

Los hechos, en Calera, Zacatecas

Proceso a 4 militares por desaparición forzada

- Hay elementos para enjuiciar a efectivos del 97 batallón de infantería, considera juez
- Los soldados sacaron con violencia a cinco varones y dos mujeres de su vivienda
- El 16 de julio se ubicaron cuatro cadáveres y tres días después los cuerpos de otros tres
- El 19 de julio la Sedena admitió "indicios" de la participación de su personal

ejecuciones, insiste HRW

ma actitud que vimos el año pasado ante Ayotzinapa y Tlatlaya, y sugiere que el gobierno todavía no está dispuesto a abordar seriamente la crisis de DH en el país", dijo Wilkinson.

En el caso de Apatzingán, HRW recordó que el incidente se dio cuando un grupo de personas se manifestaba a las afueras de la presidencia municipal de la zona de las autodefensas. Según la versión de las personas desaparecidas, quienes fueron agredidos, corrieron y fueron asesinados.

En Tlanahuacán, Jalisco, fallecieron al menos 10 personas, según señalan los familiares de los delincuentes.



FOCUS

QUARTERLY HUMAN RIGHTS MAGAZINE

WINTER 2015 #08



indicios de una probable participación de personal militar

CNDH: en Apatzingán al menos una ejecución extrajudicial

■ CNDH abre expedientes sobre hechos en Michoacán y Zacatecas

Militares, los que mataron al niño en Ostula: testimonios

EXTRAJUDICIAL EXECUTIONS IN MEXICO
 DECADES OF DENIAL, IMPUNITY AND ABUSE OF STATE POWER

Se enfrentan PF y cárteles
 Jalisco; hay 43 muertos

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Since being founded by the Jesuits in 1988, the MIGUEL AGUSTÍN PRO JUÁREZ HUMAN RIGHTS CENTER (Center Prodh) has worked to defend, promote and increase respect for human rights in Mexico, with a focus on social groups that find themselves in situations of vulnerability such as indigenous populations, women, migrants and victims of social repression.

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Filo de Caballos, Guerrero, 2014.
Photo: Hans-Maximo Musielik

AS OUR READERS KNOW, MEXICO'S CRISIS OF VIOLENCE and serious human rights violations takes place against a backdrop of territorial disputes between rival criminal organizations. The government's official position is that it fights against these organizations in a "war against crime" whose different parties are perfectly distinguishable.

The reality, exemplified in cases such as Ayotzinapa, is that Mexico's near-total levels of impunity stem largely from the complicity between government and crime, especially in certain regions where the line between these two groups does not exist, with authorities working for organized crime groups. This context of macro-crime, not only at the municipal level but also with complicity by state and federal authorities, shows the clear link between corruption and human rights abuses today.

Macro-crime claims thousands of victims throughout Mexico's territory. The media, academic investigators, civil society organizations, and thousands of everyday citizens denounce the wave of executions, enforced disappearances, torture, extortion, and kidnappings that afflict our country.

The government, unfortunately, is not taking appropriate actions to tackle this problem. The few criminal investigations launched into the most high-profile cases avoid taking into account the context of macro-crime and fail to recognize the responsibility of authorities. The most that is ever done, and only when there is an especially high level of public outcry, is to put low-ranking public servants on trial, even when it is clear that criminal responsibility originated at higher levels.

Center Prodh calls for ongoing initiatives such as the drafting of a General Law against Enforced Disappearance and the reform of the federal Attorney General's Office to tackle macro-crime as an essential component of the crisis unfolding in Mexico. We insist that it will be impossible to advance towards truth and justice for thousands of victims with our eyes closed to this cycle of criminality.

MARIO PATRÓN SÁNCHEZ,
DIRECTOR, CENTER PRODH



AYOTZINAPA

INDEPENDENT EXPERT GROUP IN AYOTZINAPA CASE: A CRUCIAL OPPORTUNITY IN THE MIDST OF A HUMAN RIGHTS CRISIS





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Having debunked the government's version of events regarding the enforced disappearance of 43 students in Iguala, Guerrero, the Interdisciplinary Group of Independent Experts named by the Inter-American Commission on Human Rights to provide technical assistance in the Ayotzinapa case concluded its initial six-month mandate.

