

# AN UNPRECEDENTED EXERCISE OF INTERNATIONAL SUPERVISION

**Mario Patrón, Santiago Aguirre Espinosa,  
Stephanie Brewer, Sofía de Robina y María Luisa Aguilar**

- *The Ayotzinapa case and the experience of the Interdisciplinary Group of Independent Experts (GIEI) in Mexico* •

## ABSTRACT

*The disappearance of 43 students in Ayotzinapa in 2014 became a paradigmatic case of human rights violations. The Mexican state's indifference to the situation led the families of the disappeared to request international technical assistance, together with human rights organisations in the country. This article discusses the creation of the Interdisciplinary Group of Independent Experts (Grupo Interdisciplinario de Expertos Independientes or GIEI according to its Spanish acronym), the strategies it used, the obstacles it faced and the results of its investigative work. In addition to highlighting the state's failure to clarify the facts, the GIEI exposed the collusion between state and non-state actors involved in schemes of organised crime that are related to the case. Finally, this experience in international monitoring is considered innovative and relevant to other efforts to fight impunity in Mexico and the region due to the support provided to the victims and their families, among other reasons.*

## KEYWORDS

Disappeared | Impunity | International monitoring | Ayotzinapa

## 1 • Introduction

On the night of 26 September 2014 in Iguala, Guerrero, one of the most emblematic episodes of human rights violations in Mexico's recent history occurred. The grave violations were unleashed when a group of students aged 17 to 25 from the *Raúl Isidro Burgos* Rural Teachers College in Ayotzinapa<sup>1</sup> went to the city of Iguala, Guerrero<sup>2</sup> with the goal of "seizing" buses to participate in the 2 October commemorations that are celebrated every year in Mexico to keep the memory of the repression of students in 1968 alive. Even though it was normal in Guerrero for students to temporarily stop buses to use them for their activities, on 26 September, the authorities did not respond as they ordinarily would: the Iguala municipal police opened fire on the students to prevent them from leaving the city with the buses. Assisted by other police forces and by civilians, the police managed to block the road to stop five buses. 43 students were arrested and then disappeared.

The results of that cruel night in Iguala were brutal: 43 young students disappeared,<sup>3</sup> 6 people were executed, among which 3 were students, including the case of a young man whose body appeared the next day in a deserted area showing clear signs of torture,<sup>4</sup> and at least 40 people were injured.<sup>5</sup> In total, more than 180 people were direct victims of human rights violations that night and approximately 700 people were indirect victims.

The Ayotzinapa case became a paradigmatic incident that exposes the indifference towards the disappearances and is also an emblematic case of collusion between state and non-state actors involved in organised crime, also known as macro-criminality. The high number of victims, Iguala's close proximity to the country's capital, the immediate documentation of the facts by human rights organisations, the deeply rooted tradition of social struggle in the state of Guerrero, and the organisational and moral strength of the fathers and mothers of the disappeared are some of the factors that explain the tremendous impact the events on 26 and 27 September have had on political awareness in the country and abroad.

In this article, we seek to illustrate the importance of one of the initiatives promoted by the families to achieve justice: the Interdisciplinary Group of Independent Experts (*Grupo Interdisciplinario de Expertos Independientes* or GIEI according to its Spanish acronym). To do so, we will first refer to how it emerged and then, we will describe the work it carried out in Mexico, as we believe that this experience can be relevant to other efforts to fight impunity in Mexico and the region. Finally, we will present conclusions and reflections on the experience that this process has left.

## 2 • The creation of the GIEI

The GIEI was appointed by the Inter-American Commission on Human Rights (IACHR) upon the request of the families and their representatives to provide international technical assistance for the search, investigation, victim support and the structural analysis of the case. Center Prodh<sup>6</sup> was put in charge of coordinating the international legal strategy.

The process leading to the creation of the GIEI was not a simple one. From the night of 26 September 2014 on, authorities from all three levels of government were negligent of their duties in relation to the occurrences. The administration headed by Enrique Peña Nieto failed to act within hours of the incident and also in the days that followed immediately after, which is key in cases of forced disappearances.

In light of the incapacity of the local authorities and the indifference of federal authorities, and due to the urgency and seriousness of the facts, on 30 September 2014, the human rights organisations accompanying the families requested precautionary measures from the IACHR.

On 13 October 2014, the committee for follow-up on the precautionary measures was officially established.<sup>7</sup> During the meeting, in the presence of the IACHR, the students, their families and their representatives decided to petition the Mexican state to request international technical assistance for the investigation on the whereabouts of the missing college students.

On 29 October the mothers and the fathers engaged in a tense dialogue directly with the president of the republic, which ended with the signing of several agreements. The agreements included the president's commitment to accept and support the technical assistance to be provided by the IACHR.<sup>8</sup> The president also committed to fully cooperate with the Argentine Forensic Anthropology Team (EAAF, according to its acronym in Spanish), a highly recognised institution in the region.

The technical assistance agreement was the result of intense negotiations between the state and the victims' representatives, which were facilitated by the IACHR itself. The agreements established that the Group would have a six-month mandate that could be "extended for as long as necessary in order to achieve its objective" (Clause 10).

The Group was composed of renowned figures with extensive experience on the continent. The IACHR appointed the following people to do this work: Guatemalan lawyer Claudia Paz y Paz, the first female Attorney General of Guatemala; Ángela Buitrago, a Colombian lawyer who has worked as the prosecutor of high profile cases in Colombia; Carlos Martín Beristain, a doctor and psychologist from the Basque Country with a broad background in attention to victims and truth commissions; Francisco Cox, a Chilean lawyer specialised in criminal law; and Alejandro Valencia Villa, a Colombia lawyer and expert on humanitarian law and international human rights law.<sup>9</sup> The Group officially began its work on 2 March 2015.

