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President Enrique Peña Nieto's Administration under Pressure to Clarify 2014 Tlatlaya Massacre

by Carlos Navarro

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Human rights advocates are putting pressure on President Enrique Peña Nieto's administration to conduct a deeper investigation into the circumstances surrounding the killing of 22 people by Army personnel in June 2014. Initial accounts from the Army said soldiers had surrounded a group of drug traffickers in the community of Tlatlaya. An exchange of fire ensued, resulting in the deaths of the suspected drug traffickers but none of the soldiers were injured. The Army later acknowledged that some of the suspects were executed after they were taken into custody.

Last year, the Procuraduría General de la República (PGR) launched an investigation into the case, concluding that 14 people had died in an exchange of gunfire and another eight were killed after they surrendered ([SourceMex, Oct. 1, 2014](#), and [Nov. 19, 2014](#)). Following the investigations by the PGR and the Secretaría de la Defensa Nacional (SEDENA), seven soldiers were taken into custody.

The PGR's official report conflicted with information in a subsequent report that was not released to the public. The second report, obtained by the daily newspaper La Jornada via a freedom-of-information request, indicated that 11 of the victims were "practically executed," while five others died while in "instinctive defensive" postures.

NGO report says soldiers had orders to kill

A subsequent investigation by the human rights organization Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH) suggested that the officer and seven soldiers who were taken into custody after the incident were simply executing orders from Army officers to "destroy criminals" under the cover of darkness. The report is based on information obtained by the center in the course of providing legal representation to one of the survivors of the events in Tlatlaya.

The Army report had indicated that all those killed were suspected of being members of a drug-trafficking organization, but the PRODH report suggests some victims might have been bystanders. PRODH held a press conference in which a witness, previously known simply as Julia, reported on the activities of the Army. The witness turned out to be Clara Gómez, whose 15-year-old daughter was among the 22 people killed.

PRODH cited a document obtained by Gómez's legal team, which included information about instructions to Lt. Ezequiel Rodríguez Martínez, commander of the nearby San Antonio del Rosario operations base.

PRODH said this order to the troops to "destroy criminals" was an incitement for the soldiers to "arbitrarily deprive people of their lives" without any presumption of innocence or legal due process. "From this order result a series of instructions that, without any room for doubt, are illegal and, which is even more serious, incentivize the commission of human rights violations," PRODH said in its report.

PRODH has asked for an independent panel to review the investigation, given the discrepancies between the government version and a report produced by the semi-independent Comisión Nacional de Derechos Humanos (CNDH) on the number of victims who were executed. The PGR said only eight of the deaths resulted from executions and the rest died in a gunfight with the government. In contrast, the CNDH, using the same information obtained by La Jornada, contends that the soldiers executed 12 to 15 of the 22 victims.

The Peña Nieto administration took issue with PRODH's conclusions. Roberto Campa Cifrián, deputy secretary for human rights at the Secretaría de Gobernación (SEGOB), said there is no evidence that this instruction was a direct order to kill the victims. "Wouldn't it be better to find an actual order that Lt. Col. Sandro Díaz Rodríguez gave to Lt. Ezequiel Rodríguez Martínez?" asked the SEGOB official.

Campa Cifrián said the document with instructions for Rodríguez Martínez also contained sections that clearly specified that human rights must be protected.

"One officer and seven soldiers did not obey the orders that were received, and that is why they are facing trial, first in a military court and then in a civilian venue," said Campa Cifrián. "In the military court, they are facing charges of disobeying orders and violating military regulations. ... In the civilian court, they are accused of participating in a homicide and covering up their actions."

Even though formal charges have been filed against the military personnel alleged to have participated in the killing, the legal process is moving very slowly. On June 30, a year after the incident occurred, none of the seven soldiers had been convicted, and only one victim's family has received reparation payments from the federal government. Furthermore, authorities have not formally charged the 20 law-enforcement personnel under investigation for attempting to cover up the incident and torturing survivors.

Some observers point out that the Mexican military can no longer operate under a veil of secrecy, particularly because new transparency and freedom-of-information laws have prompted citizens to demand a more open process.

