

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ESTADOS UNIDOS MEXICANOS, )  
)  
)  
*Plaintiff,* )  
)  
v. )  
)  
SMITH & WESSON BRANDS, INC.; )  
BARRETT FIREARMS )  
MANUFACTURING, INC.; BERETTA ) Civil Case No.: 1:21-cv-11269  
USA CORP.; GLOCK, INC.; STURM )  
RUGER & CO., INC.; WITMER PUBLIC )  
SAFETY GROUP, INC. D/B/A )  
INTERSTATE ARMS; CENTURY )  
INTERNATIONAL ARMS, INC.; COLT'S )  
MANUFACTURING CO. LLC; )  
)  
*Defendants.* )  
\_\_\_\_\_ )

**PROPOSED BRIEF OF *AMICI CURIAE* MEXICAN ACTIVISTS, SCHOLARS, AND  
VICTIMS IN SUPPORT OF PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS**

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Chelsea Parsons & Eugenio Vargas, <i>Beyond Our Borders</i> , The Center For American Progress Report (Feb. 2, 2018), <a href="https://www.americanprogress.org/article/beyond-our-borders/">https://www.americanprogress.org/article/beyond-our-borders/</a> .....	5
<i>Condena la Casa de los Pueblos el doble feminicidio en Ayutla; promete redoblar la vigilancia</i> , EL SUR ACAPULCO, Oct. 23, 2021, <a href="https://suracapulco.mx/condena-la-casa-de-los-pueblos-el-doble-feminicidio-en-ayutla-promete-redoblar-la-vigilancia/">https://suracapulco.mx/condena-la-casa-de-los-pueblos-el-doble-feminicidio-en-ayutla-promete-redoblar-la-vigilancia/</a> .....	12
D. Perez Esparza et al., <i>Why did Mexico become a violent country?</i> , 33 SECURITY JOURNAL, 179 (2020) .....	4
<i>Descubre Brigada de Busqueda Nuevas Fosas Clandestinas, Esta Vez en Navolato, Sinaloa</i> , CENTRO PRODH, Jan. 31, 2017, <a href="https://centroprodh.org.mx/sididh_2_0_alfa/?p=49199">https://centroprodh.org.mx/sididh_2_0_alfa/?p=49199</a> .....	17
<i>Desplazamiento Interno Forzado Masivo en Mexico: Cifras 2018</i> , Data from the Comité Mexicano de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH), <a href="https://cmdpdh.org/desplazamiento-interno-forzado-en-mexico-cifras-2018/">https://cmdpdh.org/desplazamiento-interno-forzado-en-mexico-cifras-2018/</a> .....	12
Devika Agrawal, <i>Combating U.S. Gun Trafficking to Mexico: A Study Conducted for the Brady Campaign to Prevent Gun Violence</i> , UNIV. OF CAL. BERKELEY (2019).....	4, 5
Emilie Hafner-Burton et al., <i>Perceptions on Mexican Democratic Institutions: A Survey of Experts and Citizens</i> (forthcoming 2021).....	15
<i>Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE) 2021</i> , EL INSTITUTO NACIONAL DE ESTADÍSTICA Y GEOGRAFÍA (INEGI) (Sept. 22, 2021), <a href="http://en.www.inegi.org.mx/app/saladeprensa/noticia.html?id=6798">http://en.www.inegi.org.mx/app/saladeprensa/noticia.html?id=6798</a> .....	6
<i>Episodios de Desplazamiento Interno Forzado Masivo en Mexico: Informe 2019</i> , Data from the Comité Mexicano de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH), <a href="https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2019/">https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2019/</a> .....	12
<i>Episodios de Desplazamiento Interno Forzado Masivo en Mexico: Informe 2020</i> , Data from the Comité Mexicano de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH), <a href="https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2020/">https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2020/</a> .....	12, 13

Eugenio Weigend & Rukmani Bhatia, *Measuring the Rise of Gun Violence Across Presidential Administrations in Mexico*, WASH. U. J.L. & POL. 203 (2019) .....4

Eugenio Weigend Vargas & Carlos Pérez Ricart, *Gun Acquisition in Mexico 2012-18: Findings from Mexico’s National Crime Victimization Survey*, 61 BRIT. J. CRIMINOLOGY, Issue 4, 1066 (2021).....14, 15

Eugenio Weigend Vargas & Carlos Pérez Ricart, *Non-fatal gunshot injuries during criminal acts in Mexico, 2013-2019*, INJURY PREVENTION (2021) .....14

Fabián Medina, *A Snapshot of Illicit Arms Trafficking in Mexico*, REVISTA MEXICANA DE POLÍTICA EXTERIOR, 11-22 (2020) .....5

Firearms Recovered in Mexico and Submitted to ATF for Tracing (Calendar Years 2015-2020), *Firearms Trace Data: Mexico - 2015-2020*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/resource-center/firearms-trace-data-mexico-2015-2020> .....4

Georgina Jiménez, *¿Mataron a más mujeres durante la pandemia? En 2020 la culpa también la tuvieron las armas?*, ANIMAL POLÍTICO, Nov. 9, 2021, <https://www.animalpolitico.com/el-foco/mataron-a-mas-mujeres-durante-la-pandemia-en-2020-la-culpa-tambien-la-tuvieron-las-armas-de-fuego/> .....12

