beating up migrants.



Pic. 7: Cargo Train on Bridge in Tenosique

Diana told me about one time when there was a raid on the train after it had just left Tenosique. It was a night raid by the migration police accompanied by the local police. Our shelter (Diana) received a phone call from the migrant shelter in Palenque, where two migrants had arrived with open head injuries. What had happened? The train was stopped 5 minutes from Tenosique, in the middle of the bridge (cf. Pic. 7). The goal of stopping the train on the bridge was certainly to prevent migrants from escaping easily. However, as it was dark, migrants could not know that the train had stopped on a bridge. Testimonies told stories about people falling down the bridge, into the river. People that could swim told these stories. They were sure that some, who could not, had drowned. One guy later told us he held on to a stone because he saw that he would fall into the unknown. When the state agents came close, they laughed. How long could he hold his hand, they asked. Finally, they stepped on his hand so he fell into the river. He did not drown but he hurt his head very badly like many others.

Diana declared these acts as intended homicides, because the police could not know if they were able to swim or not. The ones that could tell their stories to Diana were the ones who survived and walked further until they encountered the train again. The next bigger shelter, the one in Palenque, called our shelter because they

wanted to file a case against the state agents. As it had happened in Tenosique, it had to be filed there.

Others tell stories about how *INM* agents push people down the train, so they can be detained by their colleagues. Being pushed like that, one guy hurt his head pretty bad. Laying on the floor state agents screamed at him that they would shoot him if he moved and pushed on his ribs with the weapons. He heard them amusing themselves at his expense - "Should we kill him or not today?" They tortured him psychologically so he would get too afraid to try to run away.

A similar story is the one of a friend of mine, Oscar, who left the shelter in order to get the train. He came back severely injured. He was dragged down by the migration police resulting in an open knee and swollen hand and lip. I remember him coming to our little "*enfermeria*" where we cured light injuries. I was on medical aid duty this day. He even stitched his hand and knee by himself as I gave him the needle. He stayed for almost 6 months at the shelter waiting for a response of his humanitarian visa application.

All these incidents listed above testify that some of the hurt in flight that migrants experience is deliberately inflicted on them by state agents. By practicing unlawful detention, state agents commit criminal violence.

4.1.2 Justifying the Extension of the Limits of Legal Force

The criminal violence that has been exemplified in the last section, can be derived to state policy, even if it has been deformed. It can be summarized as the "extension of the institutional mandate" (Slack et. al. 2016, p. 20) as it is still connected to the aim to enforce the law, even though it is evidently criminal.

Academic Literature on Latin America suggests that state formation processes are rather violent.

This state violence has been legitimized by state agents as needed to protect law and order (cf. Cruz, 2016). Applying this to the situation in Tenosique, it can be said, that in order to demonstrate authority, the migration police is continuously overstepping the legal framework to deter and detain migrants. Moreover, state agents take on these violent practices to enforce state policy for their own benefit. It is said that for every migrant *INM* agents detain they get a gratification for commission. Hence, *INM* agents get a reward if they are successful in executing state policy, even if the detention is “tolerating and supporting the employment of extralegal approaches to deal with crime and disorder” (Cruz, 2016, p.375).

Academic literature suggests that state legitimacy is challenged by violent state practices. And if state legitimacy is challenged, its agents are trying to restore it (cf. Levi, Sacks & Tyler, 2009). The extension of state policy hence has to be justified. The state is justifying its behavior by claiming it to be important to keep up law and order. This can lead to again severe measures in the name of law and order. Hence the state is seeking legitimacy through showing authority by violent means. Results might be a reversed legitimacy: the state is gaining legitimacy by the occurrence of crime, here by the unlawful crossing of the border. Normally, the state gains its legitimacy from the situation of security and the absence of crime. There has been no evidence found of how this reversed legitimacy looks in Tenosique, but looking at other evidence in Mexico can be helpful here. The extension of state policy is nothing new in Mexico. Especially when looking at the acts carried out by state agents in the framework of the so-called *Drug War* we can find analogies. In 2000 Mexico’s one-part rule ended. The new government and the ones that followed put at the top of their political agenda the break-up of the organized crime in Mexico, if need be by all available military means. Even though the so-called *Drug War* already started during the presidency of Fox, official it was launched by his successor Felipe Calderon in 2006 with the help of millions of dollars in military aid, supplied by the US government (Council on Foreign Relations, 2018). Also, torture is seen as a legal punishment as well as a way to get confessions (Pansters, 2018). During operations between 2007 and 2014 Mexican law enforcement agents killed nearly 4,000 persons, though estimated number of unreported cases is estimated to be much higher. The state claimed that they were “civilian aggressors”, hence all to blame for their own death, yet the high number suggests that probably not all were indeed a danger for the armed forces (Beitel, 2018). Besides cartel members and state agents, non-related civilians are victims of this conflict (Camarillo, 2018). In order to combat organized crime, the state took on severe measures to capture criminals, killing young men for a crime they have done stands in no relation. All too often these measures also concluded in civilian casualties.

While in the public discourse the *Drug War* was being fought to erase violence in Mexico, violence, measured in deaths steadily increased in Mexico. The organized crime groups are as powerful as ever and the drug trade is still going on (Aguirre & Herrera, 2016). Until 2016 the drug war had costs around 211,000 deaths (Pansters 2018). Several years later, the violence still has not been reduced. In fact, Mexico recorded more than 29,000 homicides in 2017 (HIIK, 2018) which has been called the deadliest year since the start of the war (Human Rights First, 2018).

In conclusion, given the overall situation in Mexico, the violence against migrants in Tenosique will get more severe. The state is justifying its violent behavior with law and order, which leads to again the overstepping of legal limits, and to further unlawful detention.

4.2 Commodification of Migrants

In addition to unlawful detention, there is significant evidence that state agents are committing crimes against migrants in Tenosique, with an objective of benefiting the perpetrators. According to Vogt (2013), the violence against migrants sparked over the last decade because migrant abuse became more organized as people saw in it a way to make easy money. Drawing on her ethnographic research, Vogt (2013) shows how migrants, because of their special vulnerability, are converted into products of illicit economies and calls this “the commodification of undocumented migrants” (2013, p. 764). This economy comprises various labors: “cargo to smuggle, gendered bodies to sell, labor to exploit, organs to traffic and lives to exchange for cash” (Vogt, 2013, 765). In one of our team meetings in June 2017 the former head of the shelter, Fray Tomas Gonzales, assumed that over 90% of the Mexican executive force is open to such a business. Hence, the criminals rank from former drug cartels to local small-scale criminals to state agents on all levels. As evidence will show, the commodification of migrants is primarily done in collusion with the mentioned potential criminal groups.

4.2.1 Introducing Extortion and Human Trafficking

The most noticeable and most practiced migrant commodification is probably extortion (cf. Vogt, 2013). This statement is also substantiated by the empirical findings in Tenosique. Due to the vulnerability of undocumented migrants, extorting them has become an easy business. This crime ranges from forcing migrants to pay in order to pass a territory, to be transported illegally or even to let them free after having kidnapped them. Extortion can occur in a physically violent as well as non-physically violent manner.

The abduction of migrants and the extortion of money from their relatives in order to release them is an estimated \$50 million business per year. The Mexican National Human Rights Commission assumes that 20 000 migrants are abducted every year (Shetty, 2018). The Mexican state of Tabasco, where Tenosique is located, is one of the states where most of the kidnapping cases happen (Vogt, 2013; Carvajal, 2014). These abductions proceed in a systematic manner: Migrants are tortured until they provide phone numbers of their families back home, or more preferably in the US (the relatives here are supposed to have more money). It is evident, that mothers, wives and fathers are willing to pay any amount for their relatives to be released (Vogt, 2013). In January 2017 a 16-year old pregnant girl arrived with her younger brother and mother at the shelter in Tenosique. On the way to the shelter they were abducted and held captive for three days until their family in Honduras paid the ransom. During their captivity the women were raped several times²⁰.

But even if the extortion does not involve physical violence, it is a violent crime against migrants. It is a criminal act per se, and it can be termed as a violent one as it is directed against persons. This chapter will concentrate on this rather psychological abuse of migrants and they being harmed by losing their little money. In Tenosique extortion is happening primarily in the framework of human trafficking. Human trafficking is the illegal transportation of undocumented people and is an illegal undertaking. But the transportation of undocumented people is only against the law if the transporter demands money.

Migrating through Mexico has become more and more expensive for migrants due to extortion from human traffickers²¹. People have crossed the Mexican border in order to get to the US since the 80s when civil wars were raging in several Central American countries (Vogt, 2013). Since then the migration movement has sparked in numbers²². Around one thousand miles lie between the southern and the northern border, and depending on the traveling style, it can take days, weeks or up to months to get from south to north (Kovic & Kelly, 2017). As Mexico has become a vertical border for unauthorized migrants (due to *Plan Frontera Sur*) crossing Mexico has become a task to avoid the state apparatus. The conclusion is that it is nowadays nearly impossible for migrants to cross Mexico without a guide, a *pollero* or *coyote*²³. They are experienced (many of them migrants as well) and know which way to take to get around the state agents. Migrants have no other option than to pay the huge amount of money extorted from them, otherwise they would not be transported or guided. In particular, families with children do not want to take the risk to travel through Mexico by themselves. Coyotes, on the other hand, use other forms of human trafficking to get their clients up north. Another reason why migrants agree to the conditions of human traffickers is the fact that they know whom to bribe and to whom they have to pay fees.

