

Mexico after Ayotzinapa: A Conversation with the International Investigatory Group

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1964 as an interdisciplinary center for studies in the social sciences. Many of its most notable researchers have also taught concurrently at the Universidad Nacional de San Marcos. For example, the late Carlos Iván Degregori, who taught anthropology at the Universidad Nacional de San Marcos while participating on the IEP's research team, was a member and lead author of the report issued by the Comisión de Verdad y Reconciliación, the Peruvian truth commission. IEP researchers concentrate on three key thematic areas: democracy, governability, and decentralization; poverty and inequality; culture and diversity. To give an idea of what IEP members are working on, I will point to just three topics: a study of ethnohistorical sources to comprehend the development of a syncretic culture in the colonial Andes (a return to the original pioneering research by IEP scholar María Rostworowski); research into state-sponsored extractive industries in Peruvian Amazonia; and an evaluation of communal decision making and negotiation with the private sector in localities in Peru.

There is also a rich tradition in Lima of nonacademic research, most notably in the areas of human rights and collaborative filmmaking, and we are hoping to plan activities with some of these organizations at LASA2017. I will take these up in my next column. ■

The disappearance of 43 students from Ayotzinapa, Mexico, in September 2014 grabbed worldwide attention. During its 2016 Congress in New York at the end of May, LASA held a presidential session featuring three members of the Interdisciplinary Group of Independent Experts (Grupo Interdisciplinario de Expertos Independientes, or GIEI), appointed by the Inter-American Commission on Human Rights to investigate the Ayotzinapa case. Chaired by Elizabeth Oglesby (a professor of Latin American studies at the University of Arizona), the panel included opening remarks by Kate Doyle, Senior Analyst at the National Security Archive, and discussion with GIEI members Carlos Martín Beristain, Francisco Cox, and Claudia Paz y Paz Bailey. The fate of the 43 students remains unknown, but the GIEI's work, which concluded in April, lays bare the nature of impunity in Mexico and provides a road map for what can be done. The Ayotzinapa investigation is an important precedent for human rights struggles across Latin America.

For background on the GIEI and to download the results of its investigation: <http://prensagieiyotzi.wix.com/giei-ayotzinapa>. For a full transcript of the LASA session in English or Spanish, write to eoglesby@email.arizona.edu.

Kate Doyle: Impunity has many dimensions in Mexico; it is multifaceted, like a crystal held up to the light. It can be abrupt and brutal: the murder of a journalist who gets too close to the truth. It can be furtive, a quiet campaign designed to undermine the public's faith. It can be calculating, like the electric shocks applied to the soles of a detainee's feet in order to produce what will later be called a confession. It can be true incompetence—police leaving footprints in the victim's blood, evidence

lost, files misplaced. Or it can be pretend incompetence—police leaving footprints in the victim's blood, evidence lost, files misplaced. Impunity can be silence before the families of a disappeared. It can be a stonewalling, a cover-up. It can simply be “No,” a very firm no, an official no.

The experience of the experts in this case has implications that are both encouraging and troubling. On the one hand it signifies that “yes, we can”—we can create a mechanism of international cooperation that investigates even the most sensitive human rights cases to produce powerful results. But, on the other hand, the reaction of Mexico was deeply disturbing. It became clear that the Mexican government would only go so far in the Ayotzinapa case. There was a limit to Mexico's willingness to support a true investigation. When the Group approached that limit, it was terminated.

It can be said that the Mexican authorities have a genius for impunity; they hold PhDs in the art of obstruction. The government learned its lesson long ago that it could mount a simulation of justice, human rights, transparency, and international cooperation, and most of the time that would satisfy its critics. To paraphrase Nietzsche: The Group stared into the face of impunity. And impunity stared back.

Carlos Martín Beristain: The GIEI's work had three components: the criminal investigation; the search for the disappeared; and attention to the victims. These three things have to go together so that the investigation is not seen separately from working with the victims or continuing the search. In the end, the families are most interested in the search.

In our first report in September 2015, we tried to clarify the facts. The attack

was far more complex than just against the 43 students; it was an operation that lasted five hours and had 180 victims, including the 43 disappeared students and six assassinations. All of that occurred in ten different crime scenes. This gives you a sense of how vast the operational coordination was.

