Torture Remains a Significant Human Rights Problem in Mexico

Carlos Navarro
Torture Remains a Significant Human Rights Problem in Mexico

by Carlos Navarro
Category/Department: Mexico
Published: 2016-04-27

The Inter-American Commission on Human Rights (IACHR) issued a report in March confirming what many in Mexico and around the world already know—that impunity and the systematic violation of human rights has continued during the first four years of President Enrique Peña Nieto’s administration. The IACHR report was presented before a video surfaced on social media in April showing two military personnel and one federal police officer—two men and one woman—severely mistreating a detainee in the town of Ajuchitlán del Progreso in Guerrero state.

Graphic video goes viral

The footage of the video is very graphic. The three members of the security force are seen restraining a woman on the floor, placing a plastic bag over her head and pulling her hair. Later, they are shown placing a larger bag on her head and choking her for 20 seconds as she cries and thrashes about on the ground.

After an investigation, authorities confirmed that the four-minute video is authentic, but also argued that the incident was an isolated case and not the norm for the Mexican armed forces and police. Enrique Galindo, commissioner of the Policía Federal, said torture is not part of the repertoire employed by federal law-enforcement authorities.

“Here is an opportunity to reject these regrettable events in which federal police officers participated in a forbidden act,” said Galindo. “This is not the manner in which the Policía Federal should conduct its work.”

At that time, Galindo said all the perpetrators had been suspended pending further investigation. “The correct decisions were made, and we agree with the suspensions, not only of the police officer, but of the two others who participated in the incident,” Galindo said in an interview with the daily newspaper Milenio. “The investigation will continue.”

Authorities later determined that two other federal police participated in the act of torture, and all five individuals are in custody in a federal or a military prison.

The victim in the video was as Elvira Santibáñez Margarito, a suspected member of the criminal organization La Familia Michoacana, which operates in central and western Mexico. Santibáñez Margarito was detained with two other suspected members of the cartel, José Villalobos Díaz and Juan Hernández Villa. According to authorities, the incident depicted in the video occurred in February 2015. The incident might have been swept under the rug had the video not surfaced on social media.

Law enforcement officials found an arsenal of high-caliber weapons in the possession of Santibáñez Margarito, Villalobos Díaz, and Hernández Villa.
Authorities issue apology

The incident also prompted official action, including public apologies by Renato Sales, the national security commissioner. “Without doubt, it is appropriate to ask public forgiveness for these actions,” said Sales, who promised that impunity would not prevail because the acts of torture were “offensive to the citizenry.”

According to Sales, it is not sufficient to establish the sanctions and reject these types of violations, but also to make changes to ensure that they do not occur again. To that end, Sales said the Policía Federal would launch a comprehensive training program to sensitize the more than 40,000 members of the federal police force to the need to respect the individual rights of suspects.

A public apology also came from Salvador Cienfuegos, head of the defense ministry (Secretaría de la Defensa Nacional, SEDENA). “Our behavior must be irreproachable, not only because this is what our commander in chief, President Enrique Peña Nieto has instructed, but also because we have an ethical and moral obligation... to act in a correct manner,” he said.

The SEDENA apology, however, came only after the ministry was criticized for the statement it made shortly after the torture video came to light. At that time, SEDENA, the Comisión Nacional de Seguridad (CNS), and the attorney general’s office issued a brief statement suggesting that the act of torture was simply a case of “disobedience” of rules.

For José Reveles, who has written several books on national security in Mexico, the apology from the defense secretary is unprecedented. In an interview with host Ricardo Rocha on Radio Fórmula, Reveles said these types of violations on the part of the government have traditionally not been acknowledged in public. “We are talking about a person who is alleged to have committed a crime and who is accused of a weapons violation. She is mistreated in an absurd manner, an act that was eventually exposed [on social media],” said Reveles, whose books on the drug trade include Narcoméxico, El Chapo: entrega y traición, and Levantones, Narcofosas y Falsos Positivos.

But Reveles said the gesture fell short of what Mexican society is demanding. “I wish authorities would extend this official apology to all the victims of mistreatment on the part of authorities, the armed forces, police and others,” Reveles said.

Reveles said the appearance of the video on social media forced the hand of authorities who probably would have wanted to keep the incident hidden from the public. “Now a video provides evidence of what is occurring, contradicting the official versions that the government has presented,” Reveles said.

These same authorities, he said, have tried to discredit complaints from Juan Méndez, the UN’s special rapporteur on torture. “In the past, the government has gone as far as to deny access to Juan Méndez to cases in Mexico simply because he presented a report addressing torture in Mexico as a common practice.”