In Tenosique, there is significant evidence that state agents are committing criminal violence by actively participating in the extortion of undocumented migrants.

4.2.2 Commodification of Migrants in Tenosique

Galemba (2018) points out, that with the border enforcement, the residents of the southern border

²⁰ Six in every ten migrant women are raped in Mexico (Shetty, 2018).

²¹ The whole migrant journey is a “chain of coyotes” (Galemba, 2018, p. 876). Galemba (2018) found out that the sum migrants have to pay in order to reach the US is between 9000 and 10000 dollars, a huge increase from 6000 Dollar before the Southern Border Plan was established. As most of the migrants don’t have that kind of money, they are for instance obligated to smuggle drugs across the US-border in order to pay their debt.

²² Around 400 000 people coming from Central America cross the southern Mexican border every year (Shetty, 2018).

²³ Spanish colloquial terms for Smuggler.

region have changed their attitude towards migrants. Besides organized crime groups²⁴, more and more local residents engage in the human trafficking business with the result to commit crimes by first being a human trafficker and second by extorting people. Hereby it is nearly impossible to move a huge amount of people illegally across a country and the border without state agents -local as well as federal- noticing. On the contrary, state agents not only know about the migrant business, they actively take part in it. Furthermore, they extort money from migrants single-handedly.

Empirical evidence indicates that bus drivers demand migrants to pay prices often five times as high as the normal price. Migrants told me they had to pay at least 200 Pesos. Having taken the bus from the border (*el Ceibo*) to Tenosique myself various times, I knew that the bus ride does not cost more than 40 Mexican Pesos. I remember one specific time: I was already sitting in the bus when the bus driver went up to two guys sitting in the back. I was sure they were from Central America. After some time in the field you are able to distinguish people who had just left their home country, often looking tired as well as nervous, with no more luggage than a small backpack. And of course, it didn't take long for the local bus drivers to also make this recognition. After discussing a while, the guys handed out money to the bus driver. With the military base at *el Ceibo* nearby, often soldiers get in the bus to do random checks. These soldiers saw those two guys, talked to the bus driver and went out. I was sure they agreed on special terms. Further along the way, around 10 kilometers before arriving in Tenosique, the bus stopped and the Central Americans got off. We continued and not even 5 minutes away, we encountered the migration police. How did the bus driver know about this? A similar story was told to me by Laura, the girl from the village of *Guasiván*. She witnessed that five migrants had to pay 200 Pesos each, and the bus driver stopped in the middle of the road (at the entrance to Tenosique) so they could get off the bus. A few hundred meters more was the *INM* car.

In cooperation with criminals, state agents extort money from migrants in the form of immensely high transport costs. In almost all of the 11 villages I visited and in which I held presentations, the people told me that they are well aware of the fact that the migration police is involved in the human trafficking and extortion of people. First, bus drivers extort money from migrants in order to drive them. Included in the price is letting the migrants know of the location of the migration police. In this regard, the bus driver gets informed by their partners of the state institution. Rather than protecting migrants from being detained, the business of informing migrants has a personal benefitting component. First, bus drivers cannot be accused of being human traffickers when being stopped and second, the state agents gain from the fact that migrants get off before they stop the bus. Of course, the bus driver has to hand over the money to the state agents at a certain time. If it did not work this way, the word not to trust human traffickers in Tenosique would get around and no migrant would continue to take the bus (cf. Gamblea, 2018).

Furthermore, there is significant evidence that state agents also gain from more private smuggling and extortion of migrants. *El Pedregal* is the first village on the Mexican side. Migrants come here from Guatemala by boat (around 20 minutes). There is no official border like at *el Ceibo*. As they get off the boat, they have to walk around 3 to 4 hours to get to *el Pedregal*. From there, several private cars are departing for Tenosique, costing around 300 Pesos per person. In this village, human trafficking is huge and also obvious.

On a hot day in June 2017, we sat in a small church in *el Pedregal*. We were around 10 people. As we arrived a little bit early, we (that is me and two other staff members of the shelter) took a walk around the village. I don't know if it was my imagination because I already knew so much about this village but the atmosphere was extremely tense. Once in a while you see huge houses. There one can see where the trafficking money goes. Small wooden houses next to palace-like houses with alarm systems (normally these villages are very poor and stone houses are an exception—as such, huge house like these are hence eye-catching). After the church service the community told me that migrants arrive here every day. Ramon, the director of the shelter, afterwards told me, that the *INM* comes here every month to collect their “dues.” While there are people involved in human trafficking and cooperating with the *INM* authorities, most people in this village are not. And they had better not get in the way of the others. If they do so they can easily be accused of human trafficking. That is why none of the villagers wanted to talk about the human trafficking network. The *INM* authorities stop *combis* (small buses -supposedly those who are not working with them) and even force Mexicans to get off and identify themselves.

²⁴ The state of Tabasco, where the empirical part of this thesis' investigation was carried out, is territory of the *Zetas* (cf. Beittel, 2018). Its first members were deserted soldiers from a former unit of the Mexican state who had received training by US forces. They are probably the most technologized crime group in Mexico and referring to their course of action, it has been said that their members are the cruelest ones (Shirk & Wallman, 2015).

4.2.3 The State-Crime Network

The empirical evidence testifying to this extralegal behavior of state agents found in Tenosique can be explained by connecting it to the overall state-crime network in Mexico. State agents aim to get in contact with criminals if it is benefitting them. But also, they themselves execute crimes for self-benefit. The extortion of migrants by state agents is also executed single-handedly. Not in collusion with criminals but on their own. The easiest way is probably by threatening migrants to take them into custody in exchange for a certain amount of money (cf. Shetty, 2018). Diana tells me about the procedure to extort people, take all their money, their cellphones if they cannot take more people in their detention-car. Nevertheless, it is more convenient to stay in the background and just collect their part. This network again can only be understood by zooming in on historical state formation process in Mexico.

Organized crime groups have been able to settle in Mexico due to the help and cover-up by decisive state agents. Although claiming itself a democracy since 1929, Mexico was ruled by one single political party for over 70 years. This condition was undoubtedly crucial for organized crime to take hold in the mid-20th century. A lot of high-ranking state agents spotted the profits they could make out of starting to partner with the first drug cartel. This signified trading political protection for money and hence (more) power.

While drug cultivation in Mexico goes way back to the beginning of the 20th century, organized crime, or the term, “Cartels,” did not persist before the ‘70s (Hernández, 2011). The growing of marijuana and poppy (opium and heroin) was mainly done by small-scale local farmers in the area of the golden Mexican triangle²⁵. Although local state elites have provided protection since day one, this was done in a rather unorganized manner. Different significant processes happened during the ‘70s and ‘80s, transforming the drug trade as well as the unorganized state-crime network²⁶ (Pansters, 2018). During Operation Condor²⁷ at the end of the ‘70s, the majority of the Mexican drug fields were burned by the Mexican federal police. It became clear to the farmers that the drug business had to be more organized, which meant colluding at the decision-making levels (Astorga, 1999; Shirk & Wallman, 2015). Contemporaneously, Colombian cartels had to change the trading route of cocaine. In order to reach the customers in the US, it used to be funneled through the Caribbean route. Same was successfully closed by the US government. Mexican organized crime began to change as it entered the highly profitable cocaine business, organizing its smuggle over the US border. Back then, cocaine was ten-times more valuable than marijuana (Pansters, 2018).

More than ever, the drug traffickers at that time needed the compliance from high-ranking state officials in the capital. It was simply impossible to move tons of drugs across the border without the government knowing about it. Miguel Angel Félix Gallardo brought important drug cultivators and state authorities around one table and founded the Guadalajara Foundation, the first Drug Cartel (Rodríguez Ferreira, 2016). Luckily for the drug cartel, Mexico was then ruled in an authoritarian manner. The famous Peruvian writer, Mario Vargas Llosa, called it the perfect dictatorship: it looked like a democratic system on the outside, with competitive elections, but inside, the monopoly of power was kept in the hands of the elite part of one party where it did not move for over 70 years (El País, 1990) (cf. Celaya Pacheco, 2009). After the Mexican Revolution in 1919, and a time of anarchy with conflicts all over the country, the first democratic elections took place in 1929. “Political power in Mexico was arguably more unified, hierarchical, and centralized than in any other Latin American country in that period” (Shirk & Wallman, 2015, p. 1358). While competitive elections were held, the state was not lifting up to democratic parameters (Fox, 1994). The *PRP*²⁸ “controlled virtually every political office across the country” (Shirk & Wallman, 2015, p. 1358).

In 1996, electoral reforms were initiated which made an opening possible: Vicente Fox from the right-wing Partido Acción Nacional (*PAN*) became president in 2000 and democracy finally arrived in Mexico (Aguayo, 2018). It may have been because the corruption was now becoming official, or due to the economic crisis which had been affecting Mexico since the ‘70s (Grayson, 2011). However, it was probably the combination of both that provoked the reforms. While the elections of 2000 posed an opportunity for transition, Aguirre & Herrera (2016) claim that the new government as well as the ones after that failed

²⁵ Comprising the states Sinaloa, Durango and Chihuahua.

²⁶ While the development of the state-crime entanglement is illustrated here rather uniform it has to be stated, in line with Pansters (2018), that these processes were not linear but happened „gradually and in waves“ (p. 2).

²⁷ Named after the CIA invasion of Latin American Countries executed at the same time.

²⁸ Partido Revolucionario Institucional.

again to consolidate law enforcement and were “unsuccessful in cementing democratic ideals as fundamental values in Mexican society” (2016, p. 660). Even though a war against drugs, and therefore against organized crime, was initiated, the fact that still today the authorities on all levels are colluding with criminals makes it unlikely to combat organized crime and erase violence (Pansters, 2018).