*Gun Trafficking and Violence from the Global Network to The Local Security Challenge 95* (David Pérez Esparza et al. eds., St. Antony’s Series 2021) .....13

Indicadores, *Delitos contra niñas, niños, y adolescentes en México*, Blog de REDIM (Jan. 20, 2022), <https://blog.derechosinfancia.org.mx/2022/01/20/delitos-contra-ninas-ninos-y-adolescentes-en-mexico-3/> .....11

Intersecta, Data Cívica, Centro de Estudios Ecuménicos, Equis Justicia para las Mujeres, *Violencia de género con armas de fuego en México* (Oct. 2021).....10, 11

Lourdes Chávez, *Analizará el Concejo de Ayutla los feminicidios; casi no se registra ese delito, dice Eneida Lozano*, EL SUR ACAPULCO, Oct. 20, 2021, <https://suracapulco.mx/analizara-el-concejo-de-ayutla-los-feminicidios-casi-no-se-registra-ese-delito-dice-eneida-lozano/> .....11

María Rodríguez-Domínguez, *It Takes Two: How Immediate Bilateral Action Will Help Curb Illicit Arms Trafficking from the U.S. to Mexico*, YALE J. INT’L AFFS. (Aug. 23, 2021), <https://www.yalejournal.org/publications/it-takes-two-how-immediate-bilateral-action-will-help-curb-illicit-arms-trafficking-from-the-us-to-mexico> .....5

*Mexico Mothers Search for Mass Graves After Tip-Off*, BBC, Nov. 6, 2018, <https://www.bbc.com/news/world-latin-america-46110115>.....17

*Mexico: Over 95,000 Registered as Disappeared, Impunity ‘Almost Absolute’*,  
 UNITED NATIONS, Nov. 29, 2021,  
<https://news.un.org/en/story/2021/11/1106762>.....7

*National Agenda Towards A Human Security Agenda For Mexico: For A Security  
 That Does Not Reproduce Violence*, available at  
<https://www.lse.ac.uk/lacc/assets/documents/National-Agenda.pdf> .....16

Pedro Pardo & Jennifer Gonzalez, *Searching for Mexico’s Disappeared—a Photo  
 Essay*, THE GUARDIAN, Mar. 7, 2019,  
[https://www.theguardian.com/world/2019/mar/07/searching-mexico-  
 disappeared-photo-essay](https://www.theguardian.com/world/2019/mar/07/searching-mexico-disappeared-photo-essay) .....7

Rosendo Betancourt Radilla, *Feminicidios en Ayutla: Rosa con una estaca,  
 Nimba de escopetazo y Aliviana un balazo en la cabeza*, EL SUR ACAPULCO,  
 Nov. 15, 2021, [https://suracapulco.mx/feminicidios-en-ayutla-rosa-con-una-  
 estaca-nimba-de-escopetazo-y-aliviana-un-balazo-en-la-cabeza/](https://suracapulco.mx/feminicidios-en-ayutla-rosa-con-una-estaca-nimba-de-escopetazo-y-aliviana-un-balazo-en-la-cabeza/) .....11

U.S. GOV’T ACCOUNTABILITY OFF., GAO-21-322, *Firearms Trafficking: U.S.  
 Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from  
 Additional Data and Analysis 1 (2021)* .....5

Valeria Uribe, *On the Run at Home: Internally Displaced Persons in Mexico*,  
 MEXICO BUSINESS NEWS, June 15, 2021,  
[https://mexicobusiness.news/policyandeconomy/news/run-home-internally-  
 displaced-persons-mexico](https://mexicobusiness.news/policyandeconomy/news/run-home-internally-displaced-persons-mexico).....13

## INTEREST OF *AMICI CURIAE*<sup>1</sup>

### A. María Herrera

*Amicus curiae* María Herrera is a Human Rights activist. She is the mother of four young men who have disappeared in Mexico; all evidence points to gun violence as the cause of their disappearance and suspected murder.

### B. María Isabel Cruz Bernal

Like Ms. Herrera, Ms. Cruz is a Human Rights activist. She is the founder of non-profit Sabuesos Guerreras A.C. (Warrior Hounds) a collective of mothers, family members, and other volunteers who are looking for their missing children or other loved ones. Her son, Reyes Yosimar García Cruz, is a municipal police officer who disappeared in Sinaloa, Mexico five years ago after heavily armed men abducted him from his home.

### C. Adrian LeBarón

Mr. LeBarón has also lost family members to gun violence. Mr. LeBarón's daughter and four of his grandchildren were killed in an attack on a caravan of Mormon families in Sonora, Mexico in November 2019. The massacre took the lives of three women and six children, all of whom held dual U.S.-Mexican citizenship.

### D. Sara San Martín Romero

Sara San Martín Romero is a member of the Centro de Estudios Ecuménicos (Center of Ecumenical Studies), a civil society organization based in Mexico City. An educator and peace activist, she focuses on advocating for arms control and increased transparency regarding the

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<sup>1</sup> No party's counsel authored this brief in whole or in part. Nor did any party or party's counsel, or any other person other than *amici curiae*, their members, and their counsel, contribute money that was intended to fund preparing or submitting this brief. A full and complete list of all *amici curiae* are identified in Appendix A to this brief.

flow of illegal weapons into Mexico. Ms. San Martín Romero also serves on the Board of Directors of Control Arms, an international civil society coalition seeking to reduce human suffering caused by armed violence and more effectively regulate global arms transfers through more effective implementation of the Arms Trade Treaty. She has co-authored reports about the armed violence in Mexico, including a report on gender violence and weapons in Mexico.