THE EXPERT GROUP IS AN UNCOMMON FORM OF international assistance, as it works during an ongoing investigation, and its recommendations could help lead not only to truth for this concrete case, but to a long-overdue revision of the Mexican justice system's handling of such cases. Failure to implement the Group's recommendations, on the other hand, would send an extremely negative message to the national and international community.

The Group's report on the case, presented on September 6th, revealed that the students could not have been incinerated in the Cocula landfill, as the federal Attorney General's Office had claimed, and that all the security forces in the area –municipal, state, federal, and military– knew of and were present at certain moments of the attacks, but either participated in the attacks or did nothing to protect the students. The report also explained that the long duration of the attacks and the participation of police forces from different towns would have required a centralized and coordinated strategy.

The Experts further explained that the motive for the attacks was not to prevent the students from sabotaging a political event hosted by the wife of Iguala's mayor, since this hypothesis neither fits with the timeline nor explains the massive and escalated nature of the attacks of September 26th and 27th, 2014. What the Group did reveal was the existence of a fifth bus occupied by the students, absent from the federal investigations, and which may have contained hidden narcotics, unbeknownst

to the victims. The Experts found no reason to link the students to any criminal group.

The Mexican government continues to deny the Expert Group access to members of the 27th Infantry Battalion who were present during the attacks.

The main recommendations from the Group included: to re-orient the investigation in light of the omissions and errors up to this point, especially considering the collapse of the hypothesis regarding the Cocula landfill as the final resting place of the students; to open a new line of investigation related to the fifth bus, which may have been regularly used by authorities and organized crime to transport hidden drugs, and another related to the participation of state and federal authorities, including the army; and to investigate the authorities who had obstructed justice in the first phase of investigation of the case.

The Group also recommended a new search strategy, taking into account that the students' whereabouts remain unknown, update the map of mass graves and the investigation of other cases of disappearance in Iguala, use satellite photographs and technology in the searches, guarantee appropriate attention to victims, reform and comply with agreements with the families, and consider protection measures for them.

The families of the disappeared students have stated that one year after the attacks, the Experts represent their only hope to know the truth, and request that their mandate be extended until the students' whereabouts are known.



TLATLAYA: IMPUNITY IN THE FACE OF TRUTH


Tlatlaya, in Mexico State, was the scene of 22 people's deaths last year, including that of a 15-year-old girl. According to the Ministry of Defense (Sedena), what occurred was a confrontation between a criminal group and military personnel, in which the soldiers acted in self-defense. But the truth is far different from this claim.

THE OFFICIAL VERSION COLLAPSED WITH the testimony of one of the survivors of the massacre, which contradicts the information offered by the authorities. The witness, known as "Julia," revealed a tragedy: the arbitrary deprivation of life of at least a dozen people who had surrendered to military personnel.

With her testimony, Julia also began her search for justice as the mother of one of the people killed, and as a survivor of multiple human rights violations, including an illegal and arbitrary detention, abuse, threats, violence and coercion to sign false statements.

Thanks to the bravery of this surviving victim, the National Human Rights Commission (CNDH) investigated the case and issued Recommendation 51/2014, finding that the army executed at least 12-15 people. The federal Attorney General's office (PGR) also carried out an investigation and charged a group of soldiers with the execution of at least 8 people who had surrendered and been detained by the soldiers.

To date, her status as a victim has not been recognized in any federal judicial proceeding even though she has been accredited as such by various govern-



The extrajudicial executions of June 30, 2014, which provoked indignation from society, today are in the normal state of impunity, concealment, and inaction that characterized all serious human rights violations in Mexico:

ment agencies and is a beneficiary of precautionary measures issued by the Inter-American Commission on Human Rights. The result is that she is unable to access the judicial files –improperly initiated in two parallel proceedings, one in military jurisdiction and one in civilian jurisdiction– which is an obvious impediment to accessing justice and truth.

Regarding the right to truth, there are still discrepancies in the number of people recognized as victims of extrajudicial execution by the Mexican army; the figures range from 8 (Attorney General's Office) to 12-15 (National Human Rights Commission). A year after the attack, there has not been serious clarification of the circumstances under which the 15-year-old victim died, so as to confirm whether she was the victim of an extrajudicial execution.