This state-crime entanglement persists to today and has been transferred to other illicit businesses, such as the commodification of migrants. Historical patterns are still enabling criminals to govern alongside the state in Mexico while both are benefiting from each other.

A story going around the world exemplifying the involvement of state agents in crime is the disappearance of 43 students in 2014. Nation-wide and even globally, the intertwining of politicians and police with organized crime in Mexico received attention. Heading from the city of Ayotzinapa to a demonstration to protest the corruption of the state, they were stopped, taken into custody and never seen again. Their bodies were never found. Cynically, the incident happened on the year-day of the before-mentioned massacre of Tlatelolco (cf. Chapter 2) (Aguirre & Herrera, 2016). The pressure on the Mexican state became immense. Hence, the state had to present culprits. Today, the government's official discourse is that the students were held up by corrupt policemen who forwarded them to the local organized crime. Hence, the state was infiltrated by criminals. Today, a few persons made responsible are awaiting their judgment. Investigative journalist, Hernández (2018), states in an interview, that she has visited the families of the deceased ones. These people, all suffering economic misery, told her that their relatives had been tortured before confessing. That aligns with statements made by a UN commission, namely that “there are strong grounds to believe that some of the people detained in Mexico during the early stages of the investigation into the disappearance of 43 students from Ayotzinapa in 2014 were arbitrarily detained and tortured” (OHCHR, 2018). This is aggravated by the fact that ammunition belonging to the Mexican military was found on the crime site next to municipal police bullets. Investigators, as well as special commissioners of the UN, don't buy the story of only some state agents being corrupt, but suspect that the whole state of Guerrero was involved, up to the high-ranking officials. Massive protests all over Mexico were initiated, concluding in a government change in Guerrero. Then-president Peña Nieto was requested to resign, as it is assumed by many that the national government had been covering up the crimes (Hernández, 2018).

Like Hernandez (2011 & 2018) more and more academics and journalists are laying open just how deep the state-crime network has grown over the years. Among the countries which are most dangerous for investigative journalists, Mexico is always ranking very high. In 2017 alone, 12 journalists were killed (Beittel, 2018). The deaths are not ascribed to collateral deaths resulting from a movement between the front-lines of cartels and state. It is a matter of actual targeted killing (Bartman, 2018). It is obvious that the ones who are really affected by the exposure of the entanglement are state representatives and not cartel members. Hence, the targeted killing is not ordered because the journalist investigates the illicit business of the cartels but because he or she names those responsible in the government/military/police department etc. who are partnering with the Cartels, the furtive partners of the criminals. Before being detained in 2016 and extradited to the United States, Joaquín Guzmán Loera, *el Chapo*, escaped high security prison two times (2001 and 2015). Like in the case of the 43 students, small scale prison officials were detained and said to be corrupt. But the corruption comes from higher up. “The capacity to exercise social, economic and coercive power with impunity is itself inexplicable unless one assumes the direct or indirect complicity of senior public officials at both the state and federal levels” (Pansters, 2018, p. 1).

The state-crime network can also be found in Tenosique. The local evidence indicates a continuum of processes from historical and contemporary Mexico. State agents are actively participating as “perpetrators and partners in criminal structures” (Cruz, 2016, p. 376). It would be wrong to conclude that the criminals are infiltrating and corrupting state authorities, but indeed criminals are infiltrated by the state.

Back then, for the organized crime, “single-party rule meant that well-placed bribes at the highest levels guaranteed a “trickle down” effect of government protection (...)” (Shirk & Wallman, 2015, p. 1360). The drug cartels were gaining from the authoritarian system and likewise, the authoritarian system was gaining from the drug business. With the fees gained from the drug trafficking, the *PRI* could extend their monopoly and make it even more firm. Consequently, when the drug business reached unseen levels of profit in the ‘80s “the relationship between the traffickers and the state security apparatus had been elevated to a new level” (Pansters, 2018, p. 2).

Concludingly, history has shown that criminals in Mexico are only as powerful as the state wants them to be. If they are not needed anymore and/or become too powerful, they are replaced. That happened

to Felix Gallardo and now to *el Chapo*. They were powerful individuals but only because of their network of complicity, not on their own (Hernández, 2018). This network involves transnational organized crime, economy organizations and of course state representatives on all levels (Beittel, 2018) (cf. Hernández, 2018).

A question that remains unanswered is how state agents are covering up these crimes. As it is obvious that they are involved in the commodification of migrants, this is a relevant question. They have to cover up the crimes that they and their partners have committed and hereby restore their authority. To get to the bottom of this question, the next chapter will look into how the state proceeds with denounced cases of criminal violence. This will provide insight on how criminal violence is accounted for and hence how violence is (de)legitimazed.

Chapter 5 State Agents and the Covering up of Criminal Violence

Justice is nearly absent for migrants who have been abused. Nevertheless, on paper, migrants have fairly decent access to the justice system. This chapter is going to provide answers to this paradox by illustrating how state agents are covering up criminal violence, by first obscuring the denounced cases and second by searching for random culprits in order to restore their legitimacy.

When arriving at the shelter, migrants are informed that they have the right to file charges against their aggressor(s) at the public prosecution office. The new law of 2011 states that migrants can denounce the violation of their rights and at the same time apply for a humanitarian visa and hence status regularization (Basok & Rojas Wiesner, 2018). Independent from their migratory statuses, people are obligated to respect the Mexican law but are in return entitled to a fair and impartial process if their right was violated (Velázquez, 2018). In the Mexican cities where most migrants are to be found, including Tenosique, units for the investigation of crimes for migrants²⁹ were created (Suárez Enriquez, Knippen & Meyer, 2016).

Nevertheless, only a few cases are denounced and even fewer cases are clarified. While many migrants are never informed that they have the right to denounce when in *INM* custody³⁰, this paper focusses on the migrants who have been informed about their right by the migrant shelter. Staff from the migrant shelter, trained in Mexican law, accompanies people who have been abused on Mexican territory during the procedure of their denouncement.

5.1 Covering up Step 1

State agents obscure crimes by officially doubting that they happened. The migrant is hence suspected of lying about the veracity of the incident. The disavowal of a denounced crime does not introduce an investigation process. Nevertheless, even if a crime has been acknowledged, empirical evidence shows that the state does not investigate.

It is important to mention that filing a charge gives the migrant the opportunity to apply for a humanitarian visa. In fact, most of the migrants denounce abuses with the goal in mind of being able to apply for a humanitarian visa. First, the migration police cannot detain people involved in a legal process until their case is closed (be it rejected or not) i.e. migrants in the process are able to move freely without fear in Tenosique³¹. Second, in the case that the crime is acknowledged, the person is granted a minimum stay of one year on Mexican territory.

On paper, the humanitarian visa has to be provided to all migrants who have suffered or have been witnesses of criminal violence on Mexican territory. The head of the human rights department at the shelter, Diana, continuously pointed out in one of our talks that the law says “*cualquier delito en territorio Mexicano*” - “any kind of delict on Mexican territory”.

The denouncement process comprises the examination of the victim by a doctor and psychologist and the inspection of the place of crime together with a police commander. The interrogation procedure, where the victim tells the criminal incident in detail, is certainly one of the most important parts of the denouncement process. State agents here have to prove the trustworthiness of the victims.

5.1.1 Not Recognizing the Crimes in Tenosique

Criminal cases containing the abuse of migrants are acknowledged very rarely. Hence, also the humanitarian visa is provided only in rare cases. Diana told me that in 2016 only 6 people received the humanitarian visa in Tenosique. Since then, the number has risen, but not significantly. Victims of rape and shooting, if they go to the doctor right away, always receive a visa. In cases of very severe crimes, the state

²⁹ Unidad de Investigación de Delitos para Personas Migrante

³⁰ Even though *INM* agents are obligated by law to inform migrants about their right to apply for asylum or humanitarian visa, UNHCR claimed in a study in 2014 that only one-third of migrants receive this information while in custody (Human Rights Watch, 2016).

³¹ Migrants who are not involved in a process most of the time stay inside the shelter, as they are afraid to be detained.

leaves no stone unturned for the victims to be transferred to better medical and psychological centers. I have to mention the story of a family that arrived at our shelter: a mother, her 16-year old daughter who was 6 months pregnant, and her 5-year old son. Entering *el Ceibo*, they got kidnapped by local criminals. They kept them in a wooden house and raped the women continuously. They stayed for three weeks at our shelter. Because they were a very severe case, they were transferred to Mexico City to a special center dealing with victims of torture. They received the humanitarian visa within weeks; the proof of the crime happening to them was unambiguous.

We know at the shelter only of severe cases that have received the humanitarian visa; cases where the victims were put into a severe medical situation, where the proof is evident be it from a rape, a shooting or a machete attack. This is because when there is proof on the body the state has no other option than to recognize the crime. But, to recap, the law says that any abuse against migrants is reason to provide a humanitarian visa. Moreover, any case should be considered for investigation.

However, having no proof on one's body was repeatedly a reason that officials would deny the case as the only proof was the testimony. In fact, there is empirical evidence that state agents are actively influencing the denouncement process and intentionally evoking the rejection of crimes during this official hearing. In order to be able to disavow a case, state agents do not always act supportively for the migrants' good.

