Tip of the Iceberg

written by Robert Joe Stout | July 5, 2013

The roll of names was impressive: Iñaki García, María Francisca Ize-Charrin, Louise Arbour, Giovanni di Girolamo, Erika Mann, Alberto Ignacio Glender, Alexander Koeln, Teresa Ávila, Eva Lichtenberger — all with impressive titles and extensive backgrounds in government, jurisprudence, and human rights. They urged, condemned, pontificated; they interviewed government officials, journalists, human rights practitioners; they invoked the names of the High Commissioner of the United Nations, the European Parliament, and the International Brigades of Peace, organizations they belonged to and represented. With them they took back to Europe the word "Oaxaca," a place name most of their constituents could barely envision, much less pronounce.

They also took with them laptops and tape recorders filled with the testimonies of victims of police and paramilitary beatings, torture, assassinations, and rape — accounts that detailed what *grupos armadas irregulares* linked to Oaxaca's governor Ulisés Ruiz had committed. García, the director of the International Civil Commission of Observation for Human Rights (CCIODH), delivered a detailed report of violations that had occurred in Oaxaca to the UN High Commissioner of Human Rights on June 20, 2007.

Ruiz laughed off the commission's findings and recommendations. Six years later only one of the assassinations, beatings, tortures, or rapes reported by the commission had resulted in arrests and that conviction was overturned for lack of evidence.

The CCIODH wasn't the only foreign human rights organization to assess violations in Oaxaca. Amnesty International's Secretary General Irene Khan personally delivered AI's findings to Mexico's President Felipe Calderón in August 2007. Calderón posed with her for photographers and assured her that Mexico was a country *apegado a la ley* ("pegged to the law") and violations would be investigated and prosecuted.

No prosecutions took place.

Calderón's highest ranking cabinet minister, Secretary of the Government Francisco Ramírez, had dismissed without response hundreds of complaints after violently repressing an anti-Latin American-European Union Summit demonstration while he was the governor of Mexico's state of Jalisco. Hardly the individual to enforce human rights, particularly since he was a long-time friend and associate of Oaxaca's governor Ruiz, who Khan insisted had "clearly shown" that he lacked the political will to confront the violations.

Oaxaca wasn't the only place in Mexico that brutal repressions of popular sentiment occurred. Estado de Mexico security forces swept through San Salvador Atenco, arresting over 200 people, sacking houses and raping a number of women. Prosecutions swiftly followed: of community leaders accused of sedition and other federal crimes, not of the false arrests, tortures or rapes that the security forces committed. An attorney helping pro bono with the defense told me the attack was preplanned to teach residents a lesson for successfully opposing a government plan to convert their farmland into an international airport four years before.

Publicity given the murders and disappearances of hundreds of young women in Ciudad Juárez, Chihuahua, nudged the federal government to form a special commission to prevent and eradicate violence against women. Underfunded and lacking qualified personnel, the commission was discarded three years later without having diminished violence against women in that border city.

Throughout President Felipe Calderón's six years in office (2006-2012) Mexico's federal government refused to investigate criminal complaints against the military but turned them over to armed forces tribunals where the cases routinely were dismissed. By 2012 human rights advocates had confirmed over 6,000 violations by the military for arbitrary arrests, torture, grand theft, disappearances, beatings, and rape.

The 6,000 cases only included violations that victims actually reported. "They're merely the tip of the iceberg," Mexico City human rights lawyer Aracely Arsuaga told me. Fear of retaliation by soldiers or paramilitaries has impeded filing formal charges "particularly since the government does nothing to resolve them."

From 2007-2012 only one Mexican military officer was convicted of human rights violations. Journalists, victims, and human rights advocates who reported abuses frequently were harassed. In September 2009 Gustavo de la Rosa of the Chihuahua state Commission on Human Rights sought asylum in the United States after receiving death threats from unidentified persons who told him to stop criticizing military human rights violations and to cease defending victims of military aggressions in Ciudad Juárez. Governmental insistence that the military could do no wrong gave soldiers freedom to do as they chose without fear of chastisement, creating a situation where both the military and the drug corporation capos thumbed their noses at legal restrictions.

In addition thirty-five journalists were assassinated and eight others disappeared from 2007-2012, some the victims of organized crime but the majority because they were involved in political investigations.

Like many countries that signed international human rights agreements, Mexico established commissions and enacted legislation to conform to those agreements. But in practice the laws and commissions created a buffer that protected violators and/or nullified the effectiveness of the laws. Many of those appointed to head commissions were career politicians with close ties to the government. The laws established bureaucratic procedures for processing complaints but also created detours that agencies which had been signaled out for violations could use to evade compliance.

Mexico's federal human rights president José Luis Soberanes responded to Human Rights Watch's investigation of 2006-2007 violations in Oaxaca by detailing over forty "errors" in HRW's assessment. Most of the so-called errors involved misspellings or expressions of opinion. HRW retaliated angrily, setting off a ping-pong of accusations and counter-accusations that permitted the Mexican government to claim compliance with human rights legislation without investigating or taking action on charges that included assassinations, kidnapping, torture, and false imprisonment.

Even when federal or state human rights commissions advocate prosecution, they have to do so through government prosecutors who may or may not actively pursue verdicts. General Guillermo Galván, Mexico's Secretary of the Defense from 2006-2012, derailed prosecution of soldiers accused of abuses by insisting that those levying the charges were "politically motivated" and the accusations were exaggerated or falsified; consequently, they were discarded.

Similarly, state prosecutors in Nuevo León rejected detailed human rights commission charges after the slayings of two university graduate students by claiming that the investigations were "one-sided" and did not include a wide enough panorama of observations and opinions. Their own investigations (which may or may not have taken place) failed to corroborate the human rights reports, and the documents were archived without action being taken.

This is not to underestimate the value of human rights advocacy. Without it victims have no representation: no one to go to bat for them. But it has to be recognized that human rights has become a political, not solely a social or humanitarian issue, and politicians use it for their own benefit. Advocating human rights makes them “one of the good guys” who’s interested in his constituents’ welfare.

Governments like those of Mexico sign accords knowing that by doing so they solidify their ability to promote tourism and foreign investment. They pass the required laws and regulations but don’t fund compliance; they inadequately staff state and federal human rights agencies; and they respond to international criticism by detailing the steps they’ve taken on paper but never realized in actuality.

Seven years after litigation through international civil rights agencies the accusation filed by two young *indigena* women who had been raped by Mexican soldiers remained unresolved. Despite impressive backgrounds and titles, the international authorities couldn’t penetrate the buffers set up by the Mexican government whose representatives on more than one occasion have let it be known that they consider “outside” groups like HRW and Amnesty International as “meddlers” who have no business intruding in Mexico’s internal affairs.

This is not to say that the international accords and commissions shouldn’t exist or have failed to improve situations that existed in the many countries involved. But compliance with these accords and the laws instituted to reflect them in Mexico remains shadowy and uncertain just as it does in Mexico’s neighbor to the north where the mistreatment of *indocumentados*, imprisonment without trial, and supplying arms to drug organizations goes unprosecuted.

Despite international agreements, prestigious commissions and beautiful laws, adherence to human rights remains enfeebled by non-compliance, detours and the abilities of those in power to redefine, falsify and amend. The laws exist, but for many human rights victims their existence is ephemeral, a distant melody that only others hear.

Footnotes