Another key factor in this case is the institutional responsibility of the Army, responsible not only for the extrajudicial executions and the alteration of the scene, but also for investigating and trying the case in military jurisdiction, ignoring the national and international standards on military jurisdiction established by the Supreme Court and the Inter-American Court of Human Rights. This shows us that the military justice system, despite legislative reforms and judicial decisions, continues to be an obstacle for victims of human rights violations, their families and society, who demand truth and justice.

Additionally, there has been no investigation of responsibility along the chain of command, even though the military personnel in charge of the operation and those who issued the operating orders –which instructed soldiers to “kill criminals in the darkness of the night”– are easily identifiable in the chronology of events.

In addition, the Attorney General's Office (PGR), the Ministry of the Interior, and the Mexican government as a whole have turned to institutional violence and revictimization to the detriment of Julia; proof of this can be found in the public statements made by government spokespersons, who have publicly questioned her testimony, exalted the Army in a series of public ceremonies, insisted that Tlatlaya is an isolated case, or simply denied the evidence of executions. The Executive Commission for Victims (CEAV) contributed to this climate with irresponsible public statements regarding supposed amounts of money that the survivors would receive (although Julia has not received such money), placing her in a situation of risk in the climate of generalized violence in which she lives.

The extrajudicial executions of June 30, 2014, which provoked indignation from society, today are in the normal state of impunity, concealment, and inaction that characterized all serious human rights violations in Mexico. A year since these violations that started with the massacre in Tlatlaya, the search for justice continues, and the pain of loss remains.

FROM COUNTERINSURGENCY TO THE "WAR ON DRUGS"

MASSACRES AND IMPUNITY IN MEXICO, THEN AND NOW

1968 | TLATELOLCO, MEXICO CITY

ON OCTOBER 2, 1968, the paramilitary group Olimpia Battalion, members of the Federal Security Directorate (DFS) and members of the army opened fire on a student demonstration in Three Cultures Plaza, in Mexico City. Official data speaks of 20 fatalities, but journalists have suggested that hundreds were killed.

No one has been imprisoned for the massacre. The Specialized Prosecutor for Social and Political Movements of the Past (*Femospp*) considered ex-President Gustavo Díaz Ordaz as responsible but he was already dead and could not be charged. In 2005, a judge ordered the house arrest of ex-President Luis Echeverría, but another judge exonerated him in 2009.

1995 | AGUAS BLANCAS, GUERRERO

ON JUNE 28, 1995, close to 400 members of the Guerrero Motorized Police opened fire in Aguas Blancas, in the municipality of Coyuca de Benítez, against a convoy of peasants of the Peasant Organization of the Southern Hills. Seventeen of them were killed and 21 wounded.

In April 1996, the Supreme Court ruled that serious human rights violations took place and identified former Guerrero governor Figueroa Alcocer, his Secretary of Government and the former Attorney General as responsible. The Inter-American Commission on Human Rights (IACHR) recommended in February 1998 that the government exercise the appropriate legal action against those responsible. The case was reopened in 2004 without major progress.

1971 | CORPUS CHRISTI MASSACRE

ON JUNE 10, 1971, the paramilitary group The Falcons attacked student demonstrators with knives and firearms. Nearly 120 young people were killed. The government said that what happened was a clash between the students themselves, but the journalistic evidence invalidated this explanation.

No one was brought to justice. The *Femospp* accused former president Luis Echeverría Álvarez and on November 29, 2006 he was brought to trial; however, in 2009 Echeverría was exonerated.

1997 | ACTEAL, CHIAPAS

ON DECEMBER 22, 1997, in Acteal, municipality of Chenalhó, paramilitaries of the Red Mask group attacked indigenous *tzotziles* from the organization "The Bees," who were praying. The attack occurred 200 meters from a police roadblock; 45 people were killed, mostly women, children and the elderly. The government argued that it was an "inter-communitarian" conflict.

The alleged material perpetrators were gradually released and today only two remain in prison. The authorities have been remiss in the investigation of the intellectual authorship of the massacre in the context of the policies of then-President Ernesto Zedillo, and of the senior Chiapas government officials and military commanders. The IACHR admitted the case in 2010.