While those victims of severe crimes nearly always receive the humanitarian visa, their witnesses do not. Even if the law says so. There was this case of a shooting victim. One guy received the visa while his friend, who was with him during the incident, did not. He was carrying his friend who had been shot for kilometers. Because it was a very intense case, we all thought they would grant the visa to both of them. We were wrong. There was no evidence that he was really also a victim of the incident, even though they both could describe it in detail. Another story is the one of a man who had to witness his wife being raped while he was stranded. While she received the visa, he did not. The argument for both rejections was the fact that there was no obvious proof that they were part of the crime. These cases can probably be better understood when considering that state agents do not want to hand out visas in the first place.

During the interrogations, the objective seems to be indeed to make the individual testimonies contradict one another. State agents seem to try with all measures to ensure that a concerned migrant loses the right to a humanitarian visa. In the course of the interrogation they are continuously humiliated and discriminated against. Many times, the INM denied the visa for minimal things. In the end, most of the cases are disavowed with the argument that the victims are not to be believed "*no le damos credibilidad*". In these cases, when there is no proof of wounds, the state refers to the interrogation process, during which the migrants contradicted themselves so much that the incident is not believed. Diana told me that during these interviews, the migrants are put under constant pressure. This act ranges from letting them tell the incident in detail over and over again, speaking to them discriminatorily and doubting their story in front of them. These circumstances result many times in the migrants getting so nervous and confused that they contradict themselves. And of course, contradiction is a fact that leads to the case being neglected. Diana had to intervene many times during the interrogation, when for example the migrants left details out or changed the story. She knew what the authorities were looking for. She told me that one time a person got so nervous during the interview he had to throw up.

Moreover, the procedure of denouncement is hard to endure for migrants. The law says that it is 20 working days until the victim has to be informed if he or she received the visa. In reality, the process is much longer. I met many people who waited up to 6 months to receive an answer. Hence, many migrants are discouraged to wait. Diana says that the officer of the prosecution body sometimes „forgets“ to send the file to the migration institute. The goal is to deter the people so they get tired and leave.

Even though it was very hard for us at the shelter, we told migrants we would not accompany them if they wanted to apply for the humanitarian visa because they had been robbed, persecuted or extorted without physical aggression. There was just no chance they would receive the visa, and the process is long and time consuming. Putting lots of time into every case knowing that it will not lead to detainment is very frustrating. The crimes are happening constantly, so many times dozens of migrants arrived at the same time having experienced abuses. It was just not possible to follow up every case. Because so very few receive a humanitarian visa, the volunteers at the shelter were not supposed to tell arriving migrants about the possibility of a visa before they had talked to the human rights department. If told about the visa, migrants sometimes became hopeful, and if the human rights assistant said it would not be possible to receive a visa on base of this crime, the migrant suspects that he or she is not willing to help them. Especially when the state was involved as an aggressor, we knew already that these crimes would never be acknowledged. I

remember Oscar being beaten at the train stop in front of the shelter by *INM* agents, he was bleeding so severely he had to come back. I was on pharmacy duty back then and accompanied him to stitch his wound (cf. Chapter 4.1.1). He applied twice for a visa even though we told him that he would not have a chance. But as he was severely injured, we accompanied him during the process. In the end, of course, he got rejected twice³².

Nevertheless, we encourage the people to file charges even without applying for a humanitarian visa. This takes much less time and effort. With the evidences, we had at least something to pressure the authorities during meetings. But many migrants did not denounce without applying for a visa. The argument was always that they didn't believe it made sense to denounce these crimes.

Hence, if the humanitarian visa is not provided, this means that the case is not believed (i.e. due to insufficient evidence) and therefore closed. Not granting the humanitarian visa also meant that there was no need to follow up on the crime (cf. Kovic & Kelly, 2017). When granted the visa, the migrant can stay up to 3 years on Mexican territory receiving a temporary residency until his or her case is being solved (cf. Basok & Rojas Wiesner, 2018). That means that the state of Mexico considers the crime to be relevant and it has to be investigated. The victim can stay in the country as a witness for as long as the case is not closed. First, it is valid for one year but can be renewed twice, if the case is not solved, so it may be for 3 years. After 3 years, people can apply for permanent residency. But they have to renew it in Tenosique.

Ironically, even if receiving the visa, people did not stay in Tenosique to follow their cases. They moved on and took the visa as a free pass through Mexico. Diana told me that she has only knowledge of one person coming back to Tenosique to renew his visa. In the three years she stayed there. Why stay in Tenosique as a witness if the aggressors are never caught as there will be no valid/real investigation anyway?

5.1.2 Absent Investigation Procedure in Tenosique

Even if crime is acknowledged in a case, because there is enough proof, the crimes are never solved. Diana's and my own experience is that no one responsible for the crimes that have been denounced is brought to justice. In an interview, Ramón Márquez, the director of *La72*, highlights an impunity rate of 99% relating to violence against migrants, while he refers to official state documents (2018).

It is impossible for the prosecuting body for migrant affairs in Tenosique to deny that they do not know who the criminals in the communities and in Tenosique are. Ramon always told me that we, the shelter, knew exactly who the aggressors were. And we provided the state with this information.

Recently, in February 2019, a man from Guatemala was shot and died on the way to Tenosique. According to *La72* this incident happened in a place where several crimes had previously occurred and had also been declared. Until today, nobody has been found guilty of the homicide.

Another example tells the kidnapping of a group of migrants in Cárdenas, up north in the state of Tabasco. There, migrants were told by local police to get off the local bus. The state agents actually invented crimes and accused the migrants, so they would get into the car with them. Later, the same state agents drove them to a house³³ belonging to *los zetas*. This happened not just to one group of people, but to several. Escaping the house, some of them came back to Tenosique, afraid to continue their journey and willing to denounce the crimes that have happened to them. Most received humanitarian visas, as the crimes were non indisputable. They had suffered severe abuse. The victims provided the shelter with the exact location as well as a detailed description of the state officers involved in the crimes. One would suppose that the state had to act, but nothing happened in the prosecution office in Tenosique. When asked about it in meetings with the shelter, the authorities acted very diplomatically, always stating that they were working on it, that the investigation was still not complete.

The fact is, the state agents in Tenosique have enough material to catch the criminals. Standing in the office of the director of the prosecution body, he showed me a map with the red points, the crucial areas, where most crimes are recorded. After going there a few times a week, I knew the director of the department. He certainly wanted to impress me, the foreigner, and show that they were doing something to combat the violence. But the reality proved him wrong: The shelter even investigated and provided the state with the names of the most frequent aggressors. Still after months, and years, they were not charged.

³² After receiving a negative answer, migrants can appeal.

³³ These houses, where organized groups hold their victim captive are called *casas de seguridad*.

Crimes are not investigated or followed up, and even the state agents have detailed knowledge about who has done what where. Nevertheless, empirical evidence shows that the state indeed carries out arrests and accuses people in relation to migrant abuse. The juridical apparatus is functioning. Hence, state agents seem to cover for themselves/their colleagues and/or for their criminal partners. The covering up can be understood as something inherent in the state-crime network (cf. Chapter 4.2.3)

5.2 Covering up Step 2: Carrying out Random Arrests in Tenosique

While crimes that have been filed are never clarified, the state agents continue to accuse and detain local people, activists and villagers alike, for delicts involving migrant's commodification.

Driving to the border communities, the Team members of *La72* as well as the Franciscan priests going there for church service, are constantly giving a ride to migrants they encounter on their way back to Tenosique. To recap, the transportation of undocumented people is only against the law if the transporter demands money. By law you are allowed to transport undocumented people if it is an act of "humanitarian assistance". Transporting people who have to walk 60 kilometers non-stop, in heat with no food and water, poor footwear and moreover under constant risk of abuse, can be termed humanitarian assistance. In January 2017 Fray Bernardo's car was stopped as he was giving a ride to a group of migrants. Even though the border police knew he was a priest, and moreover that he was working with the local migrant shelter and that he was certainly not demanding money from the migrants, he later was charged with human trafficking. The newspapers later published that a priest was charged with human trafficking, not telling the background story (cf. Pazybien, 2017). In the course of a conference later that year in August in the capital, Villahermosa, our team was questioned about the issue. Of course, reading in a newspaper about a priest who is part of a migrant shelter committing human trafficking received many negative comments. Nevertheless, Fray Bernardo continued to give rides to migrants after he was charged. Every time I drove down the road with him and we saw migrants, we took them in.

Other local villagers were accused, detained and even arrested for similar reasons. Laura from the village of *Guasiván* told me that bus drivers have been put into prison because they had taken in migrants while at the same time, it is obvious that some bus drivers work together with the migration police (cf. Chapter 4.2.2). Other villagers from the village of *Santa Cruz* told me they heard stories about people who were taken to prison because they gave migrants a ride and therefore were accused of human trafficking.

Also, people from the communities told me, that they had to suffer persecution on the road while driving a motorbike and the *INM* stopped them. As the *INM* agents are not part of the public security body they cannot give orders to Mexicans (Wolf, 2013). Even though they are not authorized to do so, *INM* agents constantly detain Mexicans, mostly people with indigenous origins, who they claim to have false documents (Knippen, 2016; Galemba, 2018).

