

Systemic Corruption and Impunity in Mexico: The disappearance of 43 Students in the Iguala

Mass Kidnapping

Name

Institutional Affiliation

Abstract

In connection with the disappearance in September 2014 of 43 pupils from the regular Ayotzinapa school in the rural state of Guerrero, the article discusses the interrelated experience of government corruption, drug trafficking and elite privileges as a starting point, as they are played out as a result of a larger social crisis and then disappeared. The cracks in the Mexican answers to Ayotzinapa show much about how racial and class privilege continues to characterize the movement of civil society in Mexico. It is difficult to support broad, coalitions of civil society to combat political corruption, impunity and violence, which is especially striking in view of the impressive nature of the recent waves of violence in Mexico. This article argues that it is the entrenched nature of the dependence of the middle class and the elite on class and racial privileges that ultimately makes these alliances unthinkable.

Keywords: social crisis, political corruption, impunity in Mexico, Guerrero case, mass kidnapping.

Systemic Corruption and Impunity in Mexico: The disappearance of 43 Students in the Iguala
Mass Kidnapping

Mexico, like other countries in Latin America, is struggling with a humanitarian crisis due to systemic corruption and impunity that has plagued the nation for decades. The nation is characterized by the presence of numerous forms of crime that spell out the lack of respect for democracy. One of the issues that stand out in the nation is the disappearance of 43 students in the Iguala kidnapping. The students from the Rural Teacher's College in Ayotzinapa (*Raúl Isidro Burgos Rural Teachers College*) located in the Mexican region of Guerrero were travelling in a bus before they were intercepted by hit men. Some died in the scene while others disappeared without a trace. An interdisciplinary group of Independent experts referred to as GIEI was appointed by the Inter-American Commission of Human rights as well as the International Tribunal of Conscience to investigate the incidence. They found that the Mexican authorities were involved in conjunction with the local drug gangs (Bustillo and Mares, 2016). However, the government has denied the allegations and has embarked on conducting its own investigation. Most of the students belong to the Campesino indigenous community, which has links with the US military police and has the highest number of immigrants into the US (Bustillo and Mares, 2016). This paper will explore the literature available on the disappearance and possible murder of the 43 students from the Rural Teacher's College in Ayotzinapa. The incidence reflects the wider and deeply engraved societal that has culminated into a humanitarian crisis in the country. Such violations by private and state actors can be explored from a socio-economic and cultural perspective.

A Review of Literature

This article by Advocacy for Human Rights in Americas (2017) discusses the role played by the Inter-American Commission on Human Rights in investigating the events that took place after the disappearance of the students and the gaps in administrative policies that facilitated the instigators to conduct the atrocities. The article reports that the legal system in Mexico did not have the appropriate apparatus to govern the behaviour of various agencies, including the law enforcers, who seemed to be operating above the law. The analysis in the article reveals that the disappearance of the students was not a unique event, but an occurrence that had prevailed in the nation.

According to Frey (2016), although Mexico has embarked on human rights advocacy at the national and local level through non-governmental organizations that have formed alliances with international institutions, the country still lacks adequate policy agenda to safeguard human rights. From a socio-economic and cultural perspective, the violations emanating from the failure to provide access to basic human needs and unequal distribution of resources. According to Frey (2016), the incidents of human rights violations have escalated in Mexico despite the establishment of the human rights movement in the 1980s, which is attributed to asymmetries of power. Besides, economic globalization has commoditized a lot of things including human trafficking for labour and sexual exploitation. The global marketplace has made it possible to conduct even the worst of human rights violations in the form of organ trafficking and child pornography. The drug dealers, who have thrived in Mexico use weapons which are supplied by countries such as the United States (Frey, 2016). For instance, in 2011, the Bureau of Alcohol, Tobacco, Firearms and Explosives sold high calibre weapons to a Mexican drug cartel. They justified the act by stating that they wanted to track the cartel's operations. Frey argues (2016) that the incidence that confronted the Rural Teacher's College of Ayotzinapa in the Mexican

southeast is a product of corruption and impunity that has been nurtured through global capitalism.