Since November 2014, the Attorney General's Office (PGR, according to its acronym in Spanish) had been widely disseminating a version of the story that Attorney General Jesús Murillo Karam had labelled the "historical truth" about the facts.<sup>10</sup> According to this narrative, the 43 disappeared students went to Iguala for political motives, where they were detained by municipal police officers, who then handed them over to members of a criminal organisation. The gang members apparently confused them with

members of a rival group, killed them and burned their bodies on a pyre in a garbage dump located in Cocula, Guerrero. They then hid all of the remaining evidence and threw it into the nearby tributary named the San Juan River.

This version of the story – according to which all of the students together, in one group, were executed and then incinerated – had an unforgettable impact on the families.<sup>11</sup> It also had a social impact that was expressed in the form of outrage and protest.<sup>12</sup>

### 3 • The GIEI's work in Mexico

#### 3.1. Phase one: from its arrival in Mexico to its first report

In the first stage of its work, GIEI earned its legitimacy as an international monitoring body by maintaining continuous dialogue with both the state and the victims and their representatives. During this initial period, the experts had the basic conditions they needed to conduct their work. For instance, they were given access to detention centres to interview some of the accused being held in custody. The GIEI decided to communicate publically the advances in and obstacles to its work; in its first six months, it published 6 press releases.<sup>13</sup>

On 6 September 2015, the GIEI presented its first report<sup>14</sup> in which it managed to fully reconstruct the events of 26 September 2014. It reported finding a plurality of criminal acts and moments in which the attacks were perpetrated that the official version does not acknowledge. Similarly, the report demanded the identity of the students, clarified the reasons for them being in the city of Iguala that day and refuted the version that criminalised the victims.

The GIEI also paid special attention to the absence of effective inquiry in the 72 hours after the incident, as well as the lack of systematic use of intelligence based on scientific investigative methods to guide these efforts. But its most important contribution in terms of establishing the truth about what had happened was its invalidation of the official hypothesis on the case: an independent expert study concluded that the evidence does not scientifically prove that the 43 students were executed and incinerated on a human pyre.

The presentation of the GIEI's first report had a major impact on the public in both Mexico and abroad.<sup>15</sup> Numerous voices from the international human rights field announced their support for the GIEI.<sup>16</sup> But most importantly, the report had a considerable impact on the families of the missing youth.<sup>17</sup>

The federal government's first official statement appeared in a message posted on Twitter by President Enrique Peña Nieto only a few hours after the GIEI released its report to the public. In several messages, the president said many things, including: "The @gobmx would like to once again thank the GIEI for its work and the IACHR for its support in the investigation of these deplorable events."<sup>18</sup>

As for the Office of the Attorney General, it issued the following statement on behalf of the federal government:

*[...] the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights presented a report that is fundamental to the investigation. [...] Pursuant to the instructions of the President of the United Mexican States, the results and the conclusions of the in-field interviews and studies carried out by the experts will, starting today, be analysed and, in due time, the Attorney General will evaluate incorporating it into the previous investigation [...] Let there be no doubt that the Government of the Republic has used all of its means to ensure that there is no place for impunity in this case.<sup>19</sup>*

The GIEI's first report was so powerful that it forced the president of Mexico to meet with the families again, one year after the first meeting. The families complained that the investigation process was biased and demanded the creation of a specialised unit to inquire into the whereabouts of the youth. They also presented eight points to be addressed in the next stage of the case, based on the experts' recommendations.<sup>20</sup> The state responded by publishing a series of unilateral actions that did not respond to the needs of the case, nor to the GIEI's recommendations.<sup>21</sup>

On 19 October 2015, during the 156th regular session of the IACHR, the GIEI presented its report to the plenary. This presentation led to meetings in which the conditions for the renewal of the GIEI's mandate were agreed upon.<sup>22</sup>

### 3.2. Phase two: from the renewal of the mandate to the second report

Even though an agreement on the basic conditions for the continuation of the GIEI's work had been reached at the IACHR, which included the creation of a specialised unit to continue on with the inquiry, obstacles did not cease to emerge. For instance, the state did not allow the GIEI to interview some soldiers that had been exceptional witnesses of the events.<sup>23</sup> It also denied the GIEI access to the prisons to interview people who had been convicted.<sup>24</sup>

To add to the tension in the air, a media and political campaign was launched in an attempt to undermine the legitimacy that the group had gained through its work. Initially, the campaign focused on discrediting attorneys Ángela María Buitrago and Claudia Paz y Paz by presenting them as being responsible for the supposed manipulation of legal cases in Colombia and Guatemala. Later, the said campaign included the other GIEI members by questioning the technical and moral authority of Carlos Martín Beristain, Alejandro Valencia Villa and Francisco Cox.

Although several civil society organisations<sup>25</sup> demanded the state to take a public stand to defend the importance of the GIEI's work to provide technical assistance,

the federal government did not officially declare its support. In light of its silence, the IACHR stood up in defence of the GIEI.<sup>26</sup>

On 24 April 2016, the GIEI presented its report entitled “Ayotzinapa Report II. Forward Steps and New Conclusions on the Investigation, Search and Care for Victims”. In this second report, the GIEI reaffirmed the magnitude of the events and documented new scenarios in places that had not been investigated by the PGR. It also concluded that all law enforcement agencies that were present that evening participated actively or passively (by omission) and demonstrated that the collusion between criminal groups and state structures was not limited to the municipality; it included other levels in a scheme of macro criminality.