While transporting migrants can result in a fee or even arrest for the local population if they cannot prove that they have not taken money for the ride (cf. Galemba, 2018), it is no crime to offer food, water or even a sleeping spot to undocumented migrants. Nevertheless, in addition to random accusation of human trafficking, state agents accuse local villagers of doing something wrong. State agents use illegal measures of threatening the local population to not assist migrants. I had to assure the population various times that it is not illegal to hand out food and/or provide shelter for undocumented migrants. The first community I visited was *Santa Cruz*. While I was sitting together with the community members after church service, they told me they were really interested in helping, moreover interested in knowing who are the people that are crossing through their village. What was hindering them were the authorities. They told me they were afraid. Church members already had received threats from the authorities as they accommodated migrants in the chapel overnight. The same stories were told to me in *Benito Juárez 2da*, *Nueva Esperanza* and *N.C.P. Benito Juárez*. All these villagers had experience with intimidation on the part of the *INM*. Laura from *Guasiván* concluded that most people don't help migrants, not because they don't want to, but because they were really afraid to. Some would even call the migration police if a huge group of migrants is passing by just to demonstrate that they are cooperating.

Distrusting state institutions, whether it's the police or the juridical systems, is very high among Latin Americans (cf. Pearce, 2010). This consequent absence of justice leads to the state being challenged

in regards to their legitimacy. The population in Mexico is aware of the close relationship of authorities and crime and has knowledge “about political protections, and experienced the mediated application of the law” (Pansters, 2018, p. 3) concluding in the fact that many don’t have trust in state agents. Concludingly, the state legitimacy in Tenosique, is challenged.

The random arrests are done in order to show authority and restore legitimacy. This situation in Tenosique is a continuum of the overall absence of justice in Mexico. State representatives first want to show that they are doing something and second show authority.

The arrests are justified by saying they are necessary, according to the law. State agents could use the instances of violent acts to support their harsh procedures while covering up the real big criminals. While the covering up of crimes leads to the incapacitation of the rule of law (cf. Cruz, 2016; Pearce, 2010), it could also lead to intensified violence in the framework of new policies. The state agents are generating the image that they are indeed combatting criminals and furthermore are intimidating people and showing their authority. This leads to new forms of orders. Everybody on the migrant route becomes a potential criminal. The policy is stretched. These procedures can become normal. These could be summed up with the terminology, “zero tolerance approaches,” in the sense that there is no tolerance for criminals, and that there are harsh methods. As they cannot detain their partners, instead, they arrest small faux pas, to fake that they are indeed combatting crime.

Moreover, the detention, accusation and intimidation of local populations and the impediment of the work of human rights activists has other effects on the situation of migrants. This is changing the attitude of local people towards migrants. As Galemba states, “the increasing criminality and corruption surrounding migrant passages also make border residents fearful to talk about it” (2018, p. 882). And this concludes in border residents’ antipathy towards migrants. Local people become potential criminals when helping migrants. Hence, they are not only manipulated to think that migrants are dangerous people but also that it is against the law to help migrants. While local activists are hindered to do their work they nevertheless don’t get too soon intimidated by the authorities. In *Guadalupe Victoria*, the closest village to Tenosique (around 15 minutes by car), I got to talk with the coordinator of this village, Don Hilario. I learned that the villagers are also the victims of the corrupt Mexican state system. They are afraid, of military, police, migrations police. Don Hilario already knew his right to help and told me he offered continuously food and water as well as a sleeping place for tired migrants. He knew that the *INM* is not allowed to enter his house or the church. Nevertheless, he told me that it is very hard to mobilize people to help migrants as they are afraid. They are afraid to do something wrong, to violate a law and be detained.

While before they helped them out, by transporting them or providing shelter, as a favor or in exchange for some money, now they are afraid to be labeled and charged with smuggling. The local population hence sees migrants as a danger to their own security. This is all again to the detriment of migrants. I want to mention the story of a girl that had been raped and had been taken into the custody of villagers, in order to underline how important this last argument is. If they had not have helped her, who knows what would have happened with her and her kids, unable to reach the city. Maybe they would have been again victims of criminal violence.

Chapter 6 Conclusion

The starting point of this research was the paradoxical situation between the improvement on paper to the protection of migrants in Mexico and the actual situation of migrants. How are migrants experiencing that much harm when security measures are improving, and moreover, how come there has been no rise in arresting the culprits for these crimes, while the justice system for migrants has improved significantly? Knowing about the ambivalent role of state agents myself, the main research question was designed to find answers about the role of state agents in criminal violence against undocumented migrants.

Theoretically, the research was guided by Cruz' (2016) urging to consider the state as an active perpetrator. My findings corroborate his argument and illustrate that Mexican state agents play an active perpetrator role. The criminal violence derives from an extension of the legal mandate against unauthorized crossings. Moreover, state agents also engage actively in extralegal criminal violence against undocumented migrants; crimes which are embedded in the state-crime network of Mexico. Furthermore, state agents are covering up crimes denounced by abused migrants. Finally, state representatives also contribute to the perpetuation of criminal violence against undocumented migrants.

Due to the fact that the ones who wear uniforms do not always act according to the law, the security and justice situation for migrants has not improved significantly in practice. On the basis of this conclusion, this chapter will dig into the implications of my findings as well as provide recommendations for future research and civil society organizations. But first, the following section will summarize how these conclusions made above are supported by my empirical findings.

6.1 Summary

The **first sub-question** asked about the nature of the direct violence undocumented migrants experience on the part of state agents in the municipality of Tenosique. First of all, the criminal behavior found via empirical observation has been divided into two categories: crimes that can be summarized as unlawful detention procedures and crimes that have a goal of making profit out of migrant lives. In both types the state plays an active role. In order to get to the bottom of these two crime types and find an explanation for their characteristics and occurrences, the **second sub-question** asked about other violent processes and the violent history of state formation in Mexico. Both questions were answered simultaneously in chapter 4.

Empirical evidence illustrates how migrants are harmed during processes of detention. By closely looking, these processes can be termed as illegal state policy, concluding in the fact that state agents practice criminal violence against undocumented migrants.

This includes for instance the illegal chase of undocumented migrants. As by law it is forbidden to chase migrants over a long distance as it puts them into danger of hurting themselves, physically as well as psychologically. And indeed, empirical evidences demonstrate that migrants are continuously arriving in the city of Tenosique whose body and mind testify to the various injuries because of an animal-like "hunt." Moreover, stories are brought to the fore telling about verbal and physical aggression, to intimidate, bring to heel and detain migrants.

This kind of violence can be connected to legal violence. Academic literature suggests that historically, state (formation) processes in Mexico are rather violent. Until today, violence is perceived by state agents as essential to foster authority, which explains the detected extension of the legal detention procedure in Tenosique. The overstepping of the limits of legal force is again justified as being necessary to protect law and order, a procedure which again results in the application of severe state violence.

Empirical evidence furthermore reveals that state agents engage in the commodification of migrants. By extorting migrants, mostly in the framework of human trafficking, state agents contribute to their harm. In order to transport them, some local bus drivers in Tenosique systematically demand high prices from migrants. Included in the price is the notice of the location of the migration police. The bus driver himself gets informed by his partners of the state institution. Later on, the bus driver has to share the collected money with the state agents.

These behaviors can be better understood by looking at the close entanglement between state and

crime in Mexico. Looking at the broader context of Mexico, and at other illegal business of state agents, it is evident that the system of commodification of migrants in Tenosique is part of a larger state-crime network rooted in state modus of cooperating with criminals. It has been shown that historical processes contributed to a state crime network that is persisting until today. Governance has been knowingly as well as intentionally shared with criminal actors. So-called *crime-governance manifestations* (cf. Pansters, 2018) are prevailing until today and are influencing contemporary violence in Mexico. The state-crime network, or the proneness of state agents to engage in criminal violence, has been, although with a different look, transferred into the new political (democracy and *Drug War*) and criminal (amplification of illicit business) era.

This type of state violence points to collusion between state agents and criminals. First, because evidence shows that they are actually working together, and second, because the same evidence demonstrates that state agents have become the criminals. It is not criminals who are infiltrating and corrupting state authorities, but it is indeed criminal groups who are infiltrated by state agents. The term *state-crime network* hence does not refer to the collusion between state and crime (because this is already a criminal act) (cf. Cruz, 2016), but to the creation of a per se criminal state apparatus. There is no clear line between criminals and state agents, as the state in many cases is criminal not only because they are partnering up with criminals, but because they are the criminals.

On the basis of academic literature, it is suggested that the legitimacy of the state is also challenged because of the extralegal violent undertaking of state agents (i.e. the commodification of migrants). In order to understand the how the state is restoring its legitimacy in this regard, the **third sub-question** asked how denounced cases of criminal violence against undocumented migrants are being dealt with. Besides intentionally evoking the disavowal of denounced cases and accepting the absence of investigation processes, state agents are continuously searching for scapegoats and are intimidating as well as arresting locals for delicts involving migrant's commodification.

During the denouncement process the state continuously evokes the neglect of the file. Examples are the intentional intimidation and confusing of migrants to be able to dismiss the charge due to insufficient proof. They make the migrants contradict themselves, make them nervous, humiliate them, in order to be able to neglect the case because of not being able to believe it. Furthermore, even though the law says that victims and also psychological abuse is a crime and one who suffers this should receive the visa, they neglect with the argument of no hard evidence.

But even if a case is acknowledged, most of the time no preliminary investigation is carried out and no culprit is held accountable. This is reflected in the fact that nearly 99% of cases go unsolved. We have seen examples indicating that the state knows exactly who the criminals are but does nothing. Those who are responsible were never found, and in other words, they were not searched for. These facts lead one to assume that the state is not interested in solving criminal violence against migrants.