1998 | EL CHARCO, GUERRERO

ON JUNE 7, 1998, in the community of El Charco, municipality of Ayutla de los Libres, personnel from the Mexican Army attacked indigenous *naa'savi* and students who had participated in a meeting. Eleven people were killed and five injured, while 22 others were arrested and acquitted. The authorities later argued that it was an accidental confrontation with a guerrilla group.

The victims denounced extrajudicial executions and torture. However, no investigation was opened. The National Human Rights Commission (CNDH) issued a recommendation in which it did not name the military as responsible. The case was presented to the IACHR in July 2012, and in May 2015 the Commission requested information from the Mexican government.

2015 | APATZINGÁN, MICHOACÁN

ON JANUARY 6, 2015, 16 people were killed in two actions carried out by federal police. The official version was that there was an evacuation and an exchange of friendly fire between community defense groups, although afterwards the government claimed it was a case of legitimate defense; the victims denounced extrajudicial executions against unarmed civilians.

The federal Attorney General opened an investigation. The CNDH issued a recommendation on excessive use of force and extrajudicial execution.

2015 | TANHUATO, MICHOACÁN

ON MAY 22, 2015, 42 civilians and one federal police agent died after a police raid on a ranch. Officials said it was a confrontation with criminals. However, photographic materials and testimonies of locals show torture and extrajudicial executions, in addition to manipulation of the scene and the planting of weapons on the bodies.

The CNDH started an investigation.

2014 | TLATLAYA, MEXICO STATE

THE MORNING OF JUNE 30, after a brief confrontation, armed civilians surrendered to personnel of the 102nd Infantry Battalion of the Army. The military came into the warehouse, interrogated the civilians and then shot the vast majority of the people, killing 22 in all. While the National Human Rights Commission speaks of up to 15 victims of extrajudicial execution, the Attorney General's Office recognizes only 8 in this condition. The three surviving women were victims of torture, ill-treatment and intimidation, including sexual torture, to force them to incriminate themselves as members of a criminal organization and to give a false account of what they saw.

Authorities at first said the killing was an unplanned confrontation with criminals, although after international media reports they were forced to change their story. The Attorney General's Office maintains an ongoing investigation but the military justice rides its own one.

2015 | LA CALERA, ZACATECAS

ON JULY 7, 2015, members of the 197th Infantry Battalion from the 11th Military Zone detained five men and two women in their homes and forcibly disappeared them. Their bodies were found eleven days later with signs of torture and execution.

Authorities stated publicly that the victims were criminals, while the army recognized that there were "signs" of participation of its troops in the enforced disappearance and execution. The federal Attorney General's Office (PGR) took over the investigation, but the Military Attorney General charged four soldiers within the military justice system at the same time.





ACCESSING INFORMATION TO REACH THE TRUTH IN CASES OF SERIOUS HUMAN RIGHTS VIOLATIONS

'Who controls the past,' ran the Party slogan, 'controls the future: who controls the present controls the past.'

(1984, George Orwell)

Mexico has not paid the debt it owes to its victims of past decades, their family members, and society, who should know the truth of what happened in the seventies and eighties, during the so-called “Dirty War”, or systematic State terrorism against social movements. For this reason, it was especially painful for Mexican society to be subjected to the introduction of the concept of “confidential historical files” in the Federal Archives Act of 2012,¹ and to the closure of Gallery 1 of the National Archive, in which the records of the defunct Federal Security Directorate (DFS) are located.

THE DEBT INCREASES WITH THE AWARENESS that the commission of serious human rights violations is not a thing of the past. Recently, the UN Special Rapporteur on Torture and the UN Committee Against Enforced Disappearances noted that in Mexico torture and disappearances are generalized, respectively, echoing the reality documented day by day by human rights organizations.

Faced with this devastating panorama, as a first step towards justice, society has the right to know the truth in the most complete and accurate manner possible –a truth that includes identifying

the perpetrators and causes, the facts and circumstances in which the violations occur. It is therefore critical that the government guarantees the right of access to public information under the principle of maximum disclosure in cases of serious human rights violations. For example, the content of criminal investigations and judicial proceedings cannot be classified as confidential in cases of the investigation of serious violations of fundamental rights or crimes against humanity. Due to the social significance of such facts, the Inter-American Court of Human Rights and Mexico’s Supreme Court have reaffirmed this doctrine.

