

DISAPPEARED



HOW THE US BORDER
ENFORCEMENT AGENCIES
ARE FUELING A
MISSING PERSONS CRISIS

A REPORT SERIES BY
LA COALICION DE
DERECHOS HUMANOS &
NO MORE DEATHS

“As crimes pile up, they become invisible.”

-Bertold Brecht

Who We Are

LA COALICIÓN DE DERECHOS HUMANOS

La Coalición de Derechos Humanos is a grassroots organization that promotes the human and civil rights of all migrants regardless of their immigration status. Consequently, we fight the militarization of our southern-border home and combat discrimination and human-rights abuses against both our citizen and noncitizen brothers and sisters. Formed in 1993, Derechos Humanos' goals include: strengthening the capacity of border and urban communities to exercise their rights and participate in public policy decisions; increasing public awareness of the widespread human-rights abuses, deaths, and assaults resulting from US policy at the border; seeking changes in the governmental policies that result in human suffering due to the militarization of the US border region.

www.derechoshumanosaz.net

NO MORE DEATHS

No More Deaths is a humanitarian-aid organization based in Southern Arizona. It formed in 2004 as a coalition of community and faith groups, dedicated to ending death and suffering in the US–Mexico borderlands through civil initiative. As people of conscience working openly and in community to uphold fundamental human rights, we carry on a number of direct-aid projects in the border region: delivering water, food, and medical aid to those crossing through the most deadly areas of the Sonoran Desert; conducting community search and rescue for border crossers in distress; providing phone services to those who have been recently deported to Mexican border cities; offering legal support for those in the city of Tucson who qualify for DACA (Deferred Action for Childhood Arrivals) or DAPA (Deferred Action for Parents of Americans) status; and more.

www.nomoredeaths.org

THE ABUSE DOCUMENTATION WORKING GROUP

The authors of this report are members of the Abuse Documentation Working Group, a small collection of volunteers from La Coalición de Derechos Humanos and No More Deaths. We strive to incorporate the political beliefs and perspectives of both of these dynamic organizations into our shared work, while collectively drawing upon the years of experience that both have in the realm of migration, humanitarian aid, and human-rights advocacy. Between Derechos Humanos' more than 20 years of community work, including the 24-hour Missing Migrant Crisis Line, and No More Deaths' 12 years of 24-hour direct medical and humanitarian aid and presence in the Arizona backcountry, we have witnessed and listened to thousands of stories of border crossing throughout Southern Arizona. Our research goals are transformative: to expose and combat those US government policing tactics that cause the crisis of death and mass disappearance in the borderlands.

A NOTE ON LANGUAGE

In order to be comprehensive in our writing, we often refer to individuals who travel through the US–Mexico border region without official permission as border crossers. In particular, this report focuses on those who attempt to enter the US on foot between ports of entry in wilderness regions (as opposed to other unauthorized crossing methods in urban areas).

The populations crossing the US–Mexico border are increasingly diverse. Ongoing economic and political conditions throughout the Americas continue to propel large numbers of people to travel across the border in pursuit of safety, stability, and family unification. Many flee life-threatening poverty. A growing number flee political violence in the form of government death squads and paramilitary coercion. Others seek to reunite with family in the US. While often applicable in individual cases, the terms migrant and refugee fail to capture the myriad motivations, dreams, goals, and realities of these diverse human populations. Regardless of the many factors that cause individuals to attempt to cross the US–Mexico border, the punishment has been the same: death and disappearance.

We therefore avoid terminology that would qualify any death in the US–Mexico border region as more or less tragic than any other, as more or less deserved or inhumane. Rather, we insist that the inhumane consequences of US immigration and border policies represent an injustice against all those who attempt to cross the border.

