

DECLARATION OF JEREMY SLACK, Ph.D.

I, Jeremy Slack, pursuant to 28 USC §1746, declare that the following is true and correct:

1. I submit this declaration, based on my personal knowledge and extensive empirical research to describe the grave dangers migrants from Central America face from Mexican and Central American gangs – frequently aided or ignored by Mexican authorities – while traveling through Mexico in pursuit of asylum in the United States, a danger that is exacerbated the longer those migrants remain on the Mexican side of border. I also seek to explain that given the rampant violence and endemic corruption in Mexico, it is not remotely realistic to expect Mexico to be a safe third country for Central American migrants there.

My Research and Expertise

2. I am an Assistant Professor of Human Geography at the University of Texas at El Paso with more than fifteen years of research experience in Mexico and along the U.S.-Mexico border. Human geography explores the interaction between human beings and their environments. My areas of expertise and publication focus on drug violence, drug trafficking, undocumented migration, corruption and U.S. Mexico border enforcement. In particular, I am interested in the questions about how drug violence moves, how and where violence affects people as they change their location. My research investigates different patterns of violence associated with who is living where, which reveals a great deal about drug cartels, violence in Mexico and the potential danger for people in border cities.

3. I received my B.A. from the University of Arizona in 2005 in Spanish and International Studies. I received an M.A in Latin American Studies in 2008 at the University of Arizona. I received my Ph.D. from the School of Geography and Development, also at the University of Arizona in 2015.

4. I have testified in court over fifty times as an expert regarding drug smuggling, drug violence and corruption along the border and throughout Mexico in both criminal cases and in immigration court. I was the lead client on an amicus brief that was presented at the Supreme Court (*Hernandez v. Mesa*).

5. I have published approximately fifteen peer-reviewed journal articles and numerous essays, book chapters, and scholarly reports. I have written two books about the impacts of drug violence on migrants. The first book, titled “The Shadow of the Wall,” was released in April 2018 by the University of Arizona Press.¹ The second book will be released in early 2019 by the University of California Press, is titled “Deported to Death: How drug Violence is Changing Migration” which explores the ways organized crime has targeted migrants through kidnapping, extortion and coerced recruitment.

6. I have received over \$1,000,000 in research grants from foundations, universities and federal agencies to support my research activities. This includes funding from the Department of Homeland Security, the National Science Foundation, Ford Foundation, the Open Society Foundation, and the Social Science Research Council among others. I have conducted research along the U.S.-Mexico border since 2003 and have travelled and worked extensively throughout Mexico, living and working in migrant shelters in some of the areas of the country hardest hit by drug cartel violence.

7. I have published about drug cartels in Mexico with particular emphasis on processes of kidnapping and extortion,² as well as political corruption, and how cartels use their

¹ Slack, J., D.E. Martínez, and S. Whiteford, eds. *The Shadow of the Wall: Violence and Migration on the U.S.-Mexico Border*. 2018, University of Arizona Press: Tucson, Arizona.

² Slack, J., *Captive bodies: migrant kidnapping and deportation in Mexico*. Area, 2015. 48(3).

power to influence and control territory.³ These publications explore the question about why cartels would target relatively poor individuals for kidnapping and torture. The answer lies in the extreme vulnerability of people in transit who are neglected by local authorities with little to no hope that friends and family would be able to locate them anytime soon. Moreover, members of organized crime also know that migrants have contacts in the United States who can come up with several thousand dollars to pay ransom.

The Security Situation in Mexico

8. Seven major Mexican cartels – the Juárez Cartel (aka La Linea), Gulf Cartel, Zetas (Los Zetas), Sinaloa Cartel, Tijuana Cartel, La Familia Michoacana/Los Caballeros Templarios and the Cartel Jalisco Nueva Generación (CJNG) – are currently locked in violent inter-cartel (and intra-cartel) disputes and a struggle with the Mexican military and police that has cost over 200,000 lives since 2001. The Mexican government is no longer able to protect its people and in many cases law enforcement officers or military officials—affiliated with drug cartels—actually commit acts of murder or torture on behalf of the cartels.⁴ In 2016, violence in Mexico skyrocketed, placing the Mexican drug war as the second most violent conflict in the world (behind Syria).⁵ It has remained one of the most vicious and bloody conflicts in the world.

³ Slack, J. and H. Campbell, *On Narco-coyotaje: Illicit Regimes and Their Impacts on the US–Mexico Border*. Antipode, 2016.

Boyce, G.A., J.M. Banister, and J. Slack, *You and What Army? Violence, The State, and Mexico's War on Drugs*. Territory, Politics, Governance, 2015. **3**(4): p. 446-468.