Access to information about cases like Tlatlaya, Ayotzinapa, Apatzingán and Tanhuato would help us to advance towards a democratic country. Today, as 45 years ago, to demand information is an essential strategy to combat further atrocities and impunity.

1. New law published in the Official Gazette on January 23, 2012, whose Article 27 defines such files as those to be permanently preserved for their historical value and that are confidential according to the Federal Law on Transparency. They will remain confidential for 30 or 70 years, depending on whether they contain personal data that could seriously affect a person’s privacy.



CURRENT AFFAIRS

THE

CRISIS

OF EXTRAJUDICIAL EXECUTIONS

IN MEXICO:

TIME FOR EXTRAORDINARY MEASURES

Filo de Caballos, Guerrero, 2014.

Photo: Hans-Maximo Musielik

The structural problems reflected in the Tlatlaya massacre and the disappearances and executions in Iguala are present every day in Mexico. The repetition of these events is evident in the apparent extrajudicial executions in cases such as Tanhuato and Apatzingán, which left dozens of civilians dead, as well as in the participation of the Army in the enforced disappearance of seven people in Calera, Zacatecas, and the arbitrary shooting of a 12-year-old boy in Aguila.

THE VIOLATION OF THE RIGHT TO LIFE IS a constant in the Mexican human rights crisis. It is worth recalling that this fundamental right generates multiple obligations for governments, including the duty not to kill arbitrarily and the duty to guarantee the right to life through prevention, investigation, punishment, and reparations of violations of this right. Both types of obligations are violated in Mexico: state agents execute civilians and the investigations into homicides by both state and non-state actors usually do not occur, or have no results.

Official statistics and academic studies demonstrate that the rate of extrajudicial executions in Mexico has increased in recent years. Researchers Gutiérrez, Pérez, and Silva find that while in 2008 approximately 5 civilians died for every military agent who died in supposed shootouts, this “lethality index” has reached as high as 32 in the past five years; in 2013 the rate was 20, while it is no longer possible to track this indicator due to the “increasing opacity of the institutions” involved¹. However, official Army statistics from 2014 obtained through information requests suggest that the lethality index increases when the first two years of the current presidential administration are included in the dataset (as compared to the previous administration from 2007-2012).

The justice system’s ineffectiveness is especially clear in cases of executions, and the lack of punishment for the vast majority of material authors, and the totality of authors responsible for the chain of

command, promotes the continued use of executions by security forces. This scenario makes it impossible to understand the patterns of conduct of macro-crime (the network of criminal collusion between state and non-state institutions and actors), information that would explain a great number of these cases.

In the Tlatlaya case, Center Prodh calls for an investigation that is both transparent and effective in addressing the chain of command, considering that the military unit that killed 22 civilians was under standing orders to “kill criminals in the darkness of the night.” Additionally, it is necessary to apply international standards and protocols, including by establishing a special investigatory commission with the participation of independent experts as well as state institutions. In general, Mexico urgently needs to adopt a special procedure to investigate the killing of civilians by security forces.

Only through the adoption of extraordinary measures against extrajudicial executions, accompanied by the demilitarization of public security, will Mexico be able to overcome its seemingly never-ending war and put an end to massacres like Tlatlaya.

1. PÉREZ CORREA, Catalina, GUTIÉRREZ, Rodrigo, & SILVA, Carlos, “Índice letal: los operativos y los muertos”, *Nexos*, November 2011 (<http://www.nexos.com.mx/?p=14555>); PÉREZ CORREA, Catalina, GUTIÉRREZ, Rodrigo, & SILVA, Carlos, “Índice de letalidad: menos enfrentamientos, más opacidad”, *Nexos*, July 2015. (<http://www.nexos.com.mx/?p=25468>).

INFOGRAPHIC

HOW MANY CIVILIANS, SOLDIERS AND MEMBERS OF THE NAVY HAVE BEEN KILLED IN SUPPOSED SHOOT-OUTS?¹



From December 1, 2006 to December 31, 2014
MEXICO'S ARMY AND NAVY PARTICIPATED IN MORE THAN 3,500 SHOOT-OUTS



MORE THAN

4,000 CIVILIANS

were killed by the Armed Forces during this time.

