Immigration is a deadly business. On 19th and 20th August 2013 the Permanent People’s Tribunal convened in Mexico City for a preliminary hearing on the themes of migration, refugees and forced displacements of Central Americans and Mexicans in transit to the United States. In the June 2013 edition of *Socialist Lawyer*, Camilo Pérez-Bustillo wrote an article detailing the background to the tribunal.

The tribunal hearing marked the three year anniversary of the massacre of 72 migrants in San Fernando, Tamaulipas in the North East of Mexico. On 22nd August 2010 an Ecuadorian migrant was able to escape from a ranch where he was being held hostage together with other immigrants primarily of Central and South American origin. He was able to report the incident to the authorities. While several members of the Zetas Cartel have been arrested in relation to the massacre, many questions remain unanswered. The Tribunal was appropriately opened with the reading of the names of the 72 migrants, several of whom to this day remain unidentified.

The tribunal heard from two family members of victims of the massacre. The first witness was Angela from Guatemala. Her husband, son, daughter, brother-in-law and the daughter of her brother-in-law were murdered in the massacre. She had seen news of the massacre on TV and suspected the worst. She testified that she had received a call from a hostage taker demanding payment. She wasn’t able to afford to make payment. Her family had emigrated for economic reasons after all. Shortly after she received several calls from the state authorities, each call advising her that they believed to have found the corpse of a family member.

The second witness was Maria Gloria from Brazil. She spoke of how her nephew had chosen to emigrate to the US as an alternative to a life of poverty, drugs and crime. Mato Grosso is a very poor region in western Brazil. Those who can, emigrate. Jean Charles de Menezes also came from that region. The news reached her family within days of the massacre however they had to wait two months before the body could be sent back to Brazil. For unknown reasons the body was erroneously sent to Honduras. When it eventually reached Brazil, Gloria and her family were advised not to open the coffin. Acting against that advice they opened it to find that there were no human remains inside.

In addition to these two family witnesses, the Tribunal heard from various expert witnesses, including a psychologist who visits immigrants in detention; General Gallardo, a retired army general who was imprisoned for suggesting reform within the army to prevent human rights violations; and Fathers Solalinde and Fray Tomas, priests who run migrant shelters and who dedicate their livelihoods to defending migrants. What was argued by all witnesses was that the massacre of migrants at San Fernando was not an isolated incident. The Tribunal also heard of clandestine communal graves in which the corpses of at least 193 migrants were discovered in April 2011 in the state of Tamaulipas.

Those who represented migrants’ rights organisations spoke of the extortion, torture, forced disappearances and deaths of migrants. It is publicly known in Mexico that the most common form of transport to the US is on the few freight trains which cross the country. So dangerous is the journey that it is referred to as the death train (*tren de la muerte*) or the steel beast (*la bestia*). On average migrants make five stops between the southern and northern border of Mexico. On each of these stops they can be expected to pay between $100 to 400 US Dollars, in a country where the minimum wage is around £2.50 per day. Failure to pay what is demanded by the gangs and corrupt officials will most likely result in being thrown off the train. Serious injury or deaths caused by train accidents are common. In order to obtain medical assistance migrants must turn to the authorities who will deport them as
soon as the necessary medical treatment has been carried out. Amputations are very common.

Within a week of the hearings the derailment of a freight train carrying around 150 migrants in the region of Tabasco was reported. The death toll is rising and it is suspected that those who survived the accident have sought to make their own way to avoid being caught by the authorities and deported. As these migrants are travelling illegally the train companies and the State denies any responsibility for them.

Those fortunate enough to not suffer train injuries run the risk of being kidnapped and tortured. The tribunal heard that approximately 20,000 migrants are disappeared per year. A Honduran mother testified that her son left for the US in January 2008 aged 17. She had initial contact from him and was then contacted by a third party demanding money. She was provided with a bank account number and contact number. She made several transfers until she was advised by phone that he was no longer there. Since then she has had no news of him. She joined the Caravan of Mothers who have marched throughout Mexico demanding that the Mexican government take action and assist in finding those migrants who have been disappeared.

It is argued by the prosecuting committee on the Tribunal that this systematic violation of migrants’ rights through action and inaction, frequently resulting in the most serious of human rights violations meets the criteria of crimes against humanity and that the State’s immigration policies amount to the use of death as a deterrent.

As well as witnesses from the States of origin, the Tribunal heard from the receptor state, the US. Representatives of Houston United, a community based organisation in southern Texas reported that while the number of migrants crossing the border had declined, most probably as a result of the economic crisis, the death toll had risen. The US authorities had reported 271 border deaths in Texas for 2012. It was stated that the real figure was mostly likely much higher.

The weight of the tribunal lay not only in the breadth of its representation but also its form. The mothers, wives and partners of families who have been separated as a result of economic hardship and immigration chose to convey their pain through a theatrical performance at the end of the first day. There are around 30 million Mexican and Central American women in such positions. Of those women and girls who try to emigrate, six out of 10 are raped, report Amnesty International.

On the same day that the Tribunal commenced, a migrant shelter in San Jose Huehuetoca was attacked. This was the third attack on a migrant shelter in five days, bringing home the dangerous reality faced by those seeking to defend migrants. Several of those speaking before the tribunal in their capacity as human rights activists had either been threatened or imprisoned for their work.

The victims and their defenders demand justice. They demand the creation of DNA databases so that migrants can be identified and legislative reform that decriminalises immigrants. They demand greater protection for migrants in transit. Crucially however they also demand an end to the economic policies that keep their countries plunged in poverty and ultimately force the poor to risk their lives striving for a more dignified life.

The prosecuting committee has until July 2014 to finalise and conclude its arguments. Further to the two day preliminary hearing, the jury was persuaded that there is a case to answer.

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