The tendency of the Mexican state to cover up criminal violence results in people not believing in the system of the state. This again leads to the state trying to restore legitimacy by carrying out random arrests for random faux pas in order to foster authority. This overstepping of their legal violence mandate against criminals concludes in the fact that the local population, who would be open to assist migrants on their journey, is too intimidated to do so. As the state cannot detain their partners, they seek legitimacy by arresting others, and showing their authority to do that. Also, if they make people believe that everything is against the law, these local people can better understand why they detain so many. This might conclude in the fact that zero tolerance policies are put forward and migrants and their "helpers" are stigmatized.

The result of the restoration of state legitimacy is the fact that locals change their attitude towards migrants, which again concludes in a new detriment for them. The Mexican state is hindering the solving of the crimes and hence contributing to the perpetuation of those crimes. The ones who suffer are the local population and undocumented migrants. First, because they have to endure the severe measures state agents are enforcing in order to show their authority, and second, because the local population who is actually willing to assist them on their journey, is intimidated and afraid to do so. The non-criminal local population is intimidated, and thus, conjures a negative image of migrants. People stop helping them in fear of doing something wrong. In the end, these new forms of order are to the detriment of migrants.

6.2 Discussion: Relevance and Recommendations

This thesis started with the debate on the role of the state agents in the harm of migrants. Academically, there is a debate over the role of the state, in terms of whether strengthening state presence and combatting criminals would lead to more security. Here, my idea was that we should reconsider the state as a perpetrator. On a social level, the debate was between the focus of many NGOs on the unjust migrant laws and those who assume that better laws do not always lead to better circumstances.

Indeed, my findings demonstrate that state and crime are not opposites. It is the same with the war against drugs, and despite the claim to the contrary, increased state presence and fighting against crime have not brought security. This thesis does not understand the failure of the Mexican state in terms of loss of control of some areas. Instead, the failure to impede violence is seen here as being based on the fact that the state is actually involved in criminal wheeling and dealing. This thesis urges the need to change perspective and consider the state as a (potential) operator of violence and rather than being incapable of combatting the violence.

Considering my findings, the conclusion is that it is even worse than expected. The state is a major force in assisting the crime to proliferate, hence government bodies are not only infiltrated by criminals but are composed of active criminal players. The state has not always had the monopoly on violence in the first place. And second, it might not have lost it but is willingly sharing it. This becomes even more clear by looking at how the state covers up crimes.

Further research projects on criminal violence could learn from my findings to focus on (the) state (agents) as (an) autonomous active contributor(s) to criminal violence. This argument is a contribution to academic research that highlights the involvement of state agents in criminal violence in Mexico but attributes them a merely passive role. It is particularly the extensive literature on drug-related violence and organized crime that perceives state representatives on all levels as puppets of organized crime groups. The rare academic literature broaching the issue of migrant abuse in Mexico is mostly in line with these arguments: the criminal violence is seen to be generated by organized crime groups who see a lucrative business in the commodification of migrants. Hereby, state securitization processes are highlighted as beneficial for the criminals because they force migrants to choose more obscure routes. Although this thesis acknowledges the viability of these arguments, it claims that in order to fully comprehend the violence against migrants in Mexico, the state must be understood as an active player. Furthermore, the evidence that the state is also contributing to the perpetuation of crimes against migrants, is fortifying this argument. State agents don't commit more violence than other groups, but there are severe consequences if they do. Cruz (2016) highlights the importance to investigate the role of state agents because they "are not ordinary players in the dynamics of criminal violence" (p. 377), if agents, representing the state, engage in misconduct, it is not the same as if ordinary felonies do the same.

One gap in this thesis is the fact that it only reflects the migrant's perspective, even though the focus is on the role of state agents. This thesis explains and tries to understand why there can be no decline of crime against migrants but it does not explain why violence happens in the first place. Knowing now that state agents are also contributing autonomously brings up the question of why. This of course requires a much more detailed research. Other research should focus on the perspective of state agents. How state agents place themselves, how state agents understand their own positions, how they get themselves into these situations, deserves further explanation. It has been interpreted that state agents overstep the limits of legal detention procedure in order to manifest authority. But there has been no explanation provided as to why state agents would want to show their authority from this procedure in the first place. It would be interesting to find out the point of view by state agents. Of course, it would be much more difficult to get insight on the point of view of state agents as a researcher.

Another interesting, but dangerous investigation would be the role of the state-crime connection. There is more evidence of how state agents are extending the legal limits than how they operate in a state-crime network. The reason is certainly the inscrutable structures of this entanglement. The notes here are assumptions, there is no clear evidence of collusion. A main limitation of this research was certainly the collection of empirical evidence. The lack of a systematic observation and note-taking on state agents' contribution made it immensely difficult to be in the know of the entanglement.

A great deal of social debate is identifying and analyzing the causes as well as the dynamics of contemporary violence. This thesis has focused on the role of the state. Of course, there is more to the

existence to violence than just the state and its ineffectiveness. “The state and its representatives are not the only responsible for the upsurge in criminal violence in the region. To be sure, drug traffickers, gangs, and other actors are also to blame for the maelstrom of violence. However, the picture would be incomplete without including the state’s contribution to crime and violence” (Cruz, 2016, p. 392). This thesis has taken a step towards completing this picture. Others should follow examining the other actors involved in abuses against undocumented migrants to fully understand the violence.

With respect to society, the argument made by Trevino-Rangel (2017) is fortified: the objective of many NGOs to focus on better laws for migrants is fruitless. This thesis is alleging that in order to improve the situation of migrants, human rights organizations should not only focus on fairer and better laws for migrants, but also on the fact that when the state is an autonomous aggressor, law and justice is not pursued. This research demonstrated that it is not the missing laws or human rights that are the limitations, but the overall Mexican context. In line with the securitization approach, many human rights activists “address the problem of undocumented migration through a legalistic lens that ignores or fails to challenge the wider political and social conditions that make the abuses possible in the first place” (Trevino-Rangel, 2017, p.1). Better laws cannot transform the root causes of violence. Academics and human rights activists have to move away from the assumption that state agents engage in misconduct due to ill-conceptualized policies or because they are poorly trained and paid (Cruz, 2016). Gerlach (2006) emphasizes that the execution of mass violence, regardless of the perpetrator group, cannot be disassociated from its specific framework. Amnesty International for example urges the Mexican state to “step up policing to improve public security in and around areas where migrants are known to be targeted for kidnapping, extortion, and physical abuse” (Shetty, 2018). But, would this lead to an improvement, knowing that the state presence might bring, like in Tenosique, more violence against migrants?

This thesis is making a statement to human rights organizations to open their approach. Because if the state agents are committing and backing up crime, then there is no point in pushing through better laws. One approach could be the interconnection of violence against migrants with other types of violence in Mexico. Making use of the concept of Extremely Violent Societies, it can be concluded that the high violence-rate against migrants happening on a local level is not an incidental occurrence but is part of certain dynamics, anchored deeply in contemporary Mexico. Hence, what is currently termed a conflict against migrants is just another trajectory of violence in the extremely violent society of Mexico (c.f. Isaacs-Martin, 2016).

In the course of this thesis it has been made clear that “as long (...) as Mexico fails to address corruption, impunity, and collusion within its policing and immigration forces in a wider context of violence, migrants will be vulnerable to, and hesitant to report, human rights violations at the hands of criminals, traffickers, smugglers, and state authorities alike” (Galemba, 2018, p. 872). The problem is not the criminality per se, “but the absence of the government, the absence of competent governmental institutions capable of maintaining order, imposing rules, and earning the respect of the citizenry” (Rubio, 2015, p.81). NGOs should recognize that “the fight against crime in the region must start by reforming the state and transforming the very institutions that are supposed to guarantee the rule of law (Cruz, 2016, p. 392). Apart from pointing out the crimes of state agents, I would advise policymakers and NGOs to indeed engage in advising the state apparatus. As it is clear that not all state agents are violent, there must be some who want change. In one of our talks, Diana told me, that talking to policemen and politicians, they claimed to her that they had retired because they could not bear the corruption nor could they do anything about it. NGOs should focus on these state agents and reach them a helping hand with the goal to start breaking the vicious circle.

One last point, which has been also covered here is that the local population plays a crucial part in determining the migrant’s destiny. They are afraid of the state. They do not know their rights, as the problem goes beyond violence against migrants, but also to violence against the local population of Mexico. Hence, NGOs should foster their work with the local population, educate them about their rights and if necessary, provide legal assistance to them to defend their rights. Awareness could also lead to more solidarity towards migrants, and thus a safer and more just environment for them.