The Army reported that between 2007 and 2014

3,967

CIVILIANS

were killed; that is

209

SOLDIERS



19 × 1



19 CIVILIANS KILLED FOR EVERY SOLDIER KILLED

The death of more than 10-15 civilians for each state agent killed in shoot-outs is an indicator of the disproportionate use of lethal force.²

The Navy reported that between 2012 and 2014

	CIVILIANS	NAVY
KILLED	296	14
WOUNDED	10	60



21 × 1



21 CIVILIANS KILLED FOR EVERY MEMBER OF THE NAVY KILLED



While members of the Navy were **4 times more likely to be wounded**, civilians were **30 times likely to be killed than wounded**.

When asked to break down its data by shoot-out, the Navy reported

193

CIVILIANS KILLED

3

MEMBERS OF THE NAVY KILLED

that is



64 × 1



64 CIVILIANS KILLED FOR EVERY MEMBER OF THE NAVY KILLED

The death of more than 10-15 civilians for each state agent killed in shoot-outs is an indicator of the disproportionate use of lethal force.²

In the last three months of 2014, the Navy reported killing 25 civilians, without reporting the death of any of its members or any wounded survivors.

1. Statistics obtained through information requests by non-governmental organizations.

2. GUTIÉRREZ, Rodrigo, SILVA, Carlos and PÉREZ CORREA, Catalina, "Índice de letalidad. Menos enfrentamientos, más opacidad", Nexos, July 2015. (<http://www.nexos.com/?p=25468>).



READ OUR REPORT

**ONE YEAR AFTER
TLATLAYA:**

THE ORDER WAS TO KILL

Download at:
bit.ly/1Ptg4WX (Spanish report)
bit.ly/106JHal (English summary)

en que fallecieron

REFORMA / STAFF

Un enfrentamiento entre presuntos integrantes de un grupo criminal y efectivos federales y del Ejército mexicano dejó ayer un saldo de 11 muertos, todos civiles, 2 policías federales heridos y 44 detenidos.

Diferentes versiones sembraron dudas sobre los hechos, el número de muertos y la manera en que fueron abatidos.

Algunos testigos aseguran que varias de las víctimas fueron ejecutadas extrajudicialmente por policías federales.

El comisionado para Michoacán, Alfredo Castillo, explicó que en dos incidentes diferentes murieron 9 personas.

En la madrugada, en un operativo en el que participaron soldados y policías federales fue desalojado el Palacio Municipal de Apatzingán, que tenían en su poder desde el 22 de diciembre hombres armados a los que Castillo identificó co-

LAS EJECUCIONES DE TLATLAYA

La cadena de mando llega a Peña Nieto

La violencia, "focalizada" en tres localidades de Michoacán, afirma Castillo

De acuerdo con testigos, al menos tres personas fueron ejecutadas cuando se h...

Fuentes extraoficiales reportaron por estos hechos la detención del coronel del 9 batallón de Infantería con sede en Fresnillo, Martín Pérez Rendón, y de otros tres soldados por su probable participación en los sucesos.

■ Soldados recuperan la alcaldía de Apatzingán el 22 de diciembre ■ Se enfrentaron dos ocasiones a civiles ■ Hay 44 detenidos

Abaten federales en Apatzingán a 8 civiles armados

- » Detienen a 44 a las afueras del palacio municipal; otro murió atropellado
- » Aprehenden al alcalde de Charapan; la esposa de Abarca solicita amparo
- » Vuelven a clases escuelas de Guerrero en paro por inseguridad P. 6, 8, 25 Y 26



Dictan prisión preventiva a acusados en Zacatecas Vinculan a 4 militares a muerte de jornaleros

Pelean federales y Los Viagras por control de Apatzingán

Chocan versiones por muerte de 7

Difieren testigos y comisionado sobre la manera en que fallecieron



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hasta charo... las fo... sald... biliz... no... Inc...
to entre el grupo armado y las Fuerzas Armadas", dijo Castillo tras asegurar que en la refriega murieron ocho.
Un testigo, cuya identidad fue autenticada por REFORMA, pero que pidió anonimato por temas de seguridad, perso...