For the purposes of this report, we define the disappeared as those people whose whereabouts are unaccounted for after attempting to cross the border. We use the language of disappearance to name a significant but underreported dimension of the violence that is routinely inflicted on individuals and communities in the Southwest borderlands. The effects of this violence are multidimensional, as it is experienced both by those who go missing and by loved ones left behind in a state of limbo, simultaneously fearing the worst while refusing to give up hope, and seeking any tangible information that could provide some closure. We use the language of disappearance because it is the very language repeated by families who call Derechos Humanos’ Missing Migrant Crisis Line and frequently declare:

*“Estoy buscando a una persona desaparecida.”
(I’m looking for a disappeared person.)*

We recognize the weight that the language of disappearance holds; we use it to call attention to the fact that disappearance is not a natural or inevitable phenomenon but rather is a direct consequence of US border-enforcement policies and practices. This deadly process has ripped holes in families and communities that will last for generations.

In order to remember the thousands who have been killed and disappeared in the Southwest borderlands, and to denounce the policies and practices that contribute to this disappearance, this report tells their stories.

Disappeared:

How the US Border Enforcement Agencies Are Fueling a Missing Persons Crisis

This report calls attention to a significant albeit underreported outcome of contemporary US border-policing strategy and practice: the disappearance of tens of thousands of migrants and refugees in the expansive wilderness north of the US–Mexico border. This process of disappearance is related to the much more thoroughly researched and reported deaths of thousands of border crossers since the 1994 launch of the US Border Patrol’s strategy of “Prevention Through Deterrence” (discussed below). But the phenomenon of disappearance is qualitatively distinct and simultaneously more expansive, affecting both those countless individuals whose fates remain unknown after attempting the journey across the border and their loved ones left behind to face continuous anguish and uncertainty.

The report documents three distinct areas of routine governmental practice that cause or contribute to disappearance. These practices are pursued by more than a small number of “bad apples” within the Border Patrol or affiliated agencies; rather, even when they contradict official government policy, these practices are widely and regularly observed, and we therefore conclude that they form an integral and everyday component of US border policing. Rather than another indictment of the Border Patrol’s strategy of Prevention Through Deterrence¹, then, this report opens a window onto the granular dimensions of US border policing, which combine to diminish and demean the value of human life. The report is being released in three phases:

Part I: Deadly Apprehension Methods focuses on the US Border Patrol’s deadly apprehension practices in remote areas, which commonly result in the disorientation and dispersal of individuals and groups into life-threatening terrain.

Part II: Destruction of and Interference with Humanitarian Aid chronicles the vandalism and removal of life-preserving humanitarian supplies by border agents, and details law enforcement’s routine harassment of and interference with humanitarian-aid work in the Southwest border zone.

Part III: Emergency Nonresponse focuses on the discriminatory lack of emergency response for undocumented people in the border zone on the part of a variety of government actors, and exposes the empty humanitarian rhetoric of US border authorities.

Part I of this report is being released alongside this overall introduction. Parts II and III are forthcoming in 2016.

1 See Inter-American Court of Human Rights, “Juridical Condition and Rights of the Undocumented Migrants, Advisory Opinion OC-18/03 of September 17, 2003,” Inter-American Court of Human Rights, Series A, San Jose, Costa Rica, 2003; J. Bustamante, “United Nations Report of the Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante,” United Nations, United Nations General Assembly, New York, 2008; Amnesty International, “In Hostile Terrain: Human Rights Violations in Immigration Enforcement in the US Southwest,” Amnesty International, New York, 2012, https://www.amnestyusa.org/sites/default/files/ai_inhostileterrain_final031412.pdf; D. A. Martinez et al., “A Continued Humanitarian Crisis at the Border: Undocumented Border Crossing Deaths Recorded by the Pima County Office of the Medical Examiner, 1990–2012,” Binational Migration Institute, Tucson, AZ, 2013.