References

- Aguayo, S. (2015). *De Tlatelolco a Ayotzinapa. Las violencias del Estado*. [Kindle DX version]. Retrieved from Amazon.com
- Aguayo, S. (2018, July 3). Change is coming to Mexico. This time, no blood will be shed. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2018/jul/03/andres-manuel-lopez-obrador-election-mexico-leftwing-resistance>
- Aguierre, J., & Herrera, H. (2016). Local democracy, crime and violence in Mexico. The case of Apatzingán, Michoacán. *Política Criminal*, 11(22), 656-674.
- Astorga, L. (1999). Drug Trafficking in Mexico. A first general assessment. *Management of Social Transformations*, 36. Retrieved from <http://unesdoc.unesco.org/images/0011/001176/117644eo.pdf>
- Bargent, J. (2016). Mexico Impunity Levels Reach 99%. *Insight Crime*. Retrieved from <https://www.insightcrime.org/news/brief/mexico-impunity-levels-reach-99-study/>
- Bartman, J. M. (2018). Murder in Mexico. Are Journalists victims of general violence or targeted political violence? *Democratization*, 25(7), 1093-1113.
- Basok, T., & Rojas Wiesner, M. L. (2018). Precarious legality. Regularizing Central American migrants in Mexico. *Ethnic and Racial Studies*, 41(7), 1274-1293.
- Beehner, L. (2018). Fragile states and the territory conundrum to countering violent nonstate actors. *Democracy and Security*, 14(2), 101-127.
- Beittel, J. S. (2018). *Mexico. Organized Crime and Drug Trafficking Organizations*. Retrieved from <https://fas.org/sgp/crs/row/R41576.pdf>
- Bibler Coutin, S. (2005). Being en Route. *American Anthropologist*, 107(2), 195-206.
- Camarillo, O. (2018). Who are deemed the “worthy” and “unworthy” victims of Mexico’s drug-related violence? *Journal of Borderland Studies*. Advance online publication. doi: 10.1080/08865655.2018.1471732
- Carvajal, I. (2014, June 10). La puerta del infierno. *En el Camino*. Retrieved from <https://enelcamino.piedepagina.mx/ruta/la-puerta-del-infierno/>
- Celaya Pacheco, F. (2009). Narcofearance. How has Narcoterrorism Settled in Mexico? *Studies in Conflict & Terrorism*, 32, 1021–1048.
- Comisión Nacional de los Derechos Humanos (CNDH) Mexico. (2018). *Derechos de las personas migrantes: una guía para las y los servidores públicos*. Retrieved from <http://www.cndh.org.mx/sites/all/doc/cartillas/2015-2016/16-DH-guia-personas.pdf>
- Correa-Cabrera, G. (2014). Violence on the "forgotton" border. Mexico's drug war, the state, and the paramilitarization of organized crime in Tamaulipas in a "new democratic era". *Journal of Borderland Studies*, 29(4), 419-433.
- Correa-Cabrera, G., Keck, M., & Nava, J. (2015). Losing the Monopoly of Violence. The State, a Drug War, and the Paramilitarization of Organized Crime in Mexico (2007-2010). *State Crime Journal*, 4(1), 77-95.
- Couch, N. B., & British Army. (2013). Mexico in danger of becoming a collapsed state. Reality or exaggeration? *Defence Studies*, 13(2), 152-191.

Council on Foreign Relations. (2018). *Global Conflict Tracker. Criminal Violence in Mexico*. Retrieved from <https://www.cfr.org/interactives/global-conflict-tracker#!/conflict/criminal-violence-in-mexico>

Creswell, J.W. (2013). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (3th ed.). London: Sage Publications.

Cruz, J. M. (2016). State and criminal violence in Latin America. *Crime Law Soc. Change*, 66, 375–396. doi:10.1007/s10611-016-9631-9

Derriennic, J. P. (1972). Theory and Ideologies of Violence. *Journal of Peace Research*, 9(4), 361-374.

de Vaus, D. (2001). *Research Design in Social Research*. London: SAGE Publications.

El País. (1990, September 1). Vargas Llosa "México es la dictadura perfecta". Españoles, y latinoamericanos intervienen en la polémica sobre el compromiso y la libertad. *El País*. Retrieved from https://elpais.com/diario/1990/09/01/cultura/652140001_850215.html

Emmel, N. (2013). Sampling and Choosing Cases in Qualitative Research. A Realist Approach. London: SAGE Publications.

Flores-Marcías, G. A. (2018). The Consequences of Militarizing Anti-Drug Efforts for State Capacity in Latin America. Evidence from Mexico. *Journal of Comparative Politics*, 51(1), 1-20.

Flyvbjerg, B. (2006). Five Misunderstandings About Case-Study Research. *Qualitative Inquiry*, 12 (2), 219-245.

Fox, J. (1994). The Difficult Transition from Clientelism to Citizenship. Lessons from Mexico. *World Politics*, 46(2), 151-184.

Funk, A. (2003). The Monopoly of Legitimate Violence and Criminal Policy. In Heitmeyer, W., & Hagan, J. (eds.), *International Handbook of Violence Research* (pp- 1057-1077). Dordrecht: Springer.

Fukuyama, F. (1994). The Imperative of State Building. *Journal of Democracy*, 15(2), 17-31.

Galemba, R. B. (2018). 'He used to be a Pollero'. The securitisation of migration and the smuggler/migrant nexus at the Mexico-Guatemala border. *Journal of Ethnic and Migration Studies*, 44(5), 870-886.

Galtung, J., & Höivik, T. (1971). Structural and Direct Violence. A Note on Operationalization. *Journal of Peace Research*, 8(1), 73-76.

Gerlach, C. (2006). Extremely violent societies. An alternative to the concept of genocide. *Journal of Genocide Research*, 8(4), 455-471.

Gobierno de México. (2018). *Grupos Beta de protección a migrantes*. Retrieved from <https://www.gob.mx/inm/acciones-y-programas/grupos-beta-de-proteccion-a-migrantes>.

González-Murphy, L. V. (2013). *Protecting Immigrant Rights in Mexico. Understanding the State–Civil Society Nexus*. New York, NY: Routledge.

Grayson, G. W. (2011). *Mexico. Narco-Violence and a Failed State?* New Brunswick/London: Transaction Publishers.

Gupta, A. (2006). Blurred Boundaries. The Discourse of Corruption, the Culture of Politics, and the Imagined State. In Sharma, A., & Gupta, A. (eds.), *The anthropology of the state* (pp. 211-242). Malden: Blackwell Publishing.

Heidelberg Institute for International Conflict Research (HIIK). (2018). *Conflict Barometer 2017. Disputes, non-violent crisis, violent crisis, limited wars, wars*. Retrieved from <https://hiik.de/konfliktbarometer/aktuelle->

ausgabe/

Hernández, A. (2011). *Narvoland. The Mexican Drug Lords and Their Godfathers*. Mexico: Verso.

Hernández, A. (2018, November 1). No sé si EE.UU. y México dejarán que 'El Chapo' cuente la verdad sobre sus complicidades [Video file]. Retrieved from <https://www.youtube.com/watch?v=96rEnmk9dbA>.

Hiskey, J. T., Córdova, A., Orcés, D. & Malone, M. F. (2016, February 1). Understanding the Central American Refugee Crisis. Why They Are Fleeing and How U.S. Policies are Failing to Deter Them. *American immigration council*. Retrieved from https://www.americanimmigrationcouncil.org/sites/default/files/research/understanding_the_central_american_refugee_crisis.pdf

Human Rights First. (2018). *Mexico: Still Not Safe for Refugees and Migrants*. Retrieved from <https://www.humanrightsfirst.org/resource/mexico-still-not-safe-refugees-and-migrants>

Human Rights Watch (2016). *Closed Doors. Mexico's Failure to Protect Central American Refugee and Migrant Children*. Retrieved from <https://www.hrw.org/report/2016/03/31/closed-doors/mexicos-failure-protect-central-american-refugee-and-migrant-children>.

International Organization for Migration (IOM). (2018). *World Migration Report 2018*. Retrieved from <https://www.iom.int/wmr/world-migration-report-2018>.

Isaacs-Martin, W. (2016). Political and Ethnic Identity in Violent Conflict. The Case of Central African Republic. *International Journal of Conflict and Violence*, 10(1), 25-39.

Isacson, A., Meyer, M. & Morales, G. (2014). *Mexico's Other Border. Security, Migration, and the Humanitarian Crisis at the Line with Central America* (WOLA Report June 2014). Retrieved from <https://www.wola.org/files/mxgt/report/>.

Jenss, A. (2018). Criminal heterarchy and its critics. Governance and the making of insecurity in Colombia. *Global Crime*, 19(3-4), 250-270.

Jüde, J. (2018). The possibility of state formation and the limitations of liberal international state-building. *Journal of international relations and development*. Advance online publication. doi: 10.1057/s41268-018-0139-z

Karstedt, S. (2016). Introduction. Extremely Violent Societies. *International Journal of Conflict and Violence*, 10(1), 4-9.

Kovic, C., & Kelly, P. (2017). Migrant bodies as targets of security policies: Central Americans crossing Mexico's vertical border. *Dialect Anthropol* 41 (1), 1-11.

Knippen, J. (2016, June 25). El Instituto Nacional de Migración detiene migrantes (y mexicanos). *El Universal*. Retrieved from <https://www.eluniversal.com.mx/blogs/fundar/2016/06/25/el-instituto-nacional-de-migracion-detiene-migrantes-y-mexicanos>.

Levi, M., Sacks, A., & Tyler, T. (2009). Conceptualizing Legitimacy, Measuring Legitimizing Beliefs. *American Behavioral Scientist*, 53(3), 354-375.

Maihold, G., & Hochmüller, M. (2013). Von failed states und Räumen begrenzter Staatlichkeit – Organisierte Kriminalität, Gewalt und Staat in Lateinamerika. In Maihold, G., & Brombacher, D. (eds.), *Gewalt, Organisierte Kriminalität und Staat in Lateinamerika* (pp. 9-23). Opladen: Verlag Barbara Budrich.

Martínez, O. (2017, February 24). Los que iban a morir se acumulan en México. *El Faro*. Retrieved from <https://especiales.elfaro.net/es/migrantes/mexico/>.

Maxwell, J. A. (2012). *A Realist Approach for Qualitative Research*. Los Angeles: SAGE Publications.