We were able to disprove many of the government's allegations. The students were not infiltrated by the "Los Rojos" cartel. It can't all be blamed on the municipal police from Iguala and Cocula. The area was saturated with governmental authorities: the state police was there, and the federal police had set up a roadblock at the time of the disappearance of the students. Military authorities were transmitting intelligence information at the various spots where dozens of people were being detained. All this gives you a sense of wider responsibilities.

We showed the contradictions of the official story. For example, we commissioned a study by a fire expert that demonstrated the scientific impossibility that the students had been incinerated in the Colcula garbage dump, as the government claimed.

When we interviewed the students, we discovered the existence of a fifth bus that didn't appear in the official case file. Our hypothesis is that the students had taken over buses in order to go to a protest march. This was something they routinely did, but that time they mistakenly took one that had heroin or money. We found cases of heroin trafficking between Iguala and Chicago, using passenger buses that were altered to hide drugs. That is our main hypothesis of why the attack occurred. In addition, there are elements that may have aggravated the violence against the students: the fact that even before the

attack they were stigmatized as being students in that particular teacher's college, which has a reputation as being rebellious, similar to the revolutionaries from the Lucio Cabañas School.

No investigation of this scope and type can be done without listening to the victims. We wouldn't have been able to do anything without the victims' trust, without the trust of the surviving students who were afraid to speak and had declined to speak with the authorities many times, but who gave us a lot of information. If you want to do something serious in Mexico that helps to confront the circle of violence, criminality, and human rights violations, you have to understand the victims and establish a clear alliance. That is the fundamental transformative energy of a case like this.

The first priority is to make sure that the investigation doesn't turn into another form of revictimization. In this case and many others in Mexico, the official inquiries become another way to punish victims. Part of the way to respect victims is to make sure they have access to information about the case, so that they don't have to hear about it through the press. It's important to establish a relationship with the victims, so that they, in turn, can establish a relationship of trust with the institutions.

In many cases, victims in Mexico are left to search on their own for the disappeared, doing work that the state really should do. At the same time, often the families have experience, they have contacts, they are good investigators, and all that needs to be taken into account. You have to listen to the families.

Francisco Cox: From the beginning, our goals were to write a report about what had happened in Ayotzinapa, but also to

make a series of recommendations about structural problems we encountered in the way these kinds of crimes were investigated.

The Mexican criminal system is incredibly formal; the number of duplicate, triplicate declarations and documents swells the case file and makes it unmanageable. This has serious consequences for the ability of a third party, for example, a representative of the victims, to know what's happening. So, the level of formality and bureaucracy is one of the key obstacles. If I tell you that there were 65 prosecutors working on this case, you might think, well, that's a good thing because there are 65 people leading the investigation. But the problem is that these 65 people don't talk to each other. They're doing parallel tasks, taking parallel statements, but then there's no joint analysis of the whole problem.

Another structural problem we saw is the excessive dependence on testimonial declarations. The confession is practically the only proof needed. This obviously incentivizes torturing people, as we determined happened in this case. That's why one of our recommendations is to create an independent office of technical services to help prosecutors collect other kinds of evidence beyond simply using confessions to convict people.

Claudia Paz y Paz Bailey: Is it a problem of know-how? Is it a problem of having the right skills and training? Or is it a problem of will? Is it because the Mexican authorities don't know how to solve the case? Or is it because they don't want to solve it? As Kate said, is it incompetence, or a pretend incompetence?

During our first six months, we had fairly open access to information. The only "no" we heard was when we asked to interview

the army and have access to military documents. That was a resounding no. We couldn't interview the army directly, and the military documents were considered a state secret.

At the same time, we did have access to a lot of information. We could interview the federal police directly, as well as other authorities. We could interview the people who were being accused of the crime. That opening slowly closed during the second half of our mandate in late 2015 and early 2016. If the government had wanted to, it could have worked with us in a coordinated, planned way.

In our second report in April 2016 we documented that according to official information, including the medical forensic reports in the case file, in 17 cases there is strong evidence that suspects were tortured. These cases include police from Iguala and Cocula. Very importantly, these cases of torture include five detainees who supposedly confessed that the 43 missing students ended up being incinerated in the Cocula garbage dump. Those five suspects, presumed members of the Guerreros Unidos criminal gang, suffered wounds that were inflicted after they had been jailed.