A Crisis of Disappearance

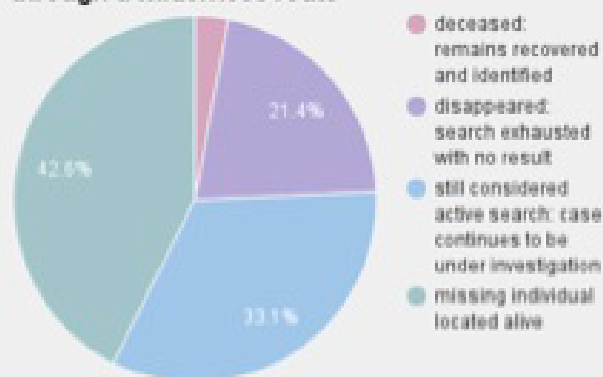
There is a crisis of disappearance in the Southwest borderlands. In the 2015 calendar year alone, the community organization La Coalición de Derechos Humanos opened over 1,200 cases of people who were unaccounted for following an attempt to cross the US–Mexico border.¹

At present the Missing Migrant Crisis Line team (along with a growing number of consulates, morgues, community groups, and enforcement agencies) communicates with numerous families each day who are seeking information about missing loved ones. Some of these families have received a last phone call from a family member lost and fighting for survival in the vast expanse of the borderlands backcountry. These cases are not just statistics—each is connected to a network of family and friends, entire worlds thrown into crisis by the phenomenon of disappearance.

If found, the disappeared turn up in detention centers, in morgues, or skeletonized on the desert floor; many human remains are never identified.² Thousands more are never located. With each passing day, another father, sister, aunt, brother, partner, or child goes missing while attempting to cross the Southwest border.

Throughout the 1990s, La Coalición de Derechos Humanos publicly denounced US Border Patrol policy and predicted the ways it would displace, kill, and disappear thousands of people. As these predictions began to come true, with the remains of 136 people recovered from just two Arizona counties in the year 2000, Derechos Humanos began to respond by answering phone calls from families in distress who were looking for missing loved ones. More than a decade later, group members initiated a 24-hour Missing Migrant Crisis Line; within a year, the call volume would grow to average over a hundred new cases a month from family members searching for information about their loved ones who had gone missing.

Results of Missing Migrant Cases for 2015 where the individual went missing while crossing through a wilderness route



How is it possible that so many people have gone missing while crossing into US territory?

1 Derechos Humanos’ Missing Migrant Crisis Line was created in November 2013 to respond to the growing number of urgent missing-persons calls received at the small nonprofit’s office in Tucson, Arizona. This small organization is not the only one that receives missing-persons calls along the border. We collaborate closely with Águilas del Desierto in California, the Colibrí Center in Tucson, the South Texas Human Rights Center, and the Servicio Jesuita a Migrantes in Mexico, among others. Consulates and medical examiners’ offices are also flooded with phone calls on a daily basis. The combined number of missing-persons cases across all of the above-mentioned entities is currently unknown.

2 Although not themselves a direct focus of this report, detention practices of the Border Patrol and Immigration and Customs Enforcement exacerbate the problem of disappearance by limiting contact between detainees and their loved ones or supporters and providing inadequate tracking and information sharing across the chain of custody. The 1,200 cases mentioned here include people who were temporarily disappeared in the complex web of detention centers and private and federal prisons.

Since 1994, US border-enforcement strategy has created the conditions for widespread human disappearance. This report shows how mass death and disappearance are the inevitable outcomes of a border-enforcement plan that uses the wilderness as a weapon against the unauthorized entry of refugees, migrants, and other border crossers.¹ By conducting interviews and surveys, and through an analysis of databases, our report finds that the design and implementation of US border-enforcement strategies has engineered this crisis.

Prevention Through Deterrence

To provide context for the following three reports, what follows is an analysis of recent US Border Enforcement history, beginning in 1994 when the US Border Patrol adopted the enforcement strategy called Prevention Through Deterrence. With the implementation of this policy, the Border Patrol sought to control the Southwest border by heightening the risks associated with unauthorized entry. To do so, the agency concentrated enforcement and infrastructure to reroute migration away from urban ports of entry and into wilderness areas. By pushing traffic into remote and hostile terrain, the agency speculated that border crossers would now find themselves “in mortal danger” when attempting to enter the US without authorization.² The increased danger was intended to then deter other people from considering the journey, with the overall goal of preventing migration.