The GIEI documented the PGR’s reluctance to explore lines of investigation other than the one on the garbage dump in Cocula. The GIEI also detected serious irregularities in the collection and processing of evidence that was supposedly found in the San Juan River, as well as violations of due process in the investigation. The GIEI wrote that the PGR did not use satellite photographs nor laser technology, as it had recommended in its first press release.<sup>27</sup>

In the section on the problems in the investigation of human rights violations in Mexico, the GIEI identified mechanisms that foster impunity. They include: the excessive formality and bureaucracy permeating the Mexican criminal justice system; the preponderance of testimonial evidence and confessions over scientific evidence and the use of intelligence; flaws in statement-taking and the lack of capacity to analyse evidence; the predominance of the organised crime approach over a human rights one; the emphasis on the number of people apprehended, instead of the quality of the investigation; the denial of information to the victims; the obstruction of justice; the lack of technology used in the search for the disappeared; deficiencies in burials and exhumations; the revictimisation and the criminalisation of the victims and, finally, the prevalence of a sovereignist attitude that hinders international cooperation.

The second GIEI report had, once again, enormous repercussions on Mexico and at the international level.<sup>28</sup> Many voiced their support for its work.<sup>29</sup> However, the culmination of the GIEI’s mandate – when the reason for which it had been created still existed, as the whereabouts of the students remained unknown – was controversial.<sup>30</sup>

### 3.3. The Special Follow-up Mechanism ordered by the IACHR

On 15 April 2016, the IACHR announced that the GIEI would not continue with its work because the state had not provided the necessary conditions to do so<sup>31</sup> and ordered a special follow-up mechanism to be created. Another difficult negotiating process began between the families and the state to define the characteristics of this mechanism. The families mainly argued that in light of an investigation where justice had been deviated and obstructed, only international monitoring could offer them guarantees.

It is clear that the growing rift between Mexico and the Inter-American human rights system played a determining role in the difficulties to concretise the mechanism. It led Mexico to adopt positions never seen before *vis-à-vis* the Commission, which were contrary to the strengthening of the system.

After a series of meetings were held with the families' representatives on 27, 28 and 29 July 2016, the IACHR defined how the special follow-up mechanism would be set up.<sup>32</sup> It was to have the following characteristics: it would do follow-up on the precautionary measures and the GIEI's recommendations; it would be composed of at least two special technical advisors who would be allowed to visit Mexico as often and as long as needed and would have full access to files and other sources of information; and that the IACHR commissioner in charge of the mechanism would carry out four visits to Mexico to supervise the work between August 2016 and March 2017, plus the visits agreed upon for the following years. The Commission stressed that the activities of the mechanism could not be interpreted as restrictions on other powers granted by the American Convention on Human Rights.

## 4 • The main contributions of the GIEI

Even though the outcome of the technical assistance process is still uncertain, it is possible to do a preliminary assessment of the significance of the experience of the GIEI in Mexico. Taking stock of its contributions will mark the path to follow to achieve justice and truth for the victims and shows, at the same time, the vitality and importance of international human rights mechanisms.

The contributions of the GIEI can be seen at at least two levels: its direct impacts, linked to the clarifications of the facts; and its indirect impacts, related to the extent to and autonomy with which it carried out its mandate in Mexico.

### 4.1. Direct impacts

#### 4.1.1. Greater visibility of the central role of the victims

One of the GIEI's most important contributions, which has received the least public attention, is the profound respect it has shown to the victims. In addition to documenting the families' suffering, the report emphasises their capacity to organise and demand justice. The GIEI highlights that, "The memory of their sons, the collective mobilisations and the hope that they will find them are elements that help the families to maintain a bond with the disappeared."<sup>33</sup>

Opening up space for victims to actively participate in the process of pursuing justice and the truth was identified as crucial. The GIEI's insistence on putting the victims at the centre is also what led to the approval of conducting assessments of the psycho-social impacts on the families

and the students. The conducting of this study, which is uncommon in Mexico, has allowed for a deeper understanding of the impacts that the events and their aftermath on the people.

#### 4.1.2. The reconstruction of a complex criminal event based on a variety of voices and evidence

To show that it is possible to reconstruct the events in a different way, the GIEI resorted to the testimonies of the victims and survivors, reconstructing the facts, scientific evidence and factual proof such as call records, and it succeeded in producing a comprehensive narrative. Thanks to the clarity of the reports, they can be analysed by not only specialists, but anyone interested in the issue and, especially, the families themselves.

Furthermore, the GIEI shows the importance of conducting a criminal investigation based on scientific methods in which several lines are developed to avoid confirmatory biases. This contrasts with the data presented by the PGR even after the two GIEI reports were released. What is more, by inadequately describing the facts and presenting incorrect information,<sup>34</sup> the PGR's ministerial report generates, yet again, an account of the events that is inaccessible and that loses sight of the human rights approach and the centrality of the victims.

#### 4.1.3. Prioritisation of scientific and objective evidence

The GIEI published an independent opinion on the fire and which concludes that the official hypothesis was impossible. This conclusion was confirmed by the results of the multidisciplinary study conducted by the Argentine Forensic Anthropology Team (EAAF), which were presented on 9 February 2016.

Based on a rigorous technical analysis, the GIEI and the EAAF found inconsistencies between the scientific evidence and the testimonies and determined that the events at the Cocula garbage dump described in the "historical truth" – which the PGR claimed resolved the disappearance of the 43 students – could not have taken place. Therefore, both the GIEI and the EAAF helped to raise the importance of using scientific evidence in the process of establishing the facts.

#### 4.1.4. Identification of the structures of macro-criminality underlying the facts

The GIEI identified the existence of criminal structures that colluded with state actors from all three levels of government, not only the municipal level. In other words, it showed that the disappearance of 43 students on one night could not have happened with the complicity of the municipal institutions only.

