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Carlos Navarro

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OAS Human Rights Commission to Resume Probe of Disappearance of Students in Guerrero

by Carlos Navarro
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Bowing to public pressure, President Enrique Peña Nieto’s administration agreed to allow the Inter-American Commission on Human Rights (IACHR) to resume its investigation into the disappearance and likely murder of 43 students from a teachers college, the Escuela Normal Rural de Ayotzinapa Raúl Isidro Burgos, in Guerrero state in September 2014 (SourceMex, Oct. 15, 2014). The administration had come under severe criticism for creating difficulties for the group of IACHR experts known as the Grupo Interdisciplinario de Expertos Independientes (GIEI) to conduct their probe (SourceMex, Sept. 16, 2015, Nov. 18, 2015, and Dec. 16, 2015). The IACHR withdrew its experts from Mexico in April when the Mexican government did not renew their mandate (SourceMex, April 20, 2016).

In the midst of growing discontent with the Peña Nieto government and the governing Partido Revolucionario Institucional (PRI), a trend evident in the June 2016 elections (SourceMex, June 15, 2016), the administration reversed its course and decided to invite the IACHR to monitor the investigations on the disappearance of the students, albeit in a more limited basis. The Peña Nieto government and the IACHR agreed that the commission would name two technical advisers who would continue investigations and work with the Mexican government to review developments on its own probe. This means that the original GIEI team, which was composed of five legal and human rights experts from around Latin America, will not be returning.

Negotiations lead to compromise
The decision to allow the IACHR to return to Mexico was the result of an agreement negotiated in Washington by the Organization of American States (OAS), the Mexican government, and the relatives of the disappeared students.

According to IACHR President James Cavallaro, the preferred option for the commission was for the Mexican government to allow the GIEI to return, an option that the Peña Nieto government rejected. “The only way [the IACHR] could return to Mexico was with the support of the Mexican government,” Cavallaro said. “And the Mexican government on many occasions said it did not want the GIEI to play a role in the investigation.”

Even with the absence of the GIEI judicial experts, the IACHR emphasized that the investigation would proceed under strict supervision. According to Cavallaro, the commission has asked the Peña Nieto administration “to redouble its efforts” and to implement all necessary measures to determine the location or destination of the disappeared students.

“The commission has taken note that the reports produced by the GIEI have suggested that the government had not taken all the necessary steps related to the case, including the investigation of reports that a fifth bus was present at the location of the incident,” said the IACHR, referring to the original government reports that suggested that corrupt local police officers ambushed four buses carrying the students and turned them over to the drug-trafficking organization Guerrero Unidos.
The official government report suggested that the police, who were corrupted by Guerreros Unidos, mistook the students for members a rival drug gang known as Los Rojos.

A GIEI report, however, disputes the police motivation, suggesting that the presence of a fifth bus might have been the catalyst that prompted its action. Experts speculate that corrupt police attacked the convoy of students traveling from a demonstration in Iguala in order to recover heroin or money that Guerrero Unidos had stashed inside a mysterious “fifth bus.” It was the practice of students to negotiate with local bus owners to transport them to demonstrations. The students had apparently secured at least four buses, and possibly a fifth bus, to bring them to and from the demonstration in Iguala.

According to the GIEI, there were no indications that anyone, not even Guerreros Unidos, was concerned about the presence of the Isidro Burgos students in Iguala for the demonstration. However, the police and the drug cartels became concerned when students sought to leave the city, presumably with the fifth bus containing the illicit cargo.

While the other buses were attacked and burned, the “fifth bus” disappeared from the scene without explanation, the GIEI investigation concluded.

**GIEI conclusions remain important**

Even though the GIEI will no longer have a direct role in the investigations, Cavallaro said the government had agreed to follow a set of recommendations issued by the experts before they left the country. Cavallaro and other IACHR officials will take on an oversight role to ensure that the recommendations are followed. A key recommendation made by the GIEI was that the government continue its search for the whereabouts of the disappeared students or their remains.

According to Cavallaro, he will press for access to documents containing the interviews with members of the 27th Battalion, who were stationed in Guerrero and were suspected of having played some role in the disappearance and possible massacre of the students.

“We hope to have access to all sources of information, whether they be actual human beings, physical installations or documents,” Cavallaro told reporters. “We want to know exactly what has been investigated and how these investigations have proceeded.”

The return of the IACHR to the case creates a sense of optimism for the relatives of the victims. According to Felipe de la Cruz, a spokesperson for the parents of the 43 students, the agreements signed in Washington with the Peña Nieto government and the IACHR allows investigators wide latitude in the case. He also confirmed that the reports that the conclusions reached by the GIEI in two reports will be part of the ongoing investigations.

“Because of the international monitoring, the possibilities are open for the truth to come out,” de la Cruz said.

Cavallaro made it clear that the IACHR was prepared to bring the case to the Inter-American Court of Human Rights (also known as IACHR) if the Mexican government did not cooperate with the commission. “That is an action of last resort,” Cavallaro said. “We are counting on an attitude of good faith [from the Mexican government].”

Cavallaro said the IACHR is hoping to resume its work on the case sometime in August, although he was unable to offer an exact date.
As part of the accord, the Mexican government agreed to provide funds to the IACHR to cover all costs associated with the monitoring process.

**IACHR president to lead probe**

Cavallaro, who is a US citizen, and another IACHR commissioner would take on the task of monitoring the Mexican investigation. A key difference is that new IACHR investigative unit will have no finite term, as opposed to the GIEI, which was given a one-year mandate. Cavallaro and the other IACHR officials assigned to the case will hold consultations with the Mexican government at least three times per year to review progress on the case. During that time, they will receive access to any documents that have been produced as a result of the investigation. They will have the option of holding a press conference at the end of each visit to inform the public of any advances in the case.

The case of the disappeared students has gained international attention, particularly in the US, Europe, and some countries in Latin America. Several photographs taken by Mexican photographer Emmanuel Guillén Lozano about the case were displayed at the Art Works Projects gallery in Chicago this summer in an exhibition entitled “43: Secuelas de una desaparición (43: The Aftermath of a Disappearance).” Guillén Lozano, who works independently, followed and photographed the parents of the students over the past two years as they searched for their children’s remains.

Guillén Lozano said his photos underscored the magnitude of the case. “The exhibit demonstrates the human cost of corruption, the human cost of impunity,” he said in an interview with the Spanish news service EFE.

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