

9-16-2015

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Navarro, Carlos. "Independent Commission Casts Doubt on Government Account of Student Murders in Guerrero State in 2014." (2015). <https://digitalrepository.unm.edu/sourcemex/6197>

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Independent Commission Casts Doubt on Government Account of Student Murders in Guerrero State in 2014

by Carlos Navarro

Category/Department: Mexico

Published: 2015-09-16

A report from a group of independent experts working under the auspices of the Inter-American Commission on Human Rights (IACHR) has cast doubt on a Mexican government report regarding the fate of 43 students from a teachers college (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) in Guerrero state. The government report says the criminal organization Guerreros Unidos murdered the students almost a year ago and incinerated their bodies in a local garbage dump ([SourceMex, Jan. 28, 2015](#)). An investigation from the IACHR-sanctioned Grupo Interdisciplinario de Expertos Independientes (GIEI), however, challenged the administration's version of the events, including the official conclusion that the students had been killed in Iguala and taken to the garbage dump in Cocula where their bodies were burned to ashes.

While the report did not totally discard the possibility that the students might have been killed and burned, there was no evidence at the Cocula garbage dump in Guerrero to indicate that the remains of the bodies of the students had been incinerated at the site. The GIEI based its conclusion on an investigation of the site conducted by José Torero, a renowned Peruvian expert on fire, who visited the site on July 13. Torero's report said, "The minimum amount of fire needed to cremate the bodies could not have occurred" at the dump in Cocula, not even enough to burn one body.

Furthermore, Torero also found no evidence that the amount of fuel needed for the fire was at the dump at any time, and signs indicated that only "fires of small dimensions" had occurred at the site.

Administration official defends original conclusion

The administration's response was measured. Officials did not attempt to discredit Torero's conclusion, but the government official in charge of the investigation of the students' disappearance defended the conclusions of the report. "We are sure that ... a large number were burned" at the dump, Tomás Zerón, director of the Subprocuraduría Especializada en Investigación de la Delincuencia Organizada (SEIDO), said in a radio interview. SEIDO is the organized-crime division of the Procuraduría General de la República (PGR).

However, Zerón said he could not confirm "that it was the 43, but that, yes, it was a large number" of them, since the tests by the PGR included in the case files "are convincing."

SEIDO said its conclusions are based partly on the confession of three members of Guerreros Unidos—Patricio Reyes, Jhonatan Osorio, and Agustín García—who admitted to killing the students and burning their bodies at the dump ([SourceMex, Jan. 28, 2015](#)).

"One piece of evidence" supporting the conclusions of the PGR's office is the finding by the Forensic Medicine Institute at Austria's University of Innsbruck, which "confirmed the presence of one of the students at that place," Zerón said.

However, Torero pointed out that the statements given by the suspected Guerreros Unidos members "indicate events that cannot be possible given the conditions needed for what would be the minimum amount of fire necessary to cremate 43 bodies."

Francisco Cox, a Chilean lawyer who is a spokesperson for the GIEI delegation, reinforced Torero's conclusion, pointing to inconsistencies between the declarations of the Guerreros Unidos suspects shortly after they were detained and the final report released by the government. Therefore, the GIEI said, the bodies could not have been burned at the Cocula dump.

"The revelation by the group of experts of the inconsistencies in the official theory that the students were incinerated in a dumpster highlights the need to urgently redirect investigations," said Erika Guevara-Rosas, Americas director of Amnesty International (AI).

The missing drug shipment

The GIEI team called on the Mexican government to investigate the possibility that a drug shipment was what prompted the attack on the students. The IACHR team said its investigations indicated that police in Iguala and Cocula were already targeting the 43 students prior to their disappearance and that the federal police and the Army stood by passively. The GIEI said the students may have been attacked because they took control of a bus that contained a hidden load of opium gum, used to manufacture heroin. The takeover of buses is a common form of protest by university students, and the students from Isidro Burgos had just seized five buses to protest a proposal to reduce funding for the school ([SourceMex, Oct. 15, 2014](#)). One of those buses apparently contained cargo that was important to the local drug cartels and politicians, including then Iguala mayor José Luis Abarca.

"The disappearance of the students took place in the context of an operation by state and federal police and the Army. This operation presumably had a priority to guard a drug shipment on one of the buses that the students seized," columnist Eduardo Huchim wrote in the daily newspaper *Reforma*. "That bus was later falsely reported as having been destroyed."

"For the GIEI, the fifth bus is a central focus of its investigation," syndicated columnist Sergio Sarmiento wrote in *Reforma*. "In the face of contradictions between the declarations of the bus driver and the route that the bus took, investigators suggest that the students might have seized a bus that was carrying illicit drugs or money."

Sarmiento said, however, that the GIEI has also not presented any concrete proof to back its hypothesis, particularly the possible presence of drugs or drug profits on any of the vehicles. "Furthermore, the PGR's investigation is sustained by the testimony of individuals who participated in the acts," added the columnist.