⁴ Gibler, J., *To die in Mexico : dispatches from inside the drug war*. 2011, San Francisco, CA: City Lights Books.

⁵ IISS, *Armed Conflict Survey 2017*, I.I.f.S. Studies, Editor. 2017: Washington, D.C.

Some analysts thought that, as a result of this violence, Mexico has become or is on the verge of becoming a “failed state.”⁶

9. However, in the years since the conflict began the character has changed. Rather than concentrated hotspots, such as Ciudad Juárez, Chihuahua where 10,000 people were murdered between 2007 and 2010, the violence has spread out across the country. This is because the major cartels have fractured, leading to conflict between cartels, but also within these organizations themselves. This has been described by scholars as a “balkanization” effect in Mexico,⁷—a reference to the fragmentation of the former Yugoslavian Republic. The internal strife and complex allegiances between and within the cartels makes makes the security situation in Mexico complex, dynamic and chaotic as violence has spread to areas that were previously considered safe such as Mexico City and Cancun.

10. In addition to the dangers posed by Mexican cartels, Central American gangs have established relationships with Mexican gangs that heightens the vulnerability of Central American migrants traveling through Mexico. In our research we found members of Central American gangs, MS-13 and Barrio 18 working for the Mexican Zetas and other organizations, as they would often be involved with kidnapping, extorting and charging a toll for migrants to pass through certain areas. Central American gangs patrol the train routes used by migrants traveling North, collecting tolls, killing people who refused or could not pay and giving a cut of the profits to local criminal actors and the police. They would also investigate who people were

⁶ Longmire, S., *Cartel : the coming invasion of Mexico's drug wars*. 2011, New York: Palgrave Macmillan.

Grayson, G.W., *Mexico : narco-violence and a failed state?* 2010, New Brunswick, N.J.: Transaction Publishers.

⁷ Beittel, J., *Mexico: Organized crime and drug trafficking organizations*. Washington: Congressional Research Service, 2015.

and why they were migrating. As the vast majority of Central American asylum seekers are fleeing gang violence,⁸ the very same groups they are fleeing have a presence in Mexico and particularly along the border. It thus makes most border towns on the Mexican side, an extremely perilous place to wait.

11. The Mexican side of the U.S.-Mexican border as a region has experienced high levels of turmoil and violence in recent years. From 2007-2012 the most dangerous place was the border town of Ciudad Juárez, on the other side of the El Paso, Texas, with over 10,000 murders. Northeastern Mexico has more recently experienced lower levels of murder, but higher levels of disappearances and kidnappings, making it one of the most feared regions of the border. Mass graves containing over 200 bodies were recovered in the area the following years.⁹ Multiple mass graves throughout the region have been discovered, often with clear ties to Central American migrants.¹⁰ The largest documented kidnapping of migrants occurred in the far Northeast city of Matamoros – across from Brownsville, TX, with 480 people being kidnapped simultaneously in 2018.¹¹ Other regions have experienced high levels of violence as well. Recently, the number of murders in Tijuana nearly doubled from 909 in 2016¹² to 1,744 in 2017, and 2018 is on pace to be even bloodier.¹³ [14] In the nearby, Northwestern state of Sonora, a region that has avoided much of the cartel bloodshed, large groups of migrants were abducted

⁸ Wolf, S., *Mano Dura: The Politics of Gang Control in El Salvador*. 2017: University of Texas Press.

⁹ Ureste, M., *A 5 años de massacre de 72 migrantes en San Fernando, caso sigue impune: Amnistía Internacional*, in *Animal Politico*. 2015: Mexico City.

¹⁰ Slack, J., *Captive bodies: migrant kidnapping and deportation in Mexico*. *Area*, 2015. **48**(3).

¹¹ Jimenez, M., *Suman 480 migrantes rescatados en Matamoros*, in *El Manana de Matamoros*. 2018: Matamoros.

¹² Staff, *Horror; 762 homicidios dolosos en seis meses Tijuana*, in *El Debate*. 2017: Tijuana.

¹³ Elenes, A., *Inicia el 2018 con 7 muertes violentas*, in *La Jornada de Baja California*. 2018: Tijuana.

and disappeared or forced to cross the border due to large amounts of marijuana smuggling through the desert by drug cartels.¹⁴ In Ciudad Juárez deported migrants were found decapitated over the summer of 2017.¹⁵ [17] While there have been ebbs and flows in the level of violence along the border, the chaotic situation, lawlessness and the violent outbursts against the Central American Caravans have created a dangerous precedent which will likely continue to escalate in the months and years to come.