**E. Paulina Vega González**

Paulina Vega González is a Mexican lawyer with a Master's Degree in International Human Rights Law. She has over 20 years of experience in the human rights field. She also assists groups of victims, known as "collectives," in searching for their loved ones who may be victims of gun violence, including the National Movement for our Disappeared in Mexico. Ms. Vega González has published numerous articles on human rights matters, particularly on victims' rights under international law.

**F. Santiago Aguirre Espinosa as Director of Centro Prodh**

Santiago Aguirre Espinosa is the Director of Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C. Human Rights Center (Centro Prodh), a non-profit civil society organization in Mexico City. Among other activities, Centro Prodh provides free legal aid and representation to victims of violence. Centro Prodh has Consultative Status to the United Nations Economic and Social Council (ECOSOC) and it is an Accredited Organization before the Organization of American States (OAS). Mr. Aguirre has spent more than 15 years advocating for human rights and gun control. In 2012, he testified at a U.S. Congressional hearing before the Tom Lantos Human Rights Commission regarding violence and human rights in Mexico.

**G. Cecilia Farfán Méndez**

Dr. Cecilia Farfán Méndez is Head of Security Research Programs at the Center for U.S.-Mexican Studies at the University of California San Diego. She is also an affiliated researcher

with the Center for Studies on Security, Intelligence, and Governance at the Instituto Tecnológico Autónomo de México (ITAM) in Mexico City. Dr. Farfán Méndez received her doctorate in political science from the University of California Santa Barbara, her master's degree in international affairs from Columbia University, and her bachelor's in international relations from ITAM.

Dr. Farfán Méndez guest lectures for the U.S. Foreign Service Institute and has consulted for the United Nations Office on Drugs and Crime, the U.S. Institute of Peace, and InSight Crime. She is a member of the Global Initiative Against Transnational Organized Crime, the Urban Violence Research Network and the strategy committee for the Journal of Illicit Economies and Development. Dr. Farfán Méndez is frequently consulted by U.S. and Mexican media on issues related to violence and security cooperation between both countries including firearms trafficking. In 2020, Dr. Farfán Méndez co-founded the Mexico Violence Resource Project, an online platform providing analysis and resources on violence and organized crime in Mexico.

#### **H. Carlos Pérez Ricart**

Dr. Carlos A. Pérez Ricart is an assistant professor in International Relations at the Center for Research and Teaching in Economics in Mexico City. He is also a member of the Mexican Truth Commission in charge of investigating human rights violations that occurred between 1965 and 1990 (COVeH). Dr. Pérez Ricart holds a PhD in Political Science from the Freie Universität Berlin and has a degree in International Relations from El Colegio de México. He teaches on subjects such as security and organized crime and arms trafficking. His research has been published in journals such as *Global Governance*, *The British Journal of Criminology*, *Kriminologisches Journal*, *Historia Mexicana*, and *Perfiles Latinoamericanos*. His most recent



publication is the book *Gun Trafficking and Violence: From the Global Network to the Local Security Challenge* (2021).

## INTRODUCTION

The unlawful trafficking of guns to criminal groups in Mexico has taken a staggering toll on Mexican lives, property, and the societal fabric of the country. It has fueled increased violence and homicides in Mexico; claimed hundreds of thousands lives; displaced tens of thousands of residents; and cost the Mexican government hundreds of billions of dollars in police and military expenditures, lost employment and wages, and lost tax revenue.

But for the influx of firearms from the United States into Mexico, a problem on this massive scale would not exist. Indeed, Mexico has some of the most restrictive gun laws in the world, and as a result, very few people in Mexico are able to obtain guns legally without undergoing a background check.<sup>2</sup> Gun possession in the country is limited to firearms with a maximum caliber of 0.38-caliber.<sup>3</sup> Instead, the United States is the primary source for guns in Mexico<sup>4</sup> and the consequent violence they create. Approximately 70% of crime-involved firearms recovered in Mexico originate from the United States,<sup>5</sup> and it is estimated that 253,000 firearms are trafficked into Mexico from the United States annually.<sup>6</sup>

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<sup>2</sup> D. Perez Esparza et al., *Why did Mexico become a violent country?*, 33 SECURITY JOURNAL, 179, 184 (2020).

<sup>3</sup> *Id.*

<sup>4</sup> Eugenio Weigend & Rukmani Bhatia, *Measuring the Rise of Gun Violence Across Presidential Administrations in Mexico*, 60 WASH. U. J.L. & POL. 203, 207 (2019) (internal citation omitted).

<sup>5</sup> Table: Firearms Recovered in Mexico and Submitted to ATF for Tracing (Calendar Years 2015-2020), *Firearms Trace Data: Mexico - 2015-2020*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES, <https://www.atf.gov/resource-center/firearms-trace-data-mexico-2015-2020> (last reviewed Nov. 16, 2021).

<sup>6</sup> Devika Agrawal, *Combating U.S. Gun Trafficking to Mexico: A Study Conducted for the Brady Campaign to Prevent Gun Violence*, UNIV. OF CAL. BERKELEY, at 3 (2019).