Regardless of exactly how events unfolded, the conclusions put forth by the IACHR panel contradict the information that was coming from the government, reinforcing the public's mistrust of President Enrique Peña Nieto's administration. "The GIEI's conclusions ... once again give the public the sense that it was fooled by the authorities," columnist Carlos Javier González wrote in the daily business newspaper *El Financiero*. "In the best-case scenario, the government is seen as incompetent, and in the worst-case scenario the administration was an accomplice in the disappearance of 43 Mexican citizens."

Columnist José Gil Olmos of the weekly news service Proceso pointed out that the disappearance of the missing students in Guerrero, which is commonly known as the Ayotzinapa case, is just the latest in a string of high-profile cases where the government has failed to provide full information to the public, giving the perception that authorities had something to hide. Olmos cited the murder of presidential candidate Luis Donaldo Colosio in 1994 ([SourceMex, March 30, 1994](#)), massacres in Agua Blancas in Guerrero state in 1995 ([SourceMex, Sept. 18, 1996](#)) and in Acteal in Chiapas in 1997 ([SourceMex, Jan. 14, 1998](#)), and the discovery of mass graves in Tamaulipas containing the bodies of mostly Central American immigrants ([SourceMex, Sept. 8, 2010](#), and [April 13, 2011](#)).

Olmos noted, however, that the earliest cover-up dates back to 1998, when the government failed to disclose the circumstances that led to the massacre of dozens of student and civilian protestors at the Plaza de las Tres Culturas in Tlatelolco ([SourceMex, Oct. 8, 2003](#)).

"The Ayotzinapa case is so similar to all the others," said Olmos. "But this is not because of the lack of confidence in the government. This is because the proof appears very tangible in this case of forced disappearance, in which agents of the government—police and soldiers—participated in collusion with criminal organizations."

Other analysts pointed out that the Peña Nieto administration is also facing a credibility problem with the public because of the perception that the ministry in charge of government audits (Secretaría de Función Pública, SFP) issued a whitewashed report exonerating President Peña Nieto, first lady Angélica Rivera, and Finance Secretary Luis Videgaray from charges they committed acts of corruption when they purchased properties from a public contractor who is a personal friend of the president ([SourceMex, Aug. 26, 2015](#)). "The conclusions offered by [federal auditor] Virgilio Andrade formally closed the question of presidential conflict of interest, but the matter continues to be perceived as the tip of an enormous iceberg of corruption," Huchim wrote in *Reforma*.

Peña Nieto agrees to review results of IACHR report

Given its problems of credibility, the administration appeared to take a conciliatory tone regarding the GIEI report. Other than Zerón's defense of the investigation, there was no direct challenge to the report from the IACHR panel. Shortly after the GIEI released its results to the public, Peña Nieto sent out a message on his Twitter account, indicating that he had instructed his Cabinet to look into the elements of the independent investigation.

"The administration's cooperative attitude is in stark contrast to the arrogance displayed a year ago," columnist Buendía Hegewisch wrote in the daily newspaper *Excélsior*. "At that time, Peña Nieto government's reforms had just been approved in Congress, which led the administration to underestimate the depth of the human rights crisis it was facing, the loss of its social capital, and its image overseas."

Vidulfo Rosales, an attorney for the parents of the 43 disappeared students, welcomed the administration's decision to look into the allegations presented by the GIEI but said the follow-up probe should not be conducted by Zerón and SEIDO.

"For us, it is important to know how the government is going to proceed," said Rosales. "We do not want SEIDO to be the agency that follows up on this investigation. Zerón and his collaborators were the ones who created this [discredited] theory that the bodies were burned in the garbage dump in Cocula. For us, it is important that any review look closely at the role of the investigators who were in charge of this case."

Rosales said the parents could accept for someone else in the PGR to follow through on the conclusions of the GIEI but a decision had not been made on a recommendation in the aftermath of the release of the report.

Others suggested that that the IACHR conclusions offered mixed results for Mexico. "The report has resolved some matters but also led to speculation and contradictions, including the matter of what exactly happened at the garbage dump in Cocula," columnist Jorge Fernández Menéndez wrote in *Excélsior*.

Beyond those results, Fernández Menéndez said there appears to be a sort of "amnesia" regarding the historic truth and the responsibility of other parties in the incident. The report downplays the role of former Iguala mayor Abarca and his wife María de los Ángeles Pineda and the criminal organizations Guerreros Unidos and Los Rojos in the case. Furthermore, he noted that the report has little mention of the relationship between those groups and the administration of former PRD Gov. Ángel Aguirre Rivero or the participation of leaders of the two center-left parties, the Partido de la Revolución Democrática (PRD) and Movimiento Regeneración Nacional (Morena), in the incident.

"A main factor behind [the incident] is that this region is a major center for the production of marijuana and opium gum," said Fernández Menéndez.

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