In its first report, the GIEI indicated that "the business that is carried out in the town of Iguala could explain the extremely violent reaction and the massive character of the attack, its duration in time and even the follow-up attack."<sup>35</sup> The GIEI documented how, by act or



omission, more security forces were involved, which also reveals the scope of transnational crime and its impact on the enjoyment of human rights.

#### 4.1.5. Identification of a concrete and feasible path for establishing the whereabouts of the missing students

With regards to the future of the investigation, the GIEI designed a clear and concise roadmap based on 20 measures that, when adopted, will contribute to finding justice and the truth in the Ayotzinapa case. These measures are: unify the different criminal cases; avoid fragmenting the investigation process; prevent the Office of the Special Prosecutor for the Investigation of Organized Crime (SEIDO) from interfering in the inquiry, given that this body led the investigation towards a hypothesis that proved unsustainable; take other human rights violations and crimes committed into consideration; obtain the witness statements that remained pending; follow up on the telephone records of suspected perpetrators and students; compare the ballistic evidence collected from the crime scenes with the weapons of the different police forces; continue to cooperate with Innsbruck and the EAAF on genetic testing; request relevant military documentation that has not been delivered; investigate further the possibility of narcotics being transported across the border; fully identify the fifth bus and possible falsehoods in related declarations; investigate allegations of ill-treatment or torture; determine the responsibility for omission of the security forces present during the acts; arrest alleged perpetrators who are still at large; investigate the assets of alleged perpetrators; investigate a possible obstruction of the investigation; disseminate a narrative of the case based on reality and the GIEI's findings; continue the search for the missing students; maintain spaces for dialogue and communication with family members open; and, finally, guarantee the safety of the family members and their representatives.

## 4.2. Indirect impacts

### 4.2.1. Elaboration of structural recommendations

Thanks to its approach and in-depth study of the Ayotzinapa case, the Group of Experts was able to expose structural weaknesses related to the way investigations are carried out in cases of human rights violations and to the search and support for victims, the processing of cases, public policies, the institutional structure and legislation related to forced disappearances. Far from creating the conditions to ensure that the incidences will not be repeated, these elements perpetuate a situation that is conducive to human rights violations and impunity. This is why the GIEI's structural recommendations include: legal reforms, changes to the institutional model and to practices, and other public policy measures.

In relation to the General Law to Prevent and Punish Disappearances, for example, the GIEI proposed that after consultations with the victims and the families, a comprehensive law on forced disappearances must urgently be approved.

Among other recommendations, the experts analysed issues such as the need to improve the practices of investigating torture; the creation of specialised jurisdictions for cases of human rights violations; the separation of the forensic services from the attorney general's office to guarantee their autonomy; fully incorporating the standards of the Minnesota Protocol on the investigation of extrajudicial executions; the implementation of a state policy on the right to the truth that recognises the historical roots of the practice of disappearances in Mexico; the gradual withdrawal of armed forces from security tasks; and the strengthening of international cooperation efforts to design mechanisms capable of ending the structural impunity that prevails in Mexico.

#### 4.2.2. Expanding the public debate on human rights in Mexico beyond its traditional limits

Intervening in the public sphere is undoubtedly one of the biggest tasks of the defence of human rights. In this area, the GIEI brought innovations to Mexico. GIEI became a public agent that successfully disputed credibility with the state thanks to its serious and technical work. It had a significant impact on public opinion and expanded the narrow limits within which human rights issues are traditionally debated in Mexico.

These contributions also reveal that considering the lack of credibility of Mexican law enforcement and administration of justice institutions, international monitoring can be a powerful tool for change.

#### 4.2.3. The construction of a new model of international supervision to end impunity

The GIEI was the first experience of international monitoring carried out within a criminal investigation process of its kind. It can be replicated and contribute to the investigation of emblematic cases and regional settings<sup>36</sup> where processes of mass victimisation have occurred.

In Mexico, the GIEI has demonstrated international cooperation's potential to put an end to structural impunity that is sustained on pacts of corruption and silence; hence, its significance and the interest in seeking the best possible outcome.

For the Center Prodh, which coordinated the dialogue between the GIEI, the state and the families, some of the most important characteristics of the GIEI model that can help us to think of alternatives for the future of Mexico and other countries are:

- It was a mechanism that operated *in situ*. It practically remained in Mexico the whole time it was active, which guaranteed it the proximity to stakeholders it needed.
- It carried out its inquiry in *real time*, as the investigation it was supervising had not yet been finalised.
- It was activated without the need to *exhaust all domestic remedies*, within the

framework of the precautionary measures procedures, which prevented some additional violations of the victims' rights from occurring.

- It supervised a *complex criminal investigation* where its main interlocutors were the actual justice officials.
- It was a *collegial body*, which has important advantages over those comprised of only one person, when it comes to dealing with wearing situations.
- It was an *interdisciplinary* mechanism enriched by the complementarity of its members' profiles and specialisations.
- It had adequate *funding* from the state, which allowed it to do its work free from budgetary restrictions.
- It could go to *third parties for expert opinions*, which gave the investigation more sustenance and depth.
- It assembled a small *local support team* made up of serious and committed Mexican professionals, which helped contextualise the Group's work more quickly.
- It maintained, at all times, *a balance between its capacity to engage in high-level dialogue with the state and its proximity to the victims and their representatives*, which was always sustained with honesty and transparency.
- It became a social actor and strengthened its voice by using the media strategically and adopting language of justice more than one of diplomacy.

Based on this, the GIEI's experience leaves valuable lessons on the potential and constant evolution of international human rights mechanisms.

From another point of view, it is necessary to reflect on certain questions raised by the experience. For example, how do we enhance the attention to the people and institutions who remain in their places of origin after the intervention of international protection mechanisms, when these mechanisms affect powerful interests by exposing networks of corruption?

