

EDITORIAL

FORCED DISAPPEARANCE, COMMISSION OF TRUTH AND NEW GOVERNMENT

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How to cite this presentation in APA:

González Chévez, H. (July - December, 2018). Human rights, conflict and peace building. [Editorial]. *Summa Iuris*, 6(2), pp. 245-248.

DOI: <https://doi.org/10.21501/23394536.3175>

When government authorities, under the premise of procuring and imparting justice, plants evidence, modifies the crime scene, manufactures criminals, disappears evidence, resorts to torture for self-incrimination; when the General Secretary of National Defense prevents members Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights (IGIE) from conducting inspections in military installations in search of evidence of 43 missing Ayotzinapa students, on the grounds that this would represent a violation of the sovereignty of the State.

When the investigative work of the aforementioned Independent Experts is systematically obstructed in order to obtain information from the 27th Army Battalion, located a few meters from the place where the arrests and subsequent disappearance of students in Iguala Guerrero took place; the refusal of the military to show the documents in which the orders were given; the records and annotations made on the day of the events are specified; the videos and photographs taken by their intelligence services; the information registered in their computer equipment; as well as hinder the

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presence of the IGIE during the interrogation of the members of the aforementioned battalion. When they themselves acknowledge having witnessed the events through the C 4 and participate in various proceedings as in the hospital where they interviewed some of the injured students (Inter-American Commission on Human Rights. (s.f.). II report of the Interdisciplinary Group of Independent Experts IGIE, Ayotzinapa Case, p. 175).

The foregoing are facts that should make us reflect on whether the current mechanisms of protection of national and international human rights are sufficient and effective as a counterweight and instruments of State control, in its facet of limits to power.

Moreover, when the Attorney General's Office of Mexico, instead of instructing an investigation into the crime of Forced Disappearance, initiates an investigation into the crime of Kidnapping, for it is known by legal scholars that the "elements of criminal type" between one and another crime mentioned are different, so it is not remote the possibility that at the end of the criminal process, none of the detainees will be guilty for the crime of kidnapping. In addition, to date, after four years of the events, no officer belonging to the army, the Federal Police or members of the local (State) police have been arrested.

Likewise, jumps out the interpretation given by the Attorney General's Office of the Republic, in the sense that the 43 disappeared, materially disappeared (as if it were a perfect crime), allegedly by incineration in an open sky garbage dump, because of the remains of the disappeared students, according to the Office of the Prosecutor, only one bone the victims was located. This version of the incineration, which was widely denied by the IGIE, was based among other evidences in the opinion of an international fire expert named José Torero.

For its part, the courts of the Federal Judicial Power in Mexico, send mixed signals in relation to the case of the 43 disappeared students from the Normal School of Ayotzinapa, as a result of an Revision Safeguard promoted by some of the detainees and subjects in the case, a Federal Court ordered the restitution of the procedure (that is to say, of the investigation), on the grounds that the guarantees of due process had been vio-

lated in prejudice of the accused, because of the fact that it is clear that they had been object of acts of torture. Controversial is now that, derived from such resolution, a District Judge already resolved the release of four subjects involved in the disappearances.

Finally, in the same resolution of the Revision Safeguard the creation of a Truth Commission was determined for the investigation of the facts, a resolution that is very novel for the administration of Justice in Mexico, since never before the Federal Judicial Power had pronounced in that sense, based on issuing such a ruling, not in the Constitution of the Republic but in the International Treaties on the matter. Immediately judicial appeals were filed against it by various State agencies. In fact, a different Court of the Federal Judicial Power presented a resolution that establishes a completely opposite criterion that tries to overturn the resolution of the first that orders the creation of a Truth Commission.

From the foregoing, it is concluded that the authorities of the Mexican State are the same ones involved in the commission of a serious crime such as the forced disappearance of individuals, but it turns out that the investigation of the case corresponds to the same structures of the State, it is evident that his investigation is not independent and impartial.

Against the simulation, corruption, injustice and an authoritarian government, the population in Mexico showed up at the polls, in the electoral processes to change the President of the Republic and other State power in the summer of 2018, blaming the previous government, and granting their vote to a new government with progressive political tendencies, who expressly committed to create a Truth Commission to investigate the case of the disappearance of the 43 students of Ayotzinapa.

This fact is relevant in that, as it was made clear by the incoming government, for the operation of the aforementioned Truth Commission, the guidance and collaboration of international bodies, such as the Inter-American Commission on Human Rights, will be requested, which makes possible the return to Mexico of the Interdisciplinary Group of Independent Experts IGIE, which augurs a greater success in their investigation, because now they can count on all the support and facilities of govern-

mental authorities, without suffering the attrition to which they were subjected as a consequence of the obstruction of their work, by the previous government.

The foregoing reveals the fragility of the Mechanisms for the Protection of Human Rights, when the party in power does not show a true commitment to justice, nor with full compliance with the International Treaties on the subject signed by the Nation. likewise, Human Rights are exposed to being prey to demagoguery, by a few who use them to justify repressive measures. Therefore, it is now important to reflect on the relevance of new instruments that control the exercise of power, towards a more participatory society, instead of strengthening State institutions, which historically have used this power for personal benefit, neglecting their tasks of promoting the common good, public safety, justice and the establishment of conditions that facilitate the free development of the personality and dignity of the human being.

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