According to Jimenez (2016), the illicit trade facilitated by the Mexican drug cartels and humans traffickers across borders contributed to the killings. The official in Mexico has partisan interests in the illegal businesses that only hurt the civilians. According to the analysis provided in this article, it is apparent that the issue was tied to the drug cartels and the main beneficiaries were not the instigating police officers, but drug lords who facilitated the entire plan to get the ransom required for their release. Jimenez (2016) argues that the atrocities were perpetrated by the Municipal President of Iguala who is under the Democratic Revolution party affiliated with the Mexican left wing. The municipal president is a leading member of a drug cartel referred to as Guerreros Unidos translated to mean “United Warriors.” His wealth is apparently gotten from drug trafficking and kidnappings (Jimenez, 2016). In Mexico, rival drug cartels, private and state actors are normally on the crossroads and the people who suffer most are the members of the public through civil right violations, kidnappings, crime, violence and murder. The civilian population continues to experience atrocities regardless of the legal and police authorities that are meant to protect them. The Municipal president allegedly colluded with the cartel to facilitate the vanishing and likely execution of the 43 students since Mexican rural schools actively participate in civil resistance due to insecure and poor conditions (Frey, 2016).

On the night of 26th September, three busses that were carrying the 43 students had coincidentally travelled to Mexico City to commemorate the massacre of students who were killed in 1968 in Tlatelolco by the government. The municipal police intercepted the buses as they crossed Iguala where some students were shot. The civil population is left helpless due to

the prevalent state of systemic corruption and impunity in the country. Mexican citizens have to deal with violence, kidnappings and killings in their daily lives (Jimenez, 2016).

Carasik (2016) also asserts to the allegations that the incident was perpetrated by the law enforcement through the municipal police of Iguala together with the 'Guerreros Unidos' cartel. The presumed killing of the 43 students has exposed the country's laxity in containing drug-related violence that has plagued the nation. After a few days of searching, the forces unearthed mass graves containing 30 others. Despite the protests that followed after the disappearance of the students, it did not elicit the adequate response from authorities. Carasik (2016) implicates the Mexican systemic corruption and lawlessness to the American trade policies and security system to combat drug trafficking based on the foreign policy dubbed War on drugs. This has escalated the security crisis in the nation as witnessed by the increasing rates of murders that have been estimated to be 83,000 from 2006 to 2012 and the disappearance of another 26,000 during the same period. Current statistics show that the number of murders has reached 100,000 (Carasik, 2016). The high crime is attributed to the American anti-drug policies, which are highly counterproductive as concluded by the Global Commission on Drug Policy. The illicit trade has become an escalated human rights violations rather than using the funds to alleviate the social problems through public health initiative which amounts to 3.2 billion dollars compared to the 15 billion dollars that America is spending on counter-narcotics initiatives (Carasik, 2016).

McKibben (2015) also links political leaders to the illegal trafficking of drugs and humans by implicating the atrocities to the lucrative drug business that has attracted the corrupt and greedy political leaders. According to McKibben (2015), public funds are channelled to conduct drug business at the expense of the citizens. The article suggests that the moral reconfiguration of the society is the best way to enhance the possibility of eliminating such issues in the future

through the elimination of drug cartels and dealing with the deep socio-economic issues that are facing the country (McPherson, 2015).

The UN has advocated for a human rights-strategy by preventing, investigating and prosecuting crimes as opposed to the current militarization. Amnesty International has reported a rise in torture by 600% between 2003 and 2013. These statistics are also confirmed by the Human Rights Watch that have documented 250 cases of disappearances during Calderon's Administration, 149 being perpetrated by the state. Carasik (2016) argues that American trade policies such as the North American Free Trade Agreement has resulted in displacement and illegal migration to America, creating a humanitarian crisis (Carasik, 2016).

The article by Cisneros et al. (2015) implicates the mass kidnapping to other incidences to laxity in law enforcement. The study involves interviews from citizens and authorities who revealed that systemic corruption and the presence of a well-knitted drug and human trafficking network are implicated with the social issues that the citizens had been dealing with for decades. The interviews reveal the need to solve the underlying problems of drug cartels and other criminal organizations rather than trying to investigate individual incidences. Garcia (2016) asserts that the structural weaknesses portrayed by the government of Mexico through counterproductive policies and poor political climate are implicated with a lack of accountability on the leaders of various agencies. The law-enforcement continues to perpetrate crimes and they are not held accountable. According to Garcia (2016), the political arena in Mexico has been very unstable, and the leaders in the nation have continually failed to develop policies that strengthen structures such as the law enforcement the criminal justice system. Instead of the state protecting the rights of the people, it victimizes the same people who have elected it in power. Garcia (2016) challenges the current regime and recommends that all its agencies operate on a

legitimate platform in order to solve the issues that have haunted Mexicans for decades through the elimination of corrupt politicians and reforming government agencies.

Case Study

The middle sector of Mexico was a special beneficiary of many of the changes that the country experienced during the twentieth century. At the beginning of the century, when it was relatively small and politically marginal, the middle class grew in size and growth, comparable to the growth of the Mexican state, especially after the revolution in 1910 (Grafic, 2018). One of the main problems in Mexico is that for all crimes that are committed in the territory of the country, there is virtually no criminal liability. Moreover, impunity for crimes is a deliberate element of the policy of the Mexican government. Thus, criminal atrocities flourish, in part, because of the inability to effectively investigate and prosecute the perpetrators, especially when criminals are state officials.