This dilemma becomes particularly important in relation to the victims. However, it also applies to the organisations involved in the process that, in strictly political terms, become the object of and heirs to the animosities that this kind of exercise can generate. This has happened, for example, in the case of the Center Prodh, which had to face adverse situations when it was identified in Mexico as one of the main proponents of the GIEI experience.<sup>37</sup> Fortunately, the GIEI was careful to not give visibility to the work of national human rights defenders. However, this is one issue for which too much discussion will never be enough.

## 5 • Conclusion: the struggle for justice and the truth continues

Sadly, the whereabouts of the 43 students who disappeared on 26 September 2014 are still unknown. The fathers and mothers continue on with their tireless struggle to discover the location of the young men.

Alongside the Ayotzinapa case, the crisis of human rights violations in Mexico continues. Even so, and without trying to sidestep this reality, the contributions of the GIEI are undeniable. Its recommendations outline the path to finding justice and truth on the disappearance of the college students. On the memory of the victims and the collective memory, the GIEI has left an unforgettable impression. Thanks to the GIEI, we now know more about the facts than when the federal government claimed to have arrived at the “historical truth”.

Furthermore, it has had tremendous impacts on the public agenda. It opened new spaces for discussion on human rights in Mexico and generated proposals to end the crisis of violations the country is experiencing and, more specifically, in relation to the disappearances.

The family members of the 43 missing persons, together with the loved ones of the 6 people who were executed and the more than 40 injured, continue to demand that justice – not impunity – and the truth – not lies – prevail. Both GIEI reports have given solid tools to the fathers and mothers to keep on fighting and showed them that reason and the scientific evidence are on their side.

However, in its last few days in Mexico, the GIEI itself stated that the task remained unfinished and reminded us that the obligation to establish the truth about the facts lies fundamentally with the state. While expressing his regret for the persistent lack of clarification and referring to the state’s responsibility in this, one of the group’s members, Francisco Cox, stated:

*The truth is that I feel very sad about not being able to tell the families where their sons are, but there is also a certain satisfaction and peace of mind for having done everything that could be done [...] we are leaving behind a document that can be useful and can guide some legal changes to improve the efficiency of investigations in highly complex cases. [...] When one provides technical assistance, the one who requests the technical assistance should want to be technically assisted. The state told us, in fact, that it no longer needed our help.<sup>38</sup>*

The testimonies compiled by the GIEI in its second report confirm this sensation of ambivalence. On one hand, the fact that these voices have not been lost and were recuperated in this innovative exercise of international supervision is one of the most important aspects of the GIEI. On the other hand, the pain that the testimonies transmit point to everything that remains to be done.

In the words of one of the fathers,

*For us, actually, the absence of our son has been very painful... this blow should not be wished on anyone. It hurts us minute by minute, second by second, and inflicts very deep wounds...when a family member dies, it is less: we take him, carry him, put him in*

*the coffin, take him to be buried and we go see him whenever we want. But in the case of our son, not knowing anything - well, it is strong. The pain is strong.*<sup>39</sup>

Despite this reality of the pain, in its passage through Mexico, the GIEI has made important contributions to the human rights agenda. It is a novel experience in international supervision, which can be useful to consider when thinking of innovative approaches to fighting impunity, which is endemic in many Latin American countries.

As the GIEI stated in its last report, “the Ayotzinapa case has put the country at a crossroads, from which it has yet to emerge, and to do so, the rule of law and the defence, guarantee and respect for human rights need to be strengthened.”<sup>40</sup> Ayotzinapa is an open wound that only justice and the truth can heal.

## NOTES

1 • The “*escuelas normales rurales*” or rural teaching colleges were created immediately after the Mexican Revolution to train teachers to teach literacy to the poorest peasant and indigenous communities.

2 • The state of Guerrero is located in southern Mexico and the city of Iguala, in the north of the state. Over the past decade, Guerrero has held one of the lowest rankings in the country on the Human Development Index and one of the highest in relation to violence and crime. Its human rights record is the worst in the country.

3 • Their names are: 1) Felipe Arnulfo Rosa, 2) Benjamín Ascencio Bautista, 3) Israel Caballero Sánchez, 4) Abel García Hernández, 5) Emiliano Alen Gaspar de la Cruz, 6) Doriam Gonzáles Parral, 7) Jorge Luis Gonzáles Parral, 8) Magdaleno Rubén Lauro Villegas, 9) José Luis Luna Torres, 10) Mauricio Ortega Valerio, 11) Jesús Jovany Rodríguez Tlatempa, 12) Abelardo Vázquez Peniten, 13) AdanAbraján de la Cruz, 14) Christian Tomás Colón Garnica, 15) Luis Ángel Fransico Arzola,

16) Carlos Lorenzo Hernández Muñoz, 17) Israel Jacinto Lugardo, 18) Julio César López Patolzin, 19) José Ángel Navarrete González, 20) Marcial Pablo Baranda, 21) Miguel Ángel Mendoza Zacarías, 22) Alexander Mora Venancio, 23) Julio César Ramírez Nava, 24) Luis Ángel Abarca Carrillo, 25) Jorge Álvarez Nava, 26) José Ángel Campos Cantor, 27) Jorge Aníbal Cruz Mendoza, 28) Giovanni Galindes Guerrero, 29) Jhosivani Guerrero de la Cruz, 30) Cutberto Ortiz Ramos, 31) Everardo Rodríguez Bello, 32) Christian Alfonso Rodríguez Telumbre, 33) Martín Getsemaniy Sánchez García, 34) Jonás Trujillo González, 35) José Eduardo Bartolo Tlatempa, 36) Leonel Castro Abarca, 37) Miguel Ángel Hernández Martínez, 38) Carlos Iván Ramírez Villarreal, 39) Jorge Antonio Tizapa Legideño, 40) Antonio Santana Maestro, 41) Marco Antonio Gómez Molina, 42) César Manuel Gonzáles Hernández and 43) Saúl Bruno García.