Over the past 20 years, the US has armored border cities with walls, cameras, sensors, personnel, and military-style infrastructure from San Diego, California to Brownsville, Texas. As a result, border crossers now enter the US through remote rural areas, fanning out across the backcountry region north of the border and carving a complex web of trail systems through mountain passes, rolling hills, desolate plains, and dense brushlands.

In their 1994 strategy document, the Border Patrol lists “indicators of success” for Prevention Through Deterrence. These indicators would be used to measure the efficacy of the strategy once implemented. In addition to shifting the geographical flow of migration into the Sonoran Desert, other indicators of success would include:

- “fee increases by smugglers”
- “increased incidences of more sophisticated methods of smuggling at checkpoints”
- “more documentation fraud”
- “more violence at attempted entries”
- “possible increase in complaints (Mexico, interest groups, etc.)”
- “potential for more protests against immigration policy”

In sum, if functioning as intended, Prevention Through Deterrence would reshape migration to become more treacherous, more criminalized, more cartel-driven, and more politically fraught.

Today, the border between the US and Mexico is not a line to cross but a vast zone of enforcement

1 For the remainder of this report we will use the term border crossers to refer to all the categories of people who attempt to cross the US–Mexico border, categories which can be distinct or overlapping. See “A Note on Language,” above.

2 US Border Patrol, Border Patrol Strategic Plan: 1994 and Beyond, July 1994, <http://cw.routledge.com/text-books/9780415996945/gov-docs/1994.pdf>.

that extends far into the US interior.¹ Over the years, the Border Patrol has installed a growing number of checkpoints on major roadways in the border region, stopping all through traffic in search of contraband and immigration violations. One consequence of these operations is to force border crossers to travel on foot through remote regions of the border to circumvent the system of roadblocks. Positioned from 20 to 100 miles inland of the actual border, Border Patrol checkpoints are a major component of the Prevention Through Deterrence strategy, transforming border crossing into a multi-day and sometimes multi-week journey through the wilderness.

The Sonoran Desert Flatlands



Travel by foot through low-desert flatlands involves extreme exposure to sun and wind. There is almost no available potable water.

The Sonoran Desert lowlands play host to extreme temperature shifts between day and night. Physical exertion in high heat quickly leads to dehydration and heat-related illnesses. Plummeting nighttime temperatures are equally dangerous, as sweat-soaked clothing cools to degrees that can cause hypothermia.

Vegetation in the desert flatlands is sparse, providing little to no shade. Collision with cactus and spined shrubs often results in serious injury.

*Temperature extremes, 2015, Ajo, AZ:
High: 112.8 degrees
Low: 25.7 degrees*

The Arizona Upland



The serrated volcanic mountains of the northern Sonoran Desert form a maze-like landscape.

Jagged rock, loose boulders, and crumbling ridges above steep slopes often cause border crossers to fall. Resultant blunt-force-trauma injuries are common.

The mineral-rich mountains in the desert uplands house abandoned vertical mine shafts, which rarely have visible fencing or signage. If inadvertently entered, one can easily fall to one's death.

Like the flatlands, the climate here is characterized by extreme heat and cold. At higher elevations, death due to exposure to cold is common in the winter months.

Rapid elevation change on migrant trail, Arivaca, AZ.

The South Texas Brush



The backcountry brushlands of the southern tip of Texas are characterized by high heat with intense humidity that can last throughout the night without lessening.

The dense ground cover of sand and brush drags on feet and ankles, causing extreme fatigue and frequent falls.

The brush conceals dangerous and often unexpected waterways, such as rivers and canals, presenting the threat of death by drowning.

Average relative-humidity level at 6:00 a.m., 2015, Brownsville, TX: 89%

¹ This is what some have termed the thickening or widening of the US–Mexico border. American Civil Liberties Union, “Fact Sheet on U.S. ‘Constitution Free Zone,’” <https://www.aclu.org/aclu-factsheet-customs-and-border-protections-100-mile-zone>.