A decade or more ago, military courts would have almost exclusive jurisdiction over any violations committed by military personnel. In 2011, Mexico's high court (Suprema Corte de Justicia de la Nación, SCJN) ruled that any cases involving suspected violation of human rights must be tried in a civilian venue ([SourceMex, July 20, 2011](#)). "The events at Tlatlaya fell like a bolt of lightning on the collective consciousness of the citizens ... so that it took only a few days for the soldiers involved in the incident to be turned over to the appropriate civilian authorities," said Francisco Javier Acuña, a commissioner for the semi-independent agency that oversees the release of public documents and other government information (Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales, INAI).

However, the slow pace of the legal proceedings against the soldiers in civilian court has caused frustration even to officials at the Secretaría de Defensa Nacional (SEDENA). "The request is for the trial to start," Cienfuegos told the daily newspaper El Universal. "I think there has been enough time for this to take place and be wrapped up."

Senator calls for Army to abandon law-enforcement role

"The Mexican government cannot continue to downplay the incident and hide information, which is fostering impunity and anger among the citizens," independent center-left Sen. Alejandro Encinas wrote in a guest piece in the daily newspaper *Excélsior*.

Quoting Gen. Cienfuegos, Encinas said the armed forces will continue to take on tasks that are normally the domain of civilian law-enforcement authorities as long as the request comes from the federal government. "The statistics show the failure of this strategy, an increase in violence, and the systematic violation of human rights," said the senator. "It is time to create the conditions for the Army to return to its barracks."

The use of the military in the fight against drug traffickers in the past decade ([SourceMex, Jan. 24, 2007](#), and [Oct. 26, 2011](#)) has damaged the generally good image that the Army enjoyed with the Mexican public. "The Mexican Army can be characterized by a set of contradictions and paradoxes," Luis Rubio wrote in the daily newspaper *Reforma*. "On one hand, this is the institution that enjoys the most prestige and popular recognition in our country. On the other hand, with the possible exception of some police bodies, it is also the institution that is most criticized for violation of human rights."

Sen. Gabriela Cuevas, a member of the conservative Partido Acción Nacional (PAN), said there are many honest and hard-working police officers and soldiers, but incidents of impunity and corruption occur too frequently, including the events in Tlatlaya and the massacre of 43 students in Guerrero state in September 2014 ([SourceMex, Oct. 15, 2014](#)). News reports say that SEDENA illegally granted permits for the weapons used by drug traffickers to carry out the killings ([SourceMex, Jan. 28, 2015](#)). "If Mexico had honest personnel in all our security institutions, then our history would be different," said Cuevas.

Army secrecy called into question

Mexican federal legislators approved a fairly comprehensive transparency law in 2002 ([SourceMex, May 8, 2002](#)). An effort to further reform access to information stalled in Congress in 2013 ([SourceMex, Sep. 18, 2013](#)), but the initiative was eventually approved in 2015. The changes included a mechanism to create easier access to most documents produced by any government entity and the creation of the stronger INAI to replace the Instituto Federal de Acceso a la Información y Protección de Datos (IFAI).

Despite the reforms, some critics suggest that information that should be open remains off limits to the public and even to Congress. "Even with its responsibility to fight insecurity, SEDENA is not immune from complying with the need of citizens to know," columnist José Buendía Hegewisch wrote in *Excélsior*. "That is why it's so worrisome that a special committee created by Congress was unable to offer any conclusions because of a lack of access to information about the process that took place in the military tribunals."

"INAI was also denied access to classified information about [the military trial], which is fundamental to know the responsibilities of the chain of command and determine responsibilities for the murders," added Buendía Hegewisch.

International organizations are pushing the government to expand its investigation of the Tlatlaya incident. "Even as [members of the military] are awaiting trial, we are urging Mexican authorities to

expand their investigation to identify all of those who might have had responsibility in the alleged executions and violations of human rights that occurred on June 30, 2014," said Cécile Pouilly, UN High Commissioner for Human Rights.

"It is fundamental that all military personnel responsible, including by chain of command, be brought to justice," said Perseo Quiroz, director of Amnesty International Mexico.

Similar comments came from Jose Miguel Vivanco, Americas director for Human Rights Watch (HRW), who said, "Only once it acknowledges the magnitude of the problem, can the Mexican government begin to effectively address it."

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