4 • Their names are: students Daniel Solís Gallardo, Julio César Ramírez Nava and Julio César Mondragón

Fontes, whose body appeared with dreadful signs of torture. The others were: Blanca Montiel Sánchez; a young soccer player from the Avispones de Chilpancingo team, David Josué García Evangelista; and the team's bus driver, Víctor Manuel Lugo Ortiz.

5 • The list of wounded people include Aldo Gutiérrez Solano, who is still in a coma today, and Edgar Andrés Vargas, whose jaw was shattered by a bullet and who is still undergoing several surgeries.

6 • Miguel Agustín Pro Juárez Human Rights Center (Center Prodh).

7 • For more information, see "NOTA INFORMATIVA: Mesa de Implementación de Medidas Cautelares Solicitadas por la CIDH," TLACHINOLLAN, October 13, accessed June 6, 2017, <http://www.tlachinollan.org/nota-informativa-mesa-de-implementacion-de-medidas-cauteleras-solicitadas-por-la-cidh/#prettyPhoto>.

8 • The minutes of the meeting signed by the families and the president of the republic can be consulted at: "Reunion," Animal Político, n. d., accessed June 6, 2017, <https://es.scribd.com/document/244955468/Documento-Reunion-doc>.

9 • IACHR announced the GIEI's composition in a press release available at: "Interdisciplinary Group of Experts to Launch at IACHR Headquarters its Work on the Case of the Students of Ayotzinapa, Mexico", OAS, January 30, 2015, accessed June 6, 2017, [http://www.oas.org/en/iachr/media\\_center/PReleases/2015/008.asp](http://www.oas.org/en/iachr/media_center/PReleases/2015/008.asp).

10 • For more on the press conference during which this term was coined, see: "Press Conference of the Attorney General of the Republic, Jesús Murillo Karam," PGR, November 7, 2014, accessed June 6, 2017, <http://www.pgr.gob.mx/prensa/2007/bol14/Nov/b21214.shtm>.

11 • In the first statements they gave after the release of this version, the families gathered at Center Prodh declared: "La VERDAD HISTÓRICA es la de los padres de LOS 43," YouTube video, 56:07, published by Mr. Politikon Zoon, January 28, 2015, <https://www.youtube.com/watch?v=0R7JlXPmMVM>.

12 • The protests held in response to this

announcement are among the largest in the recent history of Mexico. See: Astrid Rivera, Pedro Villa y Caña and Ana Anabitarte, "Claman Justicia en 33 Países." *El Universal*, November 21, 2014, accessed June 6, 2017, <http://archivo.eluniversal.com.mx/nacion-mexico/2014/impreso/claman-justicia-en-33-paises-220552.html>. Stella Calloni, Enrique Gutiérrez and Armando G. Tejeda, "Multitudinarias Movilizaciones de Solidaridad en Ciudades del Mundo." *La Jornada*, November 21, 2014, accessed June 6, 2017, <http://www.jornada.unam.mx/2014/11/21/politica/010n1pol>. "#20NovMx Justicia para Ayotzinapa," *El País*, November 21, 2014, accessed June 6, 2017, [http://internacional.elpais.com/internacional/2014/11/21/actualidad/1416529393\\_422883.html](http://internacional.elpais.com/internacional/2014/11/21/actualidad/1416529393_422883.html).

13 • The GIEI's press releases are available in: Interdisciplinary Group of Independent Experts, Ayotzinapa, 2017, accessed June 6, 2017, <http://prensagieiyotzi.wix.com/giei-ayotzinapa#!prensa/c1rv5/page/2>.

14 • To consult the first report of the GIEI, see: "Informe Ayotzinapa", Interdisciplinary Group of Independent Experts (GIEI), 2016, accessed June 6, 2017, <https://drive.google.com/file/d/0B1ChdondilaHNzFHaEs3azQ4Tm8/view?pref=2&pli=1>.

15 • Some of the repercussions in the media can be found in: Paulina Villegas, "Experts Reject Official Account of How 43 Mexican Students Were Killed." *The New York Times*, September 7, 2015, accessed June 6, 2017, <https://www.nytimes.com/2015/09/07/world/experts-reject-official-account-of-how-43-mexican-students-vanished.html>; Juan Paullier, "México: Así Reaccionó el Gobierno al Informe sobre los Estudiantes de Ayotzinapa." *BBC Mundo*, September 6, accessed June 6, 2017, [http://www.bbc.com/mundo/noticias/2015/09/150906\\_mexico\\_estudiantes\\_informe\\_ayotzinapa\\_giei\\_reaccion\\_gobierno\\_jp](http://www.bbc.com/mundo/noticias/2015/09/150906_mexico_estudiantes_informe_ayotzinapa_giei_reaccion_gobierno_jp).

16 • Some of the main declarations were published in: "En la Víspera del Segundo Aniversario del Caso Ayotzinapa, el Gobierno Mexicano Continúa

Aferrándose a la ya Desacreditada 'Verdad Histórica,'" WOLA, September 22, 2015, accessed June 6, 2017, <https://www.wola.org/es/2016/09/en-la-vispera-del-segundo-aniversario-de-ayotzinapa-el-gobierno-mexicano-continua-aferrandose-la-ya-desacreditada-verdad-historica/>; "Organizaciones de Derechos Humanos expresan apoyo para avanzar en la investigación de los 43 Desaparecidos en México," Amnistía Internacional et al., December 8, 2015, accessed June 6, 2017, <http://amnistia.org.mx/nuevo/2015/12/08/organizaciones-de-derechos-humanos-expresan-apoyo-para-avanzar-en-la-investigacion-de-los-43-desaparecidos-en-mexico/>.