Mario Patrón, director del Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH), came to the same conclusions as Reveles in the same radio program. He pointed to a myriad of cases where torture has been documented, including the Tlatlaya massacre in 2014, where Army personnel executed 22 people (SourceMex, July 8, 2015).
“The [recent] video shows a military official engaging in various forms of torture, including asphyxiation, electric shocks, waterboarding,” said Patrón. “One has to wonder where military personnel learn these methods of torture.”

Patrón disputed SEDENA’s argument that this was an isolated incident, saying that SEDENA’s own statistics contradict this perception. In 2011, Mexico’s high court (Suprema Corte de Justicia de la Nación, SCJN) ruled that civilian courts must have jurisdiction in trials of military personnel charged with torture, extra-judicial killings, and other serious human rights violations (SourceMex, July 20, 2011, and Aug. 15, 2012). Since then, the defense ministry has put 273 members of the military at the disposal of civilian courts, with the charges ranging from torture, forced disappearances, and homicide, Patrón said.

Anti-crime advocate Isabel Miranda de Wallace agreed that the violations on the part of the federal police and the military cannot be condoned and should be punished. However, she also cautioned against turning Santibáñez Margarito into a martyr, since she also engaged in heinous acts against her adversaries and other victims, including the use of torture. “Let us not lose sight of who this woman was,” she said. “Yes, those who committed these acts against her must be punished severely, but this does not mean she is innocent of what she has done. She had done a lot of bad things.”

Statistics show problem worsening

The use of torture became widespread during former President Felipe Calderón’s war on drugs, launched in 2006 (SourceMex, Jan. 24, 2007), and the practice has continued despite Peña Nieto’s promise of a new approach on crime. At that time, analysts already expressed concern that the president’s plan did not address impunity and corruption (SourceMex, Dec. 19, 2012).

Recent reports from the IACHR and Amnesty International (AI) confirm that the impunity has not improved—and in fact, has worsened—during the Peña Nieto administration.

“Mexico has experienced a serious crisis of violence and insecurity for several years,” said the 236-page IACHR report, which noted that the “serious situations of violence have increased to alarming levels.”

The IACHR report pointed out that the violence has resulted in 100,000 deaths, thousands of disappearances, and numerous displacements around the country over the past 10 years.

“This situation has created more violence as well as serious violations of human rights, in which we observe a lack of accountability in relation to international standards,” said the IACHR report.

AI also presented statistics regarding the continuation and expansion of human rights violations in Mexico, noting that complaints of torture in Mexico more than doubled between 2013 and 2014, climbing from 1,165 to 2,403.

“Laws against torture exist in Mexico; it’s just that few pay any attention to them, and torturers get away with it,” AI said in its website, pointing out that a new legislative initiative has been introduced to address the situation. “If the government’s latest bill on torture—currently being drafted—is to change that, torturers must finally be punished. Otherwise, it will be just another paper promise for the thousands of people who suffer torture in Mexico.”

A third report, the US State Department’s annual review on human rights around the world, also took Mexico to task. According to the US report, the most significant problems in Mexico
include police and military involvement in serious abuses, such as unlawful killings, torture, and disappearances.

**Federal government’s role remains in question in Ayotzinapa**

For some, the government’s recent decision to block an IACHR-sanctioned investigation into the disappearance and likely murder of 43 students from a teachers college (Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos) in Guerrero state might be part of an effort to cover up the involvement of federal forces in the incident (SourceMex, April 20, 2016). According to the version presented by the government, 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 (SourceMex, Oct. 15, 2014).

Patrón said he has no doubt that there is an attempt on the part of the Peña Nieto government to cover up the participation of “other institutions and authorities at the federal level” in the incident. According to Patrón, authorities based their conclusion—that the bodies of the 43 students were burned in the Cocula garbage dump—on testimony that was obtained through the use of torture.

The IACHR experts, known as the Grupo Interdisciplinario de Expertos Independientes (GIEI), issued its second and final report on April 25, confirming that the group could not continue its investigation in the face of numerous obstacles presented by the Peña Nieto government.

AI, for its part, called for an impartial investigation into the case of the disappeared students. “This must include a trial by civilian courts of the members of the armed forces implicated in the violation of human rights, including any military officer or other person with responsibility in the chain of command,” said Perseo Quiroz Rendón, executive director of Amnistía Internacional México. He cited the need for complete cooperation by the Mexican military to resolve the case.

-- End --