12. In the following sections I will expand on the types of violence people are likely to experience if forced to wait in Mexican border cities, why they are targeted and the potential torture, persecution and death.

Dangers Present for Central Americans in Mexico

13. Kidnapping has become a pandemic in Mexico and no population is under more threat than Central American migrants. These kidnappings often involve ransom, but are frequently more complex as members of organized crime are looking for information from migrants who might be fleeing from rival or affiliated gangs. Furthermore, criminal organizations use torture as a way to recruit individuals, giving them the option to join the gang, or torture or kill fellow captives and escape this fate. For those unwilling to torture or kill their way out of gang membership, this has become common as a way to forcibly recruit migrants.¹⁶

¹⁴ Slack, J. and H. Campbell, On Narco-coyotaje: Illicit Regimes and Their Impacts on the US–Mexico Border. *Antipode*, 2016. **48**(5).
Slack, J. and S. Whiteford, *Violence and migration on the Arizona-Sonora border*. Human organization, 2011. **70**(1): p. 11-21.

¹⁵ Staff, Decapitados en Juárez eran deportados de EU, in *El Tiempo*. 2017: Ciudad Juárez.

¹⁶ Slack, J., *Captive bodies: migrant kidnapping and deportation in Mexico*. Area, 2015. **48**(3).

14. In 2016 alone, a rough estimate of over 69,000 kidnappings occurred in Mexico.¹⁷ Other sources have documented over ten thousand cases of kidnapping of migrants in a six-month period in 2011.¹⁸ However, these statistics should be taken as highly conservative since this only relies on reported kidnappings and not the overwhelming majority of kidnappings that go unreported. This is known as the “cifra negra” or the black statistic, because Mexico’s census bureau (INEGI) has estimated that 98% of kidnappings go unreported because people do not think the police will help or are afraid to do so.¹⁹

15. Unfortunately, there are no exact figures for the kidnapping and torture of Central American migrants in Mexico since many are “disappeared” and killed or flee Mexico as fast as possible. Moreover, the lethality of kidnapping has grown since Mexico enacted tougher laws on kidnapping that sentence people to 80 years in prison in 2014. It has become easier to simply kill people than to let them go.²⁰

16. These kidnappings usually involve the explicit aid of the police or, at the very least, the knowledge that the police will do nothing to prevent the kidnappers from carrying out their gory reprisals.²¹ Police in Mexico are highly corrupt and frequently work hand in hand with the drug cartels.²² Officers that do not work with the cartels are hindered by this corruption and

¹⁷ INEGI, Encuesta Nacional de Victimización y Percepción sobre Seguridad Publica (ENVIPE), in ENVIPE, I.N.d.E.y. Geografía, Editor. 2017, INEGI: Mexico, D.F. .

¹⁸ CNDH, *Informe Especial Sobre el Secuestro de Migrantes en Mexico*, C.N.d.I.D. Humanos, Editor. 2011, CNDH: Mexico, DF.

¹⁹ INEGI, Encuesta Nacional de Victimización y Percepción sobre Seguridad Publica (ENVIPE), in ENVIPE, I.N.d.E.y. Geografía, Editor. 2017, INEGI: Mexico, D.F. .

²⁰ Slack, J., *Captive bodies: migrant kidnapping and deportation in Mexico*. Area, 2015. **48**(3).

²¹ Ibid.

Slack, J. and H. Campbell, *On Narco-coyotaje: Illicit Regimes and Their Impacts on the US–Mexico Border*. Antipode, 2016. **48**(5).

²² Sicario, M. Molloy, and C. Bowden, *El Sicario : the autobiography of a Mexican assassin*. 2011, New York: Nation Books.

are unable to speak out or investigate crimes against Central American migrants.²³ Local police are underpaid and have to share guns, purchase their own ammunition and sometimes are not even certified to carry weapons. Federal police are better equipped but are generally focused on high profile busts and arresting famous drug kingpins.

17. On the Mexican border specifically, there are lookouts, known as halcones, who are concentrated there and are tasked with investigating who is coming and going into new areas. This is partly because they are worried about incursions from rival cartels, but also because they are interested in determining which migrants would be able to pay a high ransom, or which might be targeted by affiliated gangs from Central America. The need to understand who has arrived in any given area of the border has become an obsession for organized crime. Because there are so many fractures within these criminal organizations, they are no longer enjoying absolute supremacy and must remain vigilant against incursions from rival groups (or even other members of the same drug cartel). Because of this, lookouts or even people posing as migrants or coyotes, often living or working in migrant shelters, are constantly collecting information about who is arriving. In addition, agents from the Instituto Nacional de Migración have also engaged in high levels of corruption and pass information about migrants along to organized crime.²⁴ [2,

Hernandez, A., *Los senores del narco*. 2010, Mexico, D.F.: Grijalbo.