The results of trafficking guns from the United States into Mexico are deadly. In the past twenty years, gun-related homicides in Mexico have increased by 570%.<sup>7</sup> And in just the first half of 2020, 72% of the 17,000 homicides were committed using a gun.<sup>8</sup> These rising figures are a function of the growing access to firearms across Mexico.<sup>9</sup> Additionally, those criminal organizations most likely to engage in illicit firearms trafficking are contributing to the high level of violence: since 2006, organized crime has been responsible for over 150,000 murders in Mexico,<sup>10</sup> many of which are connected to the cartels and gangs. Furthermore, assault rifles are “the weapons of choice for Mexican drug trafficking organizations” because they can easily be modified to function as fully automatic rifles.<sup>11</sup> Additionally, they allow more accurate fire than handguns at longer ranges, they can more easily be fitted with high capacity magazines, and as semi-automatics, they facilitate rapid fire shooting.

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<sup>7</sup> *Id.* at 26.

<sup>8</sup> María Rodríguez-Domínguez, *It Takes Two: How Immediate Bilateral Action Will Help Curb Illicit Arms Trafficking from the U.S. to Mexico*, YALE J. INT’L AFFS. (Aug. 23, 2021), <https://www.yalejournal.org/publications/it-takes-two-how-immediate-bilateral-action-will-help-curb-illicit-arms-trafficking-from-the-us-to-mexico> (internal citations omitted).

<sup>9</sup> Fabián Medina, *A Snapshot of Illicit Arms Trafficking in Mexico*, REVISTA MEXICANA DE POLÍTICA EXTERIOR, 11-22, 12 (2020).

<sup>10</sup> See U.S. GOV’T ACCOUNTABILITY OFF., GAO-21-322, *Firearms Trafficking: U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis 1* (2021).

<sup>11</sup> Chelsea Parsons & Eugenio Vargas, *Beyond Our Borders*, The Center For American Progress Report (Feb. 2, 2018), <https://www.americanprogress.org/article/beyond-our-borders/>.

According to the National Information Center (CNI)<sup>12</sup>, insecurity and crime cost the country 277.6 billion pesos in 2020, or 1.85% of Mexico's gross domestic product.<sup>13</sup> In short, firearms from the United States have taken an enormous toll on human lives and have had a devastating, destabilizing effect on Mexican society.

\* \* \*

*Amici*, through their personal and professional experiences, teachings and scholarly expertise, are all too familiar with the violence and the societal and the economic harm caused by firearms illegally trafficked into Mexico. *Amici* give voice to this harm, offering different perspectives than Plaintiff, the Mexican Government. They include mothers who have lost children, by all accounts to gun violence; activists who seek to stem the tide of gun trafficking; and scholars who study the detrimental effects of illegal weapons on the Mexican economy, government, and populace. Both through their personal stories and their observations in grappling with the fundamental problem of gun violence, *Amici* relate their unique experiences and insights, demonstrating the importance of this case.

### STATEMENT OF THE CASE

Plaintiff, the Government of Mexico, has sued numerous manufacturers, distributors and designers of firearms that have unlawfully found their way into Mexico, where they are illegally marketed and sold. The detailed Complaint charges Defendants, gun manufacturers, most of

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<sup>12</sup> The National Information Center (CNI) forms part of the Executive Secretariat of the National Public Security System (SESNSP) and the Secretariat of Security and Citizen Protection (SSPC), which is in charge of preventing crimes against persons in Mexico. Public Safety databases contribute useful information for public safety policy and aid decision-making in novel ways to combat crime.

<sup>13</sup> *Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE) 2021*, EL INSTITUTO NACIONAL DE ESTADÍSTICA Y GEOGRAFÍA (INEGI) (Sept. 22, 2021), <http://en.www.inegi.org.mx/app/saladeprensa/noticia.html?id=6798> (Mex.).

them U.S. entities, with several violations of U.S. federal and state law. Defendants have filed a Motion to Dismiss, which Plaintiff has opposed. *Amici* submit this brief in support of the Plaintiff's opposition to Defendants' Motion to Dismiss.<sup>14</sup>

**I. *AMICI* HAVE SUFFERED PERSONAL LOSSES AS A RESULT OF GUN VIOLENCE**

*Amicus curiae* María Herrera has lost four sons who have disappeared. All evidence points to gun violence committed by murderous gangs as the cause of these disappearances and presumed deaths. Her story, unfortunately, is not atypical; according to the United Nations' Committee on Enforced Disappearances, there are more than 90,000 men and women that have disappeared in Mexico.<sup>15</sup> Ms. Herrera and her family established a business of selling household goods in a small western Mexican town. Part of this business involved traveling the country to buy and sell pieces of gold they found. This is what her sons Jesús Salvador (24) and Raúl (19) were doing in the state of Guerrero in August 2008 when they were abducted by a criminal organization; indications are that they were simply in the wrong place at the wrong time. Subsequently, two more brothers, Gustavo, then 27, and Luis Armando, then 25, travelled the country, searching for them.<sup>16</sup> These brothers ultimately disappeared in September 2010.