We also demonstrated that a high-level Mexican government official was present at one of the key crime scenes, the San Juan River, even though that information was not recorded in the official case file. The San Juan River was where the only DNA evidence was found: a bone fragment from one of the disappeared students, found in a bag in the river and identified as belonging to Alexander Mora. Through photographs and video, we showed that on October 28—although it's not in the file—the director of the Criminal Investigations Agency (similar to the Mexican FBI) was at the scene of the crime with one of the

detainees who had given his statement ten hours earlier and who had lesions acquired after his detention. They were there without the presence of his defense lawyer, without a judge's order authorizing that this person could be transported there. They touched forensic evidence, and no record of this visit exists in the official investigation. According to the official inquiry, the events begin on October 29 at 8:00 in the morning, and a black bag containing ossified remains is found by Navy divers in the San Juan River at 8:54. But there's no record of anything that happened on the 28th.

It's not a matter of knowledge, or resources, but will. The case could be solved. It's possible to determine the students' fate, but they didn't want us to go forward. Why do I emphasize this, here at LASA in New York? Because when political will is lacking, international monitoring—the voices from outside—can push for this will. It's vital to keep accompanying the parents who are waiting for their children, so that our departure doesn't mean greater vulnerability for them. All of us together can make sure the case stays internationally relevant.

Carlos Martín Beristain: On the role of journalism and the media, sometimes the press posed threats to our work, by defaming us personally at particular moments of the investigation. But there were also journalists who helped us.

I want to mention the role of grassroots journalism. When we saw that some things about the crime scene at the San Juan River weren't clear, we contacted local journalists. One journalist showed us photographs he had taken disproving the Mexican government's version of events at the river. That's how we started to see the big picture. So, grassroots journalism is

important. These are journalists who may not appear in the mainstream press but who do very important work, sometimes risking their own lives. They helped us make sense of a lot of things.

Claudia Paz y Paz Bailey: The media campaign against us, especially after December 2015, started with one person, the director of an organization that works on topics of security in Mexico. A media source was an echo chamber for his messages. I have to say that this had a gender bias, since the two women in the GIEI suffered the most from the campaign: Were we guerrillas, were we antimilitary, that sort of thing. . . . It was a way to attack the messengers to destroy the message. We were discrediting the official version of the case, so the media campaign tried to discredit us, so the public would think "a pox on both houses." The worst part was that the defamation campaign extended to the families.

Carlos Martín Beristain: The families have a great deal of clarity, and they are quite united, in part because of the accompaniment we've given and which their lawyers continue to give. The families have reacted very negatively to the government's proposals for reparation. People say, "No, we don't want reparations. What we want is to keep searching. For us, reparations mean getting the truth, and we want justice." They haven't backed down, and they've been consistent on that demand for justice. Obviously, like all families of disappeared people, they feel an emotional ambiguity. They are afraid of finding a grave; they want to find them alive. But the government's offers have not made a dent with the families.

Francisco Cox: I think the families show the importance of not forgetting about the case. The big fear is that the pressure

subsidies, since some people within the government only worry about international opinion. The families travel a lot; they go abroad for acts of solidarity because it is a way to keep the case alive, which is just what some people don't want, so it is very important.

We believe that the combination of local civil society with international pressure can make this case, and other cases, advance. The Ayotzinapa report establishes a methodology for how to do this type of investigation. Without a doubt there are many good organizations in Mexico, very solid, but we are contributing a road map.

Carlos Martín Beristain: One thing that stands out to us is what in psychology is called "learned helplessness." In the case of Mexico, there is a learned helplessness on the part of many people, the idea that nothing can be done; there are no alternatives. But in our experience, yes, there are things that can be done. Clearly, you need a confluence of factors: an independent investigative team; a good relationship with victims; and a process in which victims feel respected, taken into account and able to push the investigation forward. And it's also necessary to have an opening within the state to make this possible.

I don't know if this experience is replicable. But we shouldn't focus only on the obstacles to the GIEI's investigation. It would be disastrous if that were the only lesson taken from our work. That's only part of the story. The other part is that we had very significant advances, and we've shown a way of working with victims and doing this kind of investigation. We have to keep pushing those things to get even better results. Obviously, if there's no political will that's a problem. In Latin America, the families are the ones who have kept

these cases open for so many years. That transformative energy goes beyond just the specific situation of the victims; it's a motor force for democracy. ■