- Medecins sans Frontieres (MSF) (2017). *Forced to flee Central America's Northern Triangle. A neglected humanitarian crisis*. Retrieved from https://www.msf.org/sites/msf.org/files/msf_forced-to-flee-central-americas-northern-triangle_e.pdf
- McNevin, A. (2013). Ambivalence and Citizenship: Theorising the Political Claims of Irregular Migrants. *Journal of International Studies*, 41 (2), 182-200.
- Milliken, J., & Krause, K. (2002). State Failure, State Collapse, and State Reconstruction. Concepts, Lessons and Strategies. *Development and Change* 33(5), 753–774.
- Morton, A. D. (2012). The War on Drugs in Mexico. A failed state? *Third World Quarterly*, 33(9), 1631-1645.
- Müller, M. M. (2018). Governing crime and violence in Latin America. *Global Crime*, 19 (3-4), 171-191.
- Nay, O. (2013). Fragile and failed states. Critical perspectives on conceptual hybrids. *International Political Science Review/ Revue internationale de science politique*, 34(3), 326-341.
- Nazario, S. (2015, October 10). The refugees at our door. We are paying Mexico to keep people from reaching our border, people who are fleeing Central American violence. *The New York Times*. Retrieved from http://www.nytimes.com/2015/10/11/opinion/sunday/the-refugees-at-our-door.html?_r=0.
- Noble, H., & Smith, J. (2015). Issues of validity and reliability in qualitative research. *Evid Based Nurs*, 18 (2), 34-35.
- Pansters, W. G. (2018). Drug trafficking, the informal order and caciques. Reflections on the crime-governance nexus in Mexico. *Global Crime*, 19 (2), 1-24.
- Pazybien (2017). Fraile mexicano acusado de trafico de personas. *Pazybien*. Retrieved from <https://www.pazybien.es/fraile-mexicano-acusado-de-trafico-de-personas/>
- Pearce, J. (2010). Perverse state formation and securitized democracy in Latin America. *Democratization*, 17(2), 286-306.
- Pedigo, D. (2012). The Drug War and State Failure in Mexico. *Midwest Journal of Undergraduate Research*, 2012 Issue, 111- 138.
- Presidencia de la República (2014). *Pone en marcha el Presidente Enrique Peña Nieto el Programa Frontera Sur*. Retrieved from: <https://www.gob.mx/presidencia/prensa/pone-en-marcha-el-presidente-enrique-pena-nieto-el-programa-frontera-sur>.
- Ramón Márquez [Comunicación y Difusión Mesa Transfronteriza] (2018, October 17). Ramón Márquez La 72 hogar, refugio para personas migrantes, México [Video File]. Retrieved from <https://www.youtube.com/watch?v=87ha8t2vwJQ>
- Reynolds, T. (2002). On Relations Between Black Female Researchers and Participants. In May, T. (ed.), *Qualitative research in action* (pp. 301-309). London: SAGE Publications Ltd.
- Rodríguez Ferreira, O. (2016). Violent Mexico. Participatory and Multipolar violence associated with organized crime. *International Journal of Conflict and Violence*, 10(1), 40-60.
- Rubio, L. (2015). *A Mexican Utopia: The Rule of Law is Possible* (Washington: Wilson Center). Retrieved from https://www.wilsoncenter.org/sites/default/files/Mexican_Utopia_English.pdf.
- Sayer, A. (2006). Realism as a Basic for Knowing the World. In Aitkin, S. & Valentine, G. (eds.), *Approaches to Human Geography* (pp. 98-106). London: SAGE Publications.

Shetty, S. (2018). Most Dangerous Journey. What Central American Migrants Face When They Try to Cross the Border (Amnesty International). Retrieved from <https://www.amnestyusa.org/most-dangerous-journey-what-central-american-migrants-face-when-they-try-to-cross-the-border/>

Shirk, D., & Wallman, J. (2015). Understanding Mexico's Drug Violence. *Journal of Conflict Resolution*, 59(8), 1348-1376.

Slack, J., Martinez, D. E., Lee, A. E., & Whiteford, S. (2016). The geography of border militarization. Violence, death and health in Mexico and the United States. *Journal of Latin American Geography*, 15(1), 7-32.

Staniland, P. (2012). States, Insurgents, and Wartime Political Orders. *Perspectives on Politics*, 10(2), 243-264.

Suárez Enriquez, X., Knippen, J., & Meyer, M. (2016). *A Trail of Impunity: Thousands of Migrants in Transit Face Abuses amid Mexico's Crackdown* (WOLA Report 20 Oct 2016). Retrieved from https://www.wola.org/analysis/a-trail-of-impunity/#_edn16

Suárez Enriquez, X., Díaz, A., Knippen, J., & Meyer, M. (2017). *El Acceso a la Justicia para Personas Migrantes en México. Un derecho que existe sólo en el papel* (Informe de Investigación WOLA Julio 2017). Retrieved from https://www.wola.org/wp-content/uploads/2017/07/Accessoaljusticia_Versionweb_Julio20172.pdf

Trevino-Rangel, J. (2016). What do we mean when we talk about the "Securitization" of international Migration in Mexico? A Critique. *Global Governance*, 22, 289-306.

Trevino-Rangel, J. (2017). Magical legalism. Human rights practitioners and undocumented migrants in Mexico. *The International Journal of Human Rights*. Advance online publication. doi: 10.1080/13642987.2017.1314649

Tyler, T. R., Braga, A., Fagan, J., Meares, F., Sampson, R., & Winship, C. (2007). Legitimacy and Criminal Justice: International Perspectives. In Tyler, T. R (ed.), *Legitimacy and Criminal Justice: International Perspectives* (pp. 9-29). New York, NY: Russell Sage Foundation.

United Nations (UN). (2017). *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Retrieved from https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fMEX%2fCO%2f3&Lang=en

United Nations Human Rights Office of the high Commissioner (OHCHR). (2018). *Mexico. Ayotzinapa investigation marred by torture and cover-ups*. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22830&LangID=E>

Velázquez, R. (2018, October 19). Estos son los derechos de los migrantes en México. *VICE Noticias*. Retrieved from https://www.vice.com/es_latam/article/8xjxz/estos-son-los-derechos-de-los-migrantes-en-mexico.

Verkoren, W., & Kamphuis, B. (2013). State-building in a rentier state: How development policies fail to promote democracy in Afghanistan. *Development and Change*, 44(3), 501-526.

Vogt, W. A. (2012). Ethnography at the Depot. Conducting Fieldwork with Migrants in Transit. In Hirvi, L., & Snellman, H. (eds.), *Where is the Field? The Experience of Migration Viewed through the Prism of Ethnographic Fieldwork* (pp. 66-86). Helsinki: Finish Literature Society.

Vogt, W. A. (2013). Crossing Mexico. Structural violence and the commodification of undocumented Central American migrants. *American Ethnologist* 40 (4), 764-780.

Vogt, W. A. (2016). Stuck in the middle with you. The intimate labours of mobility and smuggling along Mexico's migrant route. *Geopolitics*, 21(2), 366-386.

Vu, T. (2010). Studying the State through State Formation. *World Politics*, 62 (1), 148-175.

Wolf, S. (2013). *El uso de la fuerza por parte del INM. Negado, pero presente* (Dirección de Migración y Derechos Humanos, Boletín 11). Retrieved from <http://insyde.org.mx/wp-content/uploads/2013/12/Bolet%C3%ADn11-DMDH-Insyde-diciembre-2013.pdf>.

Yin, R. K. (2014). *Case Study Research. Design and Methods* (5th ed.). London: SAGE Publications.

Maps, Figure and Pictures

Map 1: Most common Migrant Routes through Mexico.

Amnesty International (2010). *Víctimas invisibles. Migrantes en movimiento en México* (Amnesty International Documents 2010, p.4).

Retrieved from <https://www.amnesty.org/download/Documents/36000/amr410142010es.pdf>.

Map 2: Institutions concerning migrants in and around Tenosique.

Isacson, A., Meyer, M., & Smith, H. (2017). *Security, Central American Migration, and U.S. Policy* (WOLA Research Report, June 2017, p. 11).

Retrieved from https://www.wola.org/wp-content/uploads/2017/06/WOLA_Mexicos-Southern-Border-2017-1.pdf.

Map 3: Municipality of Tenosique.

Copy provided by City Hall of the Municipality of Tenosique, June 2017.

Figure 1: Crimes against migrants in Mexico from 2014 to 2016.

Suárez Enriquez, X., Díaz, A., Knippen, J., & Meyer, M. (2017). *El Acceso a la Justicia para Personas Migrantes en México. Un derecho que existe sólo en el papel* (Informe de Investigación WOLA Julio 2017, p. 9).

Retrieved from https://www.wola.org/wp-content/uploads/2017/07/Accessoalajusticia_Version-web_Julio20172.pdf

Title Picture: Official Border Crossing between Mexico and Guatemala at *El Ceibo*.

Taken by the author, January 2017, in Municipality of Tenosique.

Picture 2 - 6: Road section of *El Pedregal*; Entrance area of the Migrant Shelter *La72*; Dining hall of the Migrant Shelter *La72*; Presentation in a Community; INM Patrol Car "*La Perrera*"

Taken by the author, January – December 2017, Municipality of Tenosique.

Picture 7: Cargo Train on Bridge in Tenosique.

Dadara, M [Mutza]. (2017, February 28). Yo soy migrante/Y sigo Adelante/Porque somos caminantes/De esta tierra visitants/Hay que ser muy valiente para emigrar. No cualquiera se atreve a salir de su zona de confort para emprender un viaje hacia lo desconocido. Mi respeto para ustedes y administracion. Raza arriba estan en mi [Facebook Mobil Uploads].

Retrieved September 22, 2019 from <https://www.facebook.com/photo.php?fbid=1022173801259638&set=a.477589449051412&type=3&the> Gaiman, N. [Neil]. (2012, February 29)