Ms. Herrera's personal loss has spurred her to become a leading Human Rights Activist, and to join forces with others in search of victims of gun violence. She is one of the founders of *Red de Enlaces Nacionales*, a group that brings together relatives of missing persons in more

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<sup>14</sup> This brief addresses the effects of gun violence on individual Mexican citizens and on Mexican society as a whole and does not address the merits of the legal issues in dispute.

<sup>15</sup> *Mexico: Over 95,000 Registered as Disappeared, Impunity 'Almost Absolute'*, UNITED NATIONS, Nov. 29, 2021, <https://news.un.org/en/story/2021/11/1106762>.

<sup>16</sup> Pedro Pardo & Jennifer Gonzalez, *Searching for Mexico's Disappeared—a Photo Essay*, THE GUARDIAN, Mar. 7, 2019, <https://www.theguardian.com/world/2019/mar/07/searching-mexico-disappeared-photo-essay>.

than twenty Mexican states. This network organizes brigades in which the relatives, friends, and those in support of the disappeared go out into the field to search for their children and other loved ones in clandestine graves, literally with their bare hands. Ms. Herrera joined her first brigade in 2016, in Veracruz, and has since become an expert, learning from forensic anthropologists how to search for hidden graves of those killed by gun violence. So far, they have organized six National Missing Persons Brigades in the states of Guerrero, Veracruz, Morelos, and Sinaloa. Ms. Herrera has participated in all of them, searching for the remains of her sons.

Ms. Herrera is not alone. *Amicus curiae* María Isabel Cruz Bernal's son, Reyes Yosimar Garcia Cruz, disappeared five years ago after several men armed with rifles and guns entered their home. The incident was witnessed by Yosimar's brother and girlfriend, who indicated that the attackers hit him and put him in handcuffs before taking him away to a still unknown location. Yosimar was a municipal police officer in the city of Culiacán in the state of Sinaloa who, along with other officers, provided assistance to a group of ambushed military officers in Culiacán in September 2016. Three months later, police officers who assisted the military group began to disappear, including Yosimar's commander and another colleague. On January 26, 2017, Yosimar went missing.

Ms. Cruz Bernal has been searching for her son ever since, but is regularly threatened by heavily armed people who try to remove her from locations where she is searching. Her experience prompted her to establish Sabuesos Guerreras A.C. (Warrior Hounds), a group of more than 650 mothers, family members, and volunteers, who search mass graves for their missing children or other loved ones.

*Amicus curiae* Adrian LeBarón, from the Mormon community Colonia LeBarón in the state of Chihuahua, lost his daughter Rhonita Miller (30) and his grandchildren Howard (12), Krystal (10), and twins Titus and Tiana (8-months) to gun violence. Rhonita was driving from her hometown of La Mora in the state of Sonora to meet her husband in Phoenix, Arizona on the morning of November 4, 2019, and was joined by extended family members Dawna Ray Langford and Christina Maria Langford, who were headed to Colonia LeBarón for a wedding. There were 14 children with them. All three adult women and six children were murdered in a pair of horrific attacks when gunmen opened fire on the three vehicles with automatic and belt-fed machine guns. Five of the eight surviving children were wounded by gunfire. All of the victims held dual U.S.-Mexican citizenship.

Mr. LeBarón believes the family caravan of women and children may have been mistaken for a drug cartel convoy of vehicles and witnesses report hearing gunfire in the area in the hours following the massacre. Following the massacre, Mr. LeBarón found bullet shells next to the vehicles and directed investigators to collect them for evidence. While the investigation is ongoing, members of the drug cartel La Linea have been arrested and are believed responsible for the massacre.

Driven by his personal loss, Mr. LeBarón has made it his life's work to see that others do not suffer the same fate as victims of gun violence. He acts to ensure that gun laws and regulations in both Mexico and the United States are strictly enforced.

## **II. DISAPPEARANCES AND MURDER OF OTHERS AS REPORTED TO *AMICI***

### **A. Reports to Centro Prodh**

*Amicus* Centro Prodh has studied the dramatic effects of gun violence on individuals in Mexico, including:

- *Disappearance of Maria Herrera's sons.*  
Both activist Maria Herrera, whose story is discussed above, and Centro Prodh, relate the dramatic disappearance of two of Ms. Herrera's four sons. Jesús Salvador Trujillo Herrera, Raúl Trujillo Herrera, and five co-workers disappeared on August 28, 2008, in the state of Guerrero, a locality with a strong organized crime presence, while collecting broken pieces of gold jewelry to melt down and resell. Leaders of the criminal group linked to the brothers' disappearances were arrested in 2009 and later in 2017 for carrying high caliber weapons. According to Centro Prodh, this criminal group operated in Veracruz, presumably using weapons sourced from the United States to commit crimes. In 2011, 444 weapons were seized from the criminal group in Veracruz.
- *Murder of Francisco Javier Barajas Piña.*  
Mr. Barajas was murdered on May 29, 2021 in Salvatierra, in the state of Guanajuato, after searching for his sister Guadalupe Barajas, who disappeared in February 2020, and whose body was later found in one of the largest clandestine graves in the state.<sup>17</sup> Three months after his sister's body was identified, and after receiving multiple threats, Mr. Barajas was shot. On July 1, 2021, two people were arrested for possession of weapons and subsequently, on July 29, 2021, linked to the murder of Mr. Barajas.