17 • The complete video of the press conference, which is an important testimony of the impacts that the official version's lies had on the families, can be viewed at: "Familias Ayotzinapa se pronunciarán sobre las revelaciones del GIEI de la CIDH," YouTube video, 1:36:40, published by Miguel Agustín Pro Juárez Human Rights Center, September 6, 2015, <https://www.youtube.com/watch?v=UlmW0msPjuU>.

18 • See: Enrique Peña Nieto, Twitter message, September 6, 2015, 12:34, <https://twitter.com/search?q=from%3AEPN%20since%3A2015-09-05%20until%3A2015-09-07&src=typd&lang=es>.

19 • The message is available at: "Palabras de la Procuradora General de la República, Arely Gómez González," PGR, September 6, 2015, accessed June 6, 2017, <https://goo.gl/KaBgi>.

20 • The 8 points submitted to president can be found in: "Familias de Ayotzinapa Presentan 8 Exigencias Esenciales a Peña Nieto," Centro Prodh, September 24, 2015, accessed June 6, 2017, [http://centroprodh.org.mx/index.php?option=com\\_content&view=article&id=1650:2015-09-24-18-58-03&catid=209:front-rokstories&lang=es](http://centroprodh.org.mx/index.php?option=com_content&view=article&id=1650:2015-09-24-18-58-03&catid=209:front-rokstories&lang=es).

21 • For more information on the unilateral points presented by the president's office, see: "Peña Presenta 6 Compromisos; Padres de los 43 Dicen que es Insuficiente," Milenio, September 24, 2015, accessed June 6, <https://www.nytimes.com/2015/09/07/world/experts-reject-official-account-of-how-43-mexican-students-vanished.html>.

22 • For more information on these conditions, see: "Firman Estado Mexicano y GIEI Compromisos para dar seguimiento al trabajo sobre el Caso Ayotzinapa," OAS, October 20, 2015, accessed June 6, 2017, <https://www.oas.org/es/cidh/actividades/giei/GIEI-boletin-2015-10-20.pdf>.

23 • The declarations of the Secretary of National Defence on this situation can be found in: "No Voy a Permitir que Interroguen a Mis Soldados' Por Caso Ayotzinapa: Cienfuegos," Aristegui Noticias, October 6, 2015, accessed June 6, 2017, <http://aristeginoticias.com/0610/mexico/no-voy-a-permitir-que-interroguen-a-mis-soldados-por-caso-ayotzinapa-cienfuegos/>.

24 • Second GIEI Report, p. 572.

25 • See, for example, the press release circulated by the following national and international organisations: Centro de Estudios de Derecho, Justicia y Sociedad (De Justicia), Centro de Estudios Legales y Sociales (CELS), Centro por la Justicia y el Derecho Internacional (CEJIL), Fundación para el Debido Proceso (DPLF), Grupo de Trabajo para Asuntos Latinoamericanos (LAWGEF), Oficina en Washington para Asuntos Latinoamericanos (WOLA), Open Society Justice Initiative, and Robert F. Kennedy Human Rights, which is available at: "OSC Internacionales Denuncian Campaña de Desprestigio Contra GIEI en Caso Ayotzinapa," Centro Prodh, February 5, 2016, accessed June 6, 2017, [http://www.centroprodh.org.mx/index.php?option=com\\_content&view=article&id=1772%3A2016-02-05-17-17-35&catid=209%3Afront-rokstories&lang=es](http://www.centroprodh.org.mx/index.php?option=com_content&view=article&id=1772%3A2016-02-05-17-17-35&catid=209%3Afront-rokstories&lang=es).

26 • To consult the press release, see: "CIDH Expresa Confianza y Respaldo a Expertas y Expertos Independientes Miembros del GIEI," OAS, January 28, 2016, accessed June 6, 2017, <http://www.oas.org/es/cidh/prensa/comunicados/2016/006.asp>.

27 • The GIEI proposed the use of LIDAR technology in its November 6, 2015 bulletin, which is available at: "Presenta el GIEI las Características de la Segunda Parte de su Mandato y los Desafíos

que ha Enfrentado para su Ejecución,” GIEI, November 6, 2015, accessed June 6, 2017, <http://prensagieiyotzi.wixsite.com/giei-ayotzinapa/single-post/2015/11/06/Presenta-el-GIEI-las-caracter%C3%ADsticas-de-la-segunda-parte-de-su-mandato-y-los-desaf%C3%ADos-que-ha-enfrentado-para-su-ejecuci%C3%B3n>.

28 • See, for example: Jan Martínez Ahrens, “La Comisión de Expertos Acusa al Gobierno de Obstruir el Caso Ayotzinapa.” *El País*, April 25, 2016, accessed June 6, 2017, [http://internacional.elpais.com/internacional/2016/04/24/mexico/1461469508\\_584523.html](http://internacional.elpais.com/internacional/2016/04/24/mexico/1461469508_584523.html); Kirk Semple y Elisabeth Malkin, “Inquiry Challenges Mexico’s Account of How 43 Students Vanished.” *The New York Times*, April 24, 2016, accessed June 6, 2017, <https://www.nytimes.com/2016/04/25/world/americas/inquiry-challenges-mexicos-account-of-how-43-students-vanished.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&r=0&ref=nyt-es>; David Agren, “Outside Experts Condemn Mexico’s Inquiry into 43 Missing Students.” *The Guardian*, April 25, 2016, accessed June 6, 2017, <https://www.theguardian.com/world/2016/apr/24/mexico-43-missing-students-investigation-iachr-report>.

