

General allegation

103rd session (7–16 May 2014)

Mexico

100. The Working Group received information from credible sources on obstacles encountered in the implementation of the Declaration in Mexico.

101. It is stated that the Truth Commission of the State of Guerrero, created to investigate enforced disappearances during the “dirty war” (1969–1979), was allegedly facing difficulties in performing its work and in accessing the information contained in the National General Archive, and that its members had allegedly been the victims of harassment.

102. By presidential decree of 27 November 2001, documents handed over to the National General Archive ceased to be undisclosed information and were opened up for consultation by anybody. The Ministry of the Interior allegedly transferred all such information from the former Federal Security Directorate and the Policy and Social Research Department, which had been were under the aegis of the Centre for Investigation and National Security (CISEN). The information was added to the 2,920 boxes containing background information from the Secretary of the Interior, with data from 1918 until the early 1980s.

103. However, the documentation currently available in the National General Archive was allegedly disorganized and incomplete. The National General Archive had allegedly planned to microfilm all the documentation, but that was never done. Also, the body of documentation of the Federal Security Directorate was not made fully available to the general public.

104. Much of the material of the Federal Security Directorate was allegedly misplaced, with changed numbers or filed in unrelated categories. In addition, the research team of the Truth Commission of the State of Guerrero allegedly did not have access to the vault where sensitive material of the former Office of the Special Prosecutor for Past Social and Political Movements (FEMOSPP) is kept. Access was requested but was allegedly denied.

105. Members of the Truth Commission of the State of Guerrero were reportedly not able to find many of the files cited by the National Human Rights Commission regarding the “dirty war”. Some reports from agents and public servants kept in the files had allegedly been lost, destroyed or concealed. Also, the numbering had disappeared from the records or had reportedly been cut, off or the records had been reclassified.

106. The mandate of the Truth Commission of the State of Guerrero expired on 17 April 2014. However, it was agreed to extend its mandate for six months; its final report would be submitted no later than 17 October 2014. To date, the State of Guerrero allegedly had not granted the budget for the extension of the mandate. The Guerrero State Congress reportedly affirmed that it was the State Government which should contribute to the budget. The State Government had not yet responded on the issue.

107. That issue would particularly affect the excavations to find remains. There was uncertainty about which state and federal authorities should be responsible for authorizing and carrying out excavations to exhume bodies in the State of Guerrero. Furthermore, the area to be excavated needed to be protected before the arrival of the rainy season and hurricanes.

108. The former Office of the Special Prosecutor for Past Social and Political Movements and the then General Coordination Office for Research of the General Prosecutor allegedly accepted the complaints of survivors of disappearance, but then allegedly informed them that the crime of abuse of authority was subject to

prescription. In a hearing before the Inter-American Commission on Human Rights, the Mexican State reportedly opened up the possibility of offering compensation in cases not verified by the National Human Rights Commission.

109. The source indicated that several members and staff of the Truth Commission of the State of Guerrero had allegedly received threats or had been the subject of attacks between January and March 2014, including persecution, threatening phone calls and robbery. Such incidents had allegedly not been properly investigated.