#### **B. Reports to *Amicus* Sara San Martín Romero**

The educator and activist Sara San Martín Romero is knowledgeable about the violence caused by the use of illegal arms, particularly the disproportionate toll that unlawful gun use has taken on women, children, and LGBTIQ+ communities in Mexico. She cites the following:

- The number of women murdered with firearms increased between 2007 and 2019 by 357%.<sup>18</sup>
- In 2019, nearly six of every 10 women murdered were killed with firearms.<sup>19</sup>
- Between 2017 and 2019, 56.6% of the transgender people murdered were killed with firearms and 23.4% of homosexuals murdered during the same period were killed with firearms.<sup>20</sup>

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<sup>17</sup> To this date, 80 bodies have been discovered in that grave.

<sup>18</sup> *Intersecta*, Data Cívica, Centro de Estudios Ecuménicos, Equis Justicia para las Mujeres, *Violencia de género con armas de fuego en México*, at 13 (Oct. 2021) (Mex.) (data based on 2000-2019 mortality records from the Instituto Nacional de Estadística y Geografía (INEGI)).

<sup>19</sup> *Id.* at 12.

<sup>20</sup> *Id.* at 22.

- Nationwide, 2,450 children and adolescents (0-17 years old) were victims of homicide in 2021 and of these 799 lost their lives due to a firearm.<sup>21</sup>

Ms. San Martín Romero notes that many children have lost a parent or been orphaned due to gun violence, resulting in radical changes to their economic and family situations. For example:

- Victor Yunuen Mendoza Vivas and his then 12-year-old sister lost their mother Marina Vivas when she and her friend Rosy were attacked and shot to death in Acapulco. Marina had been shot in the head and Victor was forced to identify his mother's body.<sup>22</sup>
- Rosy's 3-year-old daughter witnessed the attack and was also orphaned by this tragic event.<sup>23</sup>

Ms. San Martín Romero further notes that easy access to illegal weapons and the violence caused by arms trafficking has destabilized Mexican society. According to Ms. San Martín Romero, illegal weapons are readily available in the state of Guerrero where the violence caused by arms trafficking has destabilized Mexican society. Many of these crimes were against women and were interfamilial. Ms. San Martín Romero recounts that:

- Between 2017 and 2021, there were 845 intentional homicides of women in the state of Guerrero.<sup>24</sup>
- According to data compiled by Ms. San Martín Romero and the Centro de Estudios Ecuménicos using publicly available information, in the municipality of Ayutla de los Libres, eight of the 14 women murdered in the last three years were killed with firearms.<sup>25</sup>

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<sup>21</sup> Indicadores, *Delitos contra niñas, niños, y adolescentes en México*, Blog de REDIM (Jan. 20, 2022), <https://blog.derechosinfancia.org.mx/2022/01/20/delitos-contra-ninas-ninos-y-adolescentes-en-mexico-3/> (Mex.).

<sup>22</sup> *Intersecta*, *supra* note 19, at 50-52.

<sup>23</sup> *Id.*

<sup>24</sup> Lourdes Chávez, *Analizará el Concejo de Ayutla los feminicidios; casi no se registra ese delito, dice Eneida Lozano*, EL SUR ACAPULCO, Oct. 20, 2021, <https://suracapulco.mx/analizara-el-concejo-de-ayutla-los-feminicidios-casi-no-se-registra-ese-delito-dice-eneida-lozano/> (Mex.).

<sup>25</sup> See Rosendo Betancourt Radilla, *Feminicidios en Ayutla: Rosa con una estaca, Nimba de escopetazo y Aliviana un balazo en la cabeza*, EL SUR ACAPULCO, Nov. 15, 2021, <https://suracapulco.mx/feminicidios-en-ayutla-rosa-con-una-estaca-nimba-de-escopetazo-y-aliviana-un-balazo-en-la-cabeza/> (Mex.).



- In October 2021, Irlanda Gálvez Jiménez was allegedly shot and wounded by her partner with a 45-millimeter handgun; her two daughters Irlanda Hilario Gálvez (19) and Ester Hilario Gálvez (16) were killed in the attack.<sup>26</sup>
- The problem has only been exacerbated by the global pandemic. In 2020, for the first time, the number of women killed in Mexico inside their homes with firearms approximated the number of women killed by any other means.<sup>27</sup>

### III. PERCEPTIONS OF FIREPOWER AND DISPLACEMENT OF CITIZENS DUE TO GUN VIOLENCE

*Amicus* Dr. Farfán Méndez is an expert on the consequences of violence in Mexico. One such effect is displacement of the population, *e.g.*, people involuntarily forced to leave their homes and families. Dr. Farfán Méndez cites these examples:

- In 2018, eighty percent of internal displacement episodes were caused by violence generated by organized armed groups. In the same year, 13 incidents of displacement were caused by direct attacks on the civilian population by armed groups.<sup>28</sup>
- In 2019, 28 internal displacement incidents were reported, causing the displacement of 8,664 internally displaced people. Sixteen of the 28 incidents were caused by violent attacks towards civilians perpetrated by organized armed groups.<sup>29</sup>
- In 2020, 24 internal displacement incidents were reported, causing the displacement of 9,741 people. Fourteen of these displacement incidents were caused by violent attacks towards civilians.<sup>30</sup>

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<sup>26</sup> *Condena la Casa de los Pueblos el doble feminicidio en Ayutla; promete redoblar la vigilancia*, EL SUR ACAPULCO, Oct. 23, 2021, <https://suracapulco.mx/condena-la-casa-de-los-pueblos-el-doble-feminicidio-en-ayutla-promete-redoblar-la-vigilancia/> (Mex.).

