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IACHR Experts to Discontinue Investigations on Disappeared Students in Guerrero

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The Inter-American Commission on Human Rights (IACHR) has decided to withdraw the special committee that had been investigating the disappearance and likely murder of 43 students from a teachers college (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) in Guerrero state (SourceMex, Oct. 15, 2014). The Organization of American States (OAS) had dispatched the Grupo Interdisciplinario de Expertos Independientes (GIEI) to Mexico to investigate all aspects of the case, but the GIEI came up with few answers, partly because of what it perceived as lack of cooperation by the Mexican government.

In a press conference, IACHR commissioner James Cavallaro announced that the five-member GIEI would leave Mexico at the end of April, shortly after it delivers its second report on the Ayotzinapa case.

Cavallaro expressed regret over the decision of President Enrique Peña Nieto’s administration to end its collaboration with the group, despite the specific request from the families of the students that the OAS-sponsored group of experts continue its investigative work in Mexico.

Conflicting versions

The GIEI is composed of four jurists and one medical expert from Latin America and Spain. They are psychologist Carlos Martín Beristain of Spain, attorney Alejandra María Buitrago Garzón from Colombia, attorney Francisco Cox from Chile, Judge Claudia Paz y Paz from Guatemala, and attorney Alejandro Valencia from Colombia. In previous formal and informal reports, the GIEI has offered conclusions that conflicted with the Peña Nieto government’s version of events.

According to the government’s account of the events, which it called the “historic truth,” police in the city of Iguala attacked the students after they commandeered buses that they planned to use to travel to Mexico City for a protest in October 2014. Three students and three other individuals were killed in the incident, and 43 other students were abducted that night.

The official version of events is that the criminal organization Guerreros Unidos murdered the students and cremated the remains at the dump in Cocula in an enormous fire that burned for hours. The government and the GIEI have offered conflicting information on whether a large fire was set at the Cocula dump to incinerate the bodies (SourceMex, Sept. 16, 2015, Nov. 18, 2015, and Dec. 16, 2015).

There have also been conflicting reports on whether federal police and the Army participated in the attack and abduction of the students. The government denies that any federal forces participated directly in the events. However, a recent report from the semi-independent Comisión Nacional de los Derechos Humanos (CNDH) cites witness testimony implicating federal law enforcement officers.
“Today we share information that would allow us to assume the participation of members of Huitzuco (municipal police) and elements of the Policía Federal in the events,” CNDH chair Luis Raúl González Pérez told a press conference in the capital in April.

The relatives of the missing students refuse to accept the official version of events and have staged numerous protests to demand action. They have demanded that the government allow the GIEI to continue its investigative work in Mexico.

Some observers pointed out that the departure of the GIEI leaves the case where it was nearly two years ago, with few answers. “A year, seven months and three weeks has transpired, and we are where we started in the case of the 43 students of the teachers college from Ayotzinapa,” columnist Francisco Garfias wrote in the daily newspaper Excélsior. “We still don’t know exactly what happened.”

Even though the GIEI is leaving, Cavallaro promised that the IACHR would continue to monitor the government’s investigation very closely. Human rights groups in Mexico said they were confident that the IACHR would continue an active role in the investigation even with the departure of the GIEI. “The commission will continue to exercise its monitoring faculties,” Mario Patrón, director of the Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH), said in a television interview.

**Government wanted experts to leave**

According to Patrón, Peña Nieto’s administration does not believe extending the mandate for the GIEI to provide technical assistance is in its best interest. “What we have seen in the past several months... is that this administration is uncomfortable with the presence of an international entity that is exercising a supervisory role.”

Speaking to reporters, Roberto Campa Cifrián, the deputy interior secretary, said it was time for the investigators to leave. “The moment has arrived, after a little more than a year, for this group to present its final conclusions and recommendations. Now, the government has the task of analyzing and evaluating the recommendations and implementing them in the appropriate areas.”

Some political observers agreed, arguing that the investigators had accomplished little. “The GIEI has lobbied the government, supported the victims and the social and political organizations, but has not produced a substantive investigation,” columnist Jorge Fernández Menéndez wrote in Excélsior.

Others said they expected the final GIEI report, scheduled for release on April 24, to reaffirm some of the conclusions of a 2015 report. “Even though the GIEI is not a formal authority, its contribution to reorient the investigation should be a determining factor, beyond rubber-stamping the report from the Procuraduría General de la República” (Attorney General’s Office, PGR), columnist Magdalena Gómez wrote in the daily newspaper La Jornada.

According to Gómez, the investigation has already identified some of the parties responsible for the disappearance of the students, including former Iguala mayor José Luis Abarca and the municipal police, as well as criminal organizations. The federal government says former Guerrero Gov. Ángel Aguirre Rivero is also complicit because he allowed the conditions that led to the abduction of the students. The participation of federal forces in the incident remains an open question.
The PGR, meantime, recently released the second segment of the public version of the case file relating to the students’ disappearance, consisting of 48,583 pages divided into 69 sections and 14 appendices. “Its preparation took about two months, with slightly more than 30 public servants participating,” the PGR said in a statement.

The first part of the case file was released in October 2015 and has around 54,000 pages in 85 sections and 13 appendices. Part of the case file has been classified “to guarantee the right to privacy, the presumption of innocence and the due process [rights] of victims, witnesses and those presumed responsible,” the PGR said.

**CNDH to take larger role**

The CNDH is expected to take on an increased role as the independent investigative body looking into the case. The commission is demanding that the government acknowledge the testimony of a witness who indicated that federal forces participated in the killings and abductions.

“The new line of investigation relies on testimony from an individual who witnessed the events,” columnist José Cárdenas wrote in Excélsior. “The testimony coincides with the statements of a bus driver and other elements of proof presented in the [CNDH] report.”

The CNDH report offers 17 observations and proposals. In addition to demanding that the government investigate the federal participation in the events in Iguala, the commission asks for clarification of the hypothesis that the students might have been taken via a different route than the one outlined by the government. The report asks for the recovery of a video housed in the law-enforcement headquarters in Iguala. The video reportedly contains images from the Puente del Chipote, where the first aggression against the students presumably occurred.

As expected, some members of the opposition have demanded that the government allow the GIEI to continue its work in Mexico. “They must be allowed to stay and continue their work because their presence favors the promotion of credibility and allows us to avoid impunity,” said Sen. Miguel Barbosa Huerta, floor leader for the center-left Partido de la Revolución Democrática (PRD) in the upper house.

“Perhaps some agencies in the government might feel uncomfortable with the [GIEI] presence, but for important sectors of society, their presence gives us confidence,” he said.

Opinions were divided among the legislative leaders of the conservative Partido Acción Nacional (PAN). Deputy Marko Cortés, floor leader for the PAN in the lower house, said the government should allow the group of experts to stay, “especially if its conclusions do not coincide with those of the PGR.”

However, PAN Sen. Roberto Gil Zuarth, who serves as president of the Senate, said the GIEI must turn its conclusions to the government and accept that its mission is now concluded.

“It would be good and necessary for the country to hear the conclusions of the Grupo Interdisciplinario de Expertos Independientes... and to learn what were its principal conclusions,” Gil Zuarth said.