As a consequence of Prevention Through Deterrence, thousands of people have perished in the borderlands due to dehydration, heat-related illness, exposure, and other preventable environmental causes. Extreme heat and bitter cold, scarce and polluted water sources, treacherous topography, and near-total isolation from possible rescue are used as weapons of border enforcement. The rugged environment along the border routinely injures those crossing with sprains, blisters, and heat-related illness; many become lost and disoriented in these vast and remote expanses of wilderness, resulting in disappearance and death.

The magnitude of this tragedy is disputed, as there is no consensus on how to count the death toll on the border. Nonetheless, county medical examiners, nongovernmental human-rights organizations, consulates, university researchers, journalists, and even the Border Patrol offer estimates of border deaths. The Border Patrol claims that at least 6,029 border crossers have died crossing into the United States since the 1990s. However, audits suggest that the agency underestimates the number of border deaths by as much as 43 percent,¹ which yields a death count of over 8,600 people in the US borderlands.

In this crisis, body counts fail: there is no way to know the true number of the dead in the borderlands. With foot traffic moving through uninhabited and roadless areas, it is common for days, weeks, months, and even years to pass before human remains are discovered—if they are ever found at all. The hot sun and hard winds scour the landscape, and scavenging by animals contributes to the rapid deterioration of bodies.² Within weeks, someone may be reduced to bone fragments or a partial skeleton. As a result, the ability to locate a person's remains and the success of postmortem identification dwindle.³ In effect, we cannot know the total number of lives lost in the borderlands; the region has been transformed into a vast graveyard of the missing.

1 A report from the Binational Migration Institute examined the Border Patrol's method for counting recovered human remains and found that they use several major exclusions to produce a lowered death count: they exclude (1) border-crosser remains that are found in counties without an edge on the border and are recovered without Border Patrol involvement; (2) the remains of those they determine to have been engaged in smuggling activities at the time of death; (3) skeletal remains where cause of death cannot be determined, even when recovered from heavily crossed migration routes; (4) deaths in custody or from natural causes such as heart attack, although these deaths may occur immediately after someone has walked dozens of miles in the desert. People Helping People in the Border Zone, "What Cannot Be Counted," February 20, 2015, <http://phparivaca.org/?p=665>.

2 One study completed in 2012 documented the effects of the Sonoran Desert on pig cadavers and on human belongings left on and scattered around them to understand the true impacts of the environment on recovery and identification efforts in these areas. Jess Beck et al., "Animal Scavenging and Scattering and the Implications for Documenting the Deaths of Undocumented Border Crossers in the Sonoran Desert," *Journal of Forensic Sciences*, 2014, <http://undocumentedmigrationproject.com/wp-content/uploads/2012/01/beck-et-al-2014.pdf>.

3 In Arizona's Pima County, which is only one of 22 US counties adjacent to the Mexican border, the number of unidentified remains recovered between 2001 and 2014 is 826, or 35 percent of the total recovered remains in the county for that period. Pima County Office of the Medical Examiner, annual report, 2014, http://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Medical%20Examiner/Resources/Annual-Report-2014.pdf. Documented mishandling of human remains by other medical examiner's offices along the US–Mexico border suggests that the number of unidentified remains may be much higher. John Carlos Frey, "Graves of Shame," *Texas Observer*, July 6, 2015, <https://www.texasobserver.org/illegal-mass-graves-of-migrant-remains-found-in-south-texas>.

Daily and Deadly Policing Practices

The daily practices of Border Patrol agents that are examined in this report constitute the routine, everyday implementation of the agency’s policy of Prevention Through Deterrence. Habitual acts of cruelty by agents are entirely consistent with the logic and objectives of deterrence, which are premised on amplifying the risks and harms inflicted on border crossers in order to deter future crossing attempts.

Part I of the report shows how border-enforcement personnel routinely scatter people using low-flying helicopters, chase them over cliffs and into dangerous waters, and tackle non-resisting people to the ground. Part II will examine the destruction and disruption of humanitarian aid, including the destruction of drinking water placed for border crossers who face heat exhaustion, dehydration, and death. Part III will examine how both the Border Patrol and regional governmental bodies fail to initiate searches and rescues for those in need in the remote backcountry. This represents a callous, deadly, and unconstitutional form of discrimination based solely on a person’s perceived alienage or immigration status.