<sup>27</sup> Georgina Jiménez, *¿Mataron a más mujeres durante la pandemia? En 2020 la culpa también la tuvieron las armas?*, ANIMAL POLÍTICO, Nov. 9, 2021, <https://www.animalpolitico.com/el-foco/mataron-a-mas-mujeres-durante-la-pandemia-en-2020-la-culpa-tambien-la-tuvieron-las-armas-de-fuego/> (Mex.) (information compiled by non-profit organization Data Cívica, using data from the Instituto Nacional de Estadística y Geografía (INEGI)).

<sup>28</sup> *Desplazamiento Interno Forzado Masivo en Mexico: Cifras 2018*, Data from the Comité Mexicano de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH), <https://cmdpdh.org/desplazamiento-interno-forzado-en-mexico-cifras-2018/> (Mex.).

<sup>29</sup> *Episodios de Desplazamiento Interno Forzado Masivo en Mexico: Informe 2019*, Data from the Comité Mexicano de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH), <https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2019/> (Mex.).

<sup>30</sup> *Episodios de Desplazamiento Interno Forzado Masivo en Mexico: Informe 2020*, Data from the Comité Mexicano de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH),

- As of the end of 2021, a documented total of 357,000 people in Mexico have been internally displaced because of violence and conflict—likely an underestimate because some of the displaced chose not to disclose their locations out of fear.<sup>31</sup>
- Indeed, “civil efforts, such as those carried out by the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), place the number of internally displaced persons in Mexico from 2005 through 2019, anywhere between 185,000 and more than 8 million people.”<sup>32</sup>

Internal displacements do not grab headlines like homicides, but they are also extremely costly and disruptive to society. Internally displaced people often leave behind housing, employment and schooling and have access to significantly lesser forms of housing, jobs, and education as a result.<sup>33</sup>

#### IV. SOCIETAL AND ECONOMIC COSTS TO GUN VIOLENCE

Dr. Carlos Pérez Ricart, a champion of human rights, has studied the effects that gun violence has wrought on the societal and economic fabric of Mexico. In a recent book that he co-authored, he described the deleterious effects on the Latin American economy created by gun violence, observing:

According to victimization surveys based on 2016 data, 36% of all Latin Americans claim to have been a victim of a crime. The damage done by such crime is costly in terms of lives and social (in)stability, but also in terms of regional welfare. For example, the latest report of the Inter-American Development Bank estimated that the annual economic cost of crime was 3.5% of gross domestic product (internal citations omitted).<sup>34</sup>

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<https://cmdpdh.org/episodios-de-desplazamiento-interno-forzado-masivo-en-mexico-informe-2020/> (Mex.).

<sup>31</sup> *Id.*

<sup>32</sup> Valeria Uribe, *On the Run at Home: Internally Displaced Persons in Mexico*, MEXICO BUSINESS NEWS, June 15, 2021, <https://mexicobusiness.news/policyandeconomy/news/run-home-internally-displaced-persons-mexico>.

<sup>33</sup> *Id.*

<sup>34</sup> *Gun Trafficking and Violence from the Global Network to The Local Security Challenge* 95 (David Pérez Esparza et al. eds., St. Antony’s Series 2021).

In a similar vein, Dr. Pérez Ricart reports that, between 2012 and 2018, gun ownership by civilians is on the rise; 1.89 Mexican households acquired a gun, some motivated by perceptions of insecurity, illegal activities surrounding their homes, or victimization and mistrust in the capacity of security agencies to protect them.<sup>35</sup> He fears that higher levels of gun ownership will only add to other forms of violence and he advocates that the Secretariat of National Defense (Secretaría de la Defensa Nacional or SEDENA) take measures such as enforcing civilians' registration of firearms and their safe storage of firearms.<sup>36</sup>

Dr. Pérez Ricart has also published on issues affecting, the victims of non-fatal gunshot wounds (NGIs) including the most vulnerable on the Mexican population, young men ages 18 to 35.<sup>37</sup>

According to his research, between 2013 and 2019, 97,551 persons were murdered with a gun in Mexico while another 150,415 suffered from a non-fatal gunshot during a crime in that time period.<sup>38</sup> In particular, Dr. Pérez Ricart has concluded:

- Nonfatal injuries often affect the victims permanently, in the form of tissue and organ damage and spinal cord injuries and this vulnerable population is likely to be attacked again.<sup>39</sup>
- Likewise, victims often experience psychological trauma such as post traumatic stress disorder;<sup>40</sup>

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<sup>35</sup> Eugenio Weigend Vargas & Carlos Pérez Ricart, *Gun Acquisition in Mexico 2012-18: Findings from Mexico's National Crime Victimization Survey*, 61 BRIT. J. CRIMINOLOGY, Issue 4, 1066, 1076 (2021) (based upon data from Mexico's National Crime Victimization Surveys or ENVIPE).

<sup>36</sup> *Id.* at 1079-80.