Hernández, A., *Narcoland: The Mexican drug lords and their godfathers*. 2013: Verso Books.

²³ Grillo, I., *El Narco: inside Mexico's criminal insurgency*. 2011, New York: Bloomsbury Press.

Vulliamy, E., *Amexica : war along the borderline*. 2010, New York: Farrar, Straus and Giroux.

Bowden, C., *Down by the river : drugs, money, murder, and family*. 2002, New York: Simon & Schuster.

Bowden, C. and J.n. Cardona, *Murder city : Ciudad Juárez and the global economy's new killing fields*. 2010, New York: Nation Books.

²⁴ Slack, J., *Captive bodies: migrant kidnapping and deportation in Mexico*. Area, 2015. 48(3).

29] Should Mexican immigration authorities be increasingly involved in the process of making people apply for asylum from Mexico, it is likely that they will pass information about who is waiting over to organized crime.

18. In addition to corrupt authorities passing information to organized crime or participating in kidnapping, the lack of protection for Central American migrants has been a huge problem.[30] Mexico has conflicting laws about how to control and police immigration from Central America. This is the root of the fluctuations in treatment by Mexican authorities, at times allowing Central Americans free passage or cracking down, apprehending and deporting migrants. One thing is clear though; the greater the restrictions, the higher the incidences of violence, extortion, torture and murder. The Human Mobility (*Movilidad Humana*) was passed in 2011 to make it legal for Central Americans to traverse Mexico with no documentation in order to prevent future massacres such as those that occurred in Tamaulipas and Durango.[11] Once migrants were allowed to travel through the country in buses, the number of people being kidnapped dropped dramatically. [31, 32] However, periodically, the Mexican government has cracked down on this movement as military checkpoints and police begin stopping buses to check passports. This leads to people taking the infamous bestia, the “beast,” a nickname for the dangerous trains people take through Mexico. [33, 34] Throughout our research we have encountered people who lost limbs from being thrown from the train and others who witnessed multiple rapes, murders and kidnapping while riding the train north.

19. Based on my research into migration and violence in Mexico, I am certain that many migrants will not be able to safely route themselves directly to a port of entry out of

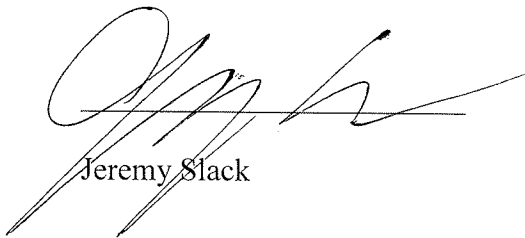
París, M.D., et al., Un análisis de los actores políticos y sociales en el diseño y la implementación de la política y la gestión migratoria en México. 2015, El Colegio de la Frontera Norte Tijuana, México.

concern for kidnapping rings along certain routes and that are proliferating in border towns. In addition, creating delays or a bottleneck at ports of entry along the border will lead to even more unprecedented levels of violence against Central Americans.

20. Migrants are targeted along the border because of their distance from both destination and home. In my forthcoming book I explore in-depth why targeting migrants is so common and lucrative. They can be extorted, tortured, killed, forced to work for drug smugglers and no one will speak up for them. If people are forced to wait weeks or months along the border they will face numerous threats, from police demanding extortion to kidnappings and forced recruitment by gangs and drug cartels. Few people will be able to live in this limbo. One family I worked with began to get intensified threats, especially to the father, who was being accused of pertaining to a rival gang and the only way for them to be assured that he was not working against them, would be to join the cartel. They were forced to flee, itself a dangerous and difficult proposition. I am confident that many of those subject to delays and the serious violence they may face on border towns will need to cross between ports of entry out of necessity, to avoid violence laying in wait in Mexican border cities.

21. In addition, due to a long history of persecution, kidnapping, and murdering Central Americans during their journey through Mexico, there is no doubt that Mexico could not be considered a safe third country for Central Americans. This could not happen without completely eradicating corruption and organized crime in Mexico, something that would be impossible in the near future.

I declare under penalty of perjury that the foregoing is true and correct to the best of our knowledge and understanding.



Jeremy Slack

Dated: December 4, 2018
El Paso, Texas