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## **Government Criticized for Continuing Lack of Answers on Disappearance of 43 Students in Guerrero in 2014**

*by Carlos Navarro*

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The federal government has received strong criticism from human rights groups abroad and at home about its inability to provide answers regarding the sequence of events that led to the disappearance of 43 students from a teachers college (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) in Guerrero state in September 2014 ([SourceMex, Oct. 15, 2014](#)). The fate of the students remains a big, unanswered question despite statements from government officials insisting that the "historic truth" is that a drug cartel kidnapped and murdered the students in Iguala and burned their bodies at a garbage dump in the nearby community of Cocula ([SourceMex, Jan. 15, 2015](#)).

The latest criticism came in the form of a stinging report from the semi-autonomous Comisión Nacional de Derechos Humanos (CNDH) in early November, which accused the Procuraduría General de la República (PGR) of failing to heed the 26 recommendations and proposals that the commission made in July to provide more transparent information on the fate of the 43 students.

Of the 26 observations and proposals, only six were addressed in any form, and the other 20 have received no action. "The commission reviewed the [responses from the government] in a timely, careful and responsible manner, and on Oct. 12 we informed the PGR that only two of these recommendations were partially addressed and another has received attention but with minimal progress," said the CNDH.

The government's failure to comply with the proposals from the human rights commission follows a critical report issued in September by an independent commission working under the auspices of the Inter-American Commission on Human Rights (IACHR), which cast doubt on a Mexican government report on the same incident ([SourceMex, Sept. 16, 2015](#)). The commission, known as the Grupo Interdisciplinario de Expertos Independientes (GIEI), later reached an agreement with President Enrique Peña Nieto's administration that committed his government to 10 actions that would add further clarity to the student disappearances.

A month later, an independent nongovernmental organization in Mexico, the Consejo Ciudadano Para la Seguridad Pública y la Justicia Penal, issued a report critical of the GIEI, accusing the IACHR-sanctioned group of trying to undermine Mexican institutions, namely the federal armed forces, without offering proof of their involvement in the massacre. The agreement with the Peña Nieto government includes new scrutiny of the role that military personnel who were in the area might have played in the massacre.

The parents of the disappeared students, who formed their own group to demand answers and justice for their loved ones, criticized the anti-crime group for trying to promote the government's version that the students were incinerated at a garbage dump in Cocula, Guerrero state, by the drug cartel Guerreros Unidos.

### *CNDH recommendations not met*

In its report, the CNDH said the two recommendations that the government has partially fulfilled include a request for international assistance to apprehend fugitives who participated in the massacre. A related recommendation is to obtain assistance from foreign experts to determine the operations and financial structure of Guerreros Unidos and Los Rojos, the two criminal organizations thought to have played a direct or indirect role in the murder of the students.

Among the recommendations that the PGR had not fulfilled were requests to obtain data on the cellular telephones used by the students, conduct genetic testing on the clothes found near the buses that had carried the students (and which were subsequently burned), and find people who were in the area of the events and might have witnessed the crime. Another request asked authorities to conduct an exhaustive search in the nearby regions of Cerro Viejo y Cerro de la Parota. Members of Guerreros Unidos and Los Rojos who were arrested indicated that the students might have been buried in those two locations.

Three recommendations that have only partially been met involve declarations from local, state, and federal law-enforcement officials and members of the military who were stationed in Cocula and Iguala. The CNDH asked the PGR for a more thorough review. For example, Recommendation Number 9 asks the PGR to request information from the Secretaría de la Defensa Nacional (SEDENA) on whether any of the disappeared had served in the armed forces. Another request asks for testimony from the Navy divers who participated in the search in the Rio San Juan, a site where remains might have been discarded.

In its report, the CNDH also complained that the government had decided not to resume the search for the remains of the students after suspending it earlier in the year. "The PGR itself confirmed that the search was stopped in February," said José Trinidad Larrieta, the head of the CNDH's special commission on the Ayotzinapa massacre.

In response to the CNDH report, the PGR said it had already conducted a more thorough investigation but had not put the results on paper. The prosecutors' office promised to give a more thorough report to the human rights commission.

### *PGR's human rights unit to oversee new investigation*

The Mexican government also responded to the GIEI's September report by committing to a set of actions during a meeting with officials of the IACHR-sanctioned group in mid-October. Among other things, the Peña Nieto administration committed to release the complete results of an investigation conducted by the PGR's organized-crime unit (Subprocuraduría Especializada en Investigación de Delincuencia Organizada, SEIDO) on the incident, conduct a new investigation at the garbage dump in Cocula, reopen the investigation with an entirely new team, and integrate the results of the GIEI study into any new report.

A key compromise by the PGR was to transfer the follow-up investigation of the case from SEIDO to its human rights unit (Subprocuraduría de Derechos Humanos). "This will allow us to look at the case with a new set of eyes, with people who will take a new perspective regarding what has been discovered," said Angela Buitrago, a Colombian attorney who is a member of the GIEI.

Eber Omar Betanzos, deputy attorney general for human rights, confirmed that reopening the case would include interrogations of military personnel who were in the area.

Buitrago said the GIEI would like to be present in any questioning of witnesses from the military who might have knowledge about the case. "We would like to participate in the process, which we consider important," said the Colombian lawyer. "We know that several members of the Army battalion [stationed near Iguala] were present at the site."

PGR officials said they had no objection to the presence of the IACHR personnel in the interrogations but noted that prosecutors from the Ministerio Público would have to give their approval. However, the GIEI members would not be allowed to interrogate the members of the military directly, said officials for the PGR's human rights unit.

The GIEI's insistence on the scrutiny of the military brought criticism from the anti-crime group Consejo Ciudadano Para la Seguridad Pública y la Justicia Penal, which said many of the actual perpetrators were already in government custody.

"The revelations from the members of the criminal groups and the leaders of Guerreros Unidos who have been detained suggest that the students were mistaken for members of the rival gang Los Rojos and were massacred because of that," said the group's president José Antonio Ortega.

The group also accused the GIEI, specifically Buitrago and Guatemalan attorney Claudia Paz y Paz, of pushing an "ideological agenda and a pro-terrorist policy" designed to support the Guerrero-based guerrilla group Ejército Revolucionario del Pueblo Insurgente (ERPI). "[The ERPI] has always controlled and will continue to control Ayotzinapa," said Ortega, in reference to allegations that the ERPI had a strong influence at the Isidro Burgos School.

The committee formed by the parents of the 43 disappeared students rejected the charges from the anti-crime group. "We cannot allow the work of the IACHR to be soiled by the charges against the GIEI," said Felipe de la Cruz, a spokesperson for the parents' committee.

A lot of the venom has been directed at Paz y Paz, who was the first woman to serve as attorney general in Guatemala, presiding over many cases involving the protection of human rights. "They're trying to say that the GIEI members are not trustworthy," said de la Cruz. "To us, it is the members of the [anti-crime] group who are not trustworthy."

-- End --