<sup>37</sup> Eugenio Weigend Vargas & Carlos Pérez Ricart, *Non-fatal gunshot injuries during criminal acts in Mexico, 2013-2019*, INJURY PREVENTION, at 3 (2021).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 1.

<sup>40</sup> Vargas, *supra* note 38, at 2.

- Victims of NGIs are the forgotten souls; they often find it hard to acquire and sustain employment, to establish families; and they suffer disproportionately from alcoholism and isolation;<sup>41</sup> and
- Perhaps most notably, the victims of NGIs face inflated healthcare expenses compared with the general population, creating a major public health challenge in Mexico. As Dr. Perez Ricart observes: “The average initial individual healthcare expenses reported by victims of gunshot injuries was 16,643 pesos, roughly \$853 dollars. The average initial individual healthcare expenses reported by victims of other forms of non-fatal injury (not including gunshot injuries) was 1,281 pesos, just under 66 dollars. In other words, *initial individual healthcare expenditures associated with gunshot injuries are 13 times higher than those associated with other forms of non-fatal criminal injuries.*”<sup>42</sup>

Dr. Farfán Méndez also studies the impact of gun violence on Mexican society. In one research study, Dr. Farfán Méndez and her colleagues found that Mexican citizens’ views of core societal functions such as the armed forces and the political system are undermined by the perceived strength of criminal groups and drug trafficking organizations. For example:

- Seventy percent of Mexican citizens agree that organized criminal groups or drug trafficking organizations have more and better weapons than the armed forces;<sup>43</sup>
- Fifty-seven percent of Mexican citizens agree that organized criminal groups or drug trafficking organizations can influence in local electoral processes;<sup>44</sup> and fifty-seven percent of Mexican citizens agree that organized criminal groups or drug trafficking organizations can influence federal electoral processes.<sup>45</sup>

Dr. Farfán Méndez has also studied the impact of violence on individuals and societies in four neighborhoods in Mexican cities: Acapulco (Guerrero), Apatzingán (Michoacán),

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 3 (emphasis added).

<sup>43</sup> Emilie Hafner-Burton et al., *Perceptions on Mexican Democratic Institutions: A Survey of Experts and Citizens* (forthcoming 2021).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

Guadalupe (Nuevo León) and Tijuana (Baja California).<sup>46</sup> Her two year research found that, in these four neighborhoods:

- Residents did not have the opportunity to gather peacefully;
- “The presence of illegal armed criminal actors is an obstacle to neighbours taking a leading role in the solutions and developing community initiatives;”
- Mistrust and fear of violence have caused “hopelessness, apathy and stigmatisation of certain groups considered guilty of the situation of insecurity;”
- “The residents of communities who have been exposed to high levels of violence have also internalized certain violent practices and, in some cases, use them to solve conflicts and problems in the community. . . . They try to solve personal and neighbourhood conflicts through threats.”

Testimonials from people interviewed during the study highlight the damage that the violence has caused in their lives:

- One mother and widow from Apatzingan describes the constant fear of violence: “¡Oh, yes! In our case, yes. I wake up and tell my daughter: since then, they’ve have taken away our peace and tranquility. Because you wake up with this feeling in your heart of what’s going to happen? The noise wakes you up because you can hear shooting . . . you can hear cars or a motorcycle . . . or you hear shots.”

Additionally, *amicus* Paulina Vega González has stated that on or about 2011, she began to see national activist movements started by family members of victims of violence who have disappeared and who have not been located. Other similar groups were established earlier by victims of the increasing violence in Mexico. Ms. Vega González has stated that mothers of the disappeared, while doing citizen-led searches of their loved ones, have found clandestine graves where human bodies with gun shots were buried. For example:

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<sup>46</sup> *National Agenda Towards A Human Security Agenda For Mexico: For A Security That Does Not Reproduce Violence*, available at <https://www.lse.ac.uk/lacc/assets/documents/National-Agenda.pdf>.

- During the 3rd National Searching Brigade, the relatives uncovered a clandestine grave, in Navolato, Sinaloa. Among the remains found was a skull with a gunshot.<sup>47</sup>
- At the Colinas de Santa Fe site, in Veracruz, one victims' group (Colectivo Solecito, Veracruz) found nearly 300 bodies and thousands of fragments of human remains.<sup>48</sup>

## CONCLUSION

*Amici* bring a wide variety of perspectives to this case. From the parents of missing children presumed victims of gun violence, to social scientists, scholars and activists, they bear witness to the devastating effects caused by the influx of weapons in Mexico. Unless and until the illegal flow of guns into the country is stopped or at least substantially reduced, the damage created by these deadly weapons will only increase.

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Respectfully submitted,

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<sup>47</sup> *Descubre Brigada de Busueda Nuevas Fosas Clandestinas, Esta Vez en Navolato, Sinaloa*, CENTRO PRODH, Jan. 31, 2017, [https://centroprodh.org.mx/sididh\\_2\\_0\\_alfa/?p=49199](https://centroprodh.org.mx/sididh_2_0_alfa/?p=49199) (Mex.).

<sup>48</sup> *Mexico Mothers Search for Mass Graves After Tip-Off*, BBC, Nov. 6, 2018, <https://www.bbc.com/news/world-latin-america-46110115>.

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2022, a true copy of the above document was served upon all parties by electronic filing.

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**APPENDIX A**

*Amici Curiae* Mexican Activists, Scholars, and Victims

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