29 • See, for example: “Mensaje del Vocero del Alto Comisionado de las Naciones Unidas para los Derechos Humanos: Rupert Colville,” OHCHR, April 2016, accessed June 6, 2017, [http://www.hchr.org.mx/index.php?option=com\\_k2&view=item&id=810:giei-mensaje-del-vocero-del-alto-comisionado-de-las-naciones-unidas-para-los-derechos-humanos-rupert-colville&Itemid=266](http://www.hchr.org.mx/index.php?option=com_k2&view=item&id=810:giei-mensaje-del-vocero-del-alto-comisionado-de-las-naciones-unidas-para-los-derechos-humanos-rupert-colville&Itemid=266); José Miguel Vivanco, “Carta a la Procuradora General de la República sobre la Crisis de Derechos Humanos en México.” Human Rights Watch, April 28, 2015, accessed June 6, 2017, <https://www.hrw.org/es/news/2015/04/28/carta-la-procuradora-general-de-la-republica-sobre-la-crisis-de-derechos-humanos-en>.

30 • See, for example: “Entrega el GIEI Ruta de Seguimiento sobre su Trabajo en la Investigación del Caso Ayotzinapa,” GIEI, May 1, 2016, accessed June 6, 2017, <http://prensagieiyotzi.wixsite.com/>

[giei-ayotzinapa/single-post/2016/05/01/Entrega-el-GIEI-ruta-de-seguimiento-sobre-su-trabajo-en-la-investigaci%C3%B3n-del-caso-Ayotzinapa](http://prensagieiyotzi.wixsite.com/giei-ayotzinapa/single-post/2016/05/01/Entrega-el-GIEI-ruta-de-seguimiento-sobre-su-trabajo-en-la-investigaci%C3%B3n-del-caso-Ayotzinapa).

31 • The IACHR publicly announced its decision in a communiqué available at: “Informe sobre el 157º Período de Sesiones de la CIDH,” OAS, June 13, 2016, accessed June 6, 2017, <http://www.oas.org/es/cidh/prensa/comunicados/2016/049A.asp>.

32 • To consult the resolution, see: “Comisión Interamericana de Derechos Humanos – Resolución 42/16,” CIDH, accessed June 6, 2017, <https://www.oas.org/es/cidh/decisiones/pdf/2016/MC409-14-ES.pdf>.

33 • “Informe Ayotzinapa,” GIEI, 266.

34 • The full expert opinion is available to the public at: “Dictamen Sobre el Basurero de Cocula,” Argentine Forensic Anthropology Team, February 2016, accessed June 6, 2017,; <http://www.eaaf.org/files/dictamen-sobre-el-basurero-cocula-feb2016.pdf>.

35 • “Informe Ayotzinapa,” GIEI, 321.

36 • For example, the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala recently organised a workshop on the *Lessons learned on international cooperation for the protection of human rights and the fight against impunity* in which the differences and similarities between the CICIG of Guatemala, the OHCHR in Colombia, the GIEI and the Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) were analysed, while, of course, taking into account the differences in mandates and contexts.

37 • See, for example: <http://www.eluniversal.com.mx/entrada-de-opinion/columna/roberto-rock/nacion/2016/04/1/ayotzinapa-el-cerco>.

38 • Cfr. “Nos vamos de México con mucha tristeza, dicen expertos del GIEI”, *Animal Político*, April 26, 2016. See: <http://www.animalpolitico.com/2016/04/nos-vamos-de-mexico-con-mucha-tristeza-dicen-expertos-del-giei/>.

39 • “Informe Ayotzinapa,” GIEI, 331.

40 • “Informe Ayotzinapa,” GIEI, Introducción.





**MARIO PATRÓN** – Mexico

Mario Patrón Sánchez holds a law degree from the *Universidad Iberoamericana*, Mexico City, and a Master's Degree in Human Rights and Democracy from the *Facultad Latinoamericana de Ciencias Sociales* (FLACSO). He is the director of the Miguel Agustín Pro Juárez Human Rights Center (Prodh) in Mexico.

email: [direccion@centroprodh.org.mx](mailto:direccion@centroprodh.org.mx)



**SANTIAGO AGUIRRE ESPINOSA** – Mexico

Santiago Aguirre Espinosa holds a law degree from the University of Monterrey and a Master's Degree in Human Rights and Democracy from the *Facultad Latinoamericana de Ciencias Sociales* (FLACSO). He is the deputy director of the Miguel Agustín Pro Juárez Human Rights Center (Prodh) in Mexico.

email: [subdireccion@centroprodh.org.mx](mailto:subdireccion@centroprodh.org.mx)



**SOFÍA DE ROBINA** – Mexico

Sofía de Robina Castro is a lawyer at the the Miguel Agustín Pro Juárez Human Rights Center (Prodh) and a member of *Frente por la Libertad de Expresión y la Protesta Social* (Front for the Freedom of Expression and Social Protest).

email: [internacional3@centroprodh.org.mx](mailto:internacional3@centroprodh.org.mx)



**STEPHANIE BREWER** – USA

Stephanie Brewer is the coordinator of the Miguel Agustín Pro Juárez Human Rights Center's international department and a specialist in the enforcement of individual and collective rights through the use of national and international mechanisms.

email: [internacional@centroprodh.org.mx](mailto:internacional@centroprodh.org.mx)



**MARÍA LUISA AGUILAR** – Mexico

María Luisa Aguilar is a member of the Miguel Agustín Pro Juárez Human Rights Center's international department and a specialist in the enforcement of individual and collective rights through the use of national and international mechanisms.

email: [internacional2@centroprodh.org.mx](mailto:internacional2@centroprodh.org.mx)

Received in February 2017.

Original in Spanish. Translated by Karen Lang.



"This journal is published under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License"