The extent to which the US Border Patrol officially condones the deadly activities described in this report is unknown. The Border Patrol maintains a bureaucratic silence when it comes to detailing their official training, procedure, and policy.¹ Meanwhile, firsthand accounts of deadly apprehension strategies point to the contradiction between policy and practice. For example, although some Border Patrol supervisors have condemned the destruction of humanitarian aid by individual agents, the practice continues on a routine basis. We assert that the policing practices documented in this report are too common to be dismissed as the acts of a few rogue agents. Rather, they are the logical extension of a US border enforcement strategy that views the lives of border crossers as expendable.

Border Patrol policy, which treats the borderlands as a low-intensity war zone where federal agents commit violence with impunity, has invited an array of other actors into the arena. Militia organizations travel to the remote regions of the border and participate in racially motivated violence and murder. Mexican crime organizations, known as cartels, now monopolize the market for guiding people through the rugged border terrain. Their exorbitant fee increases are enforced by the threat and practice of violence against those who pay them, through robbery, extortion, kidnapping, beatings, sexual assault, and abandonment to the elements. Corporate war profiteers have flocked to the region to compete for massive government contracts to supply militarized weaponry and infrastructure. US border-enforcement policies are driving—and may come to be driven by—free-market capitalism in the borderlands, where investors now bank on humanitarian crisis as a source of profit. It is impossible to convey the extent of this humanitarian crisis without accounting for the critical role of these nongovernmental actors.

¹ The Border Patrol has released several documents to the public as official enforcement policy since 1994, but the language has only grown increasingly vague as the years have progressed. In 2012, the Border Patrol released its new strategy: the 2012–2016 Border Plan. The objectives of this report included: “Improve Organizational Structures,” “Enhance Efficiency,” and “Invest in People” while leaving unexplained any of the on-the-ground policies that would lead to these goals.

Deterrence Without Prevention

Over the past 20 years, Prevention Through Deterrence has failed to halt the mass movement of people without papers into the US interior. However, it has succeeded in proliferating border deaths, disappearances, and informal economies of violence, converting the region into an increasingly deadly arena.

In truth, Prevention Through Deterrence as a plan was never intended to seal off the Southwest border entirely. Instead, it constructed a context of unauthorized migration where “the most desperate of those aliens seeking entry will attempt illegal entry.”¹ However, as border crossers are pushed away from cities and into the deadly wilderness to be scattered, chased, injured, or killed, hundreds of thousands of people continue to attempt the journey. A recent report on migration from Central America concludes that, “no matter what the future might hold in terms of the dangers of migration, it is preferable to a present-day life of crime and violence.”² When the benefits of migration include freeing oneself from threats of death, extreme poverty, and family separation, the risks along the border are not sufficient to prevent migration, even if these include becoming lost in the wilderness without water, food, direction, or hope of rescue.³

If the Border Patrol’s goal of prevention is an illusion, then the means of contemporary border policy amounts to a campaign of state violence against migrating peoples. We protest the loss of life resulting from US border-enforcement strategy, and we call for an immediate end to the policies and practices responsible for the ongoing epidemic of deaths and disappearances in the US–Mexico borderlands.

1 Ibid.

2 Jonathan T. Hiskey et al., *Understanding the Central American Refugee Crisis*, American Immigration Council, February 2016, http://immigrationpolicy.org/sites/default/files/docs/understanding_the_central_american_refugee_crisis.pdf.

3 The crime, violence, and poverty mentioned here can be directly traced to US intervention and imperialism in Central America since the 1950s. Roque Planas and Ryan Grim, “Here’s How the US Sparked a Refugee Crisis on the Border, in 8 Simple Steps,” *Huffington Post*, November 5, 2014, http://www.huffingtonpost.com/2014/07/18/refugee-crisis-border_n_5596125.html.