Extreme violence in Mexico is going through, and the issues it raises about collusion between state persons and organized crime require a commensurate response. Mexico needs an international mechanism based inside the country, but consisting of national and international personnel who will be authorized to independently investigate and, if necessary, prosecute crimes of brutality and corruption. This body will also complement and support credible domestic criminal cases at both the state and federal levels by providing technical support and assistance that could help guide the way for greater accountability at the national level in other parts of the country. If Mexico fails to take these steps, then other international bodies, such as the Office of the Prosecutor of the International Criminal Court, can intervene. In addition, in accordance with the principle of complementarity of the Rome Statute, the primary responsibility of the Mexican Government lies with the investigation and prosecution of these crimes.

International assistance and participation will be important components in restoring independence and public confidence in the problematic justice system in Mexico.

The mass abduction of 43 people shook the whole world, as all these people were simply missing. The State Police initially arrested 22 municipal police, presumably involved in disappearances and killings (Frey, 2015). The National Human Rights Commission has announced that it will investigate. Desperate families of 43 missing students, about a third of the first year at Raul Isidro Burgos Teachers' College of Ayotzinapa, demanded that Governor Angel Aguirre find his children (Advocacy for Human Rights in Americas, 2017). President Enrique Peña Nieto appealed to the country, promising federal participation in the full resolution of this case, finding responsible and strictly applying the law. Nevertheless, by the time federal prosecutors approved jurisdiction, students had disappeared for 10 days.

The subsequent days were marked by continuous revelations of atrocities and increased social tension because one underground grave after another could not give bodies to 43 students and authorities did not provide information on their whereabouts. After the government announced that there were no DNA matches with any of the disappeared pupils among the bodies found in the first graves, officials, vigilante organizations and the families themselves continued to search. What they found on the hills surrounding Iguala was the landscape of underground graves, some of which had several bodies. As the excavations of these unrelated graves show, the crimes in September 2014 were only the last in the long history of atrocities in Guerrero (Grafic, 2018). When they were attacked, the pupils of Ayotzinapa were in Iguala to raise funds and command buses to take them to Mexico City to celebrate the infamous massacres of students on October 2, 1968, during the "dirty war" in Mexico in the 1960s and 70s (Grafic, 2018).

In Guerrero was the heavy death of the Dirty War. Between the late 1960s and 1979, state agents committed crimes against humanity, including extrajudicial killings, enforced disappearances, torture, inhuman treatment, displacement and other serious human rights violations in Guerrero. The "dirty war" was large-scale and systematic repression, during which the state pursued a policy of destroying what it called "partisans". Accordingly, the state provided almost unlimited powers to the security forces to combat guerrilla activities and to subordinate and control the civilian population suspected of supporting partisan or subversive movements.

According to Grafic, even with the end of the Dirty War, and then the end of one-party rule by the organization named Partido Revolucionario Institucional at the federal level in 2000, government corruption, neglect and oppression continued (2018). The partisan movement in Guerrero and elsewhere in southern Mexico arose mainly due to the poverty and feudal characteristics that are currently in the region. A small group of elites, called the caciques, concentrated wealth in their hands, passing their fortunes and reins of state power through generations. While flourishing at the expense of the majority of the population, the caciques remained a locus of power in Guerrero, but now they often carried it through various political parties. State neglect of the needs of vulnerable communities continues to represent a failure of democratic responsibility in Guerrero, and it continues to contribute to political discontent.

Given the strength of the caciques and the propensity of government security forces to violence, the expression of demands on the street and the protection of human rights have long been dangerous for the people of Guerrero. However, the protest has become even more dangerous with the growth of drug cartels in the region. The climate of Guerrero, topography and location make it well suited for the cultivation of marijuana and poppy. The state accounts for

50-70 percent of all heroin produced in Mexico. The business has become increasingly profitable, as demand has grown in the United States. According to Grafic, from the mid-1990s until 2008, the Beltran Leyva cartel had almost a monopoly on the production and trafficking of drugs in Guerrero (2018). It split into smaller groups in 2008 and 2009 and gave way to the invasion of cartels of competitors from other states. At the same time, these cartels, built around the cultivation, production and trafficking of drugs, diversified into a wide range of organized criminal activities, including extortion and kidnapping.

As a result of the disappearance of Ayotzinapa in 2014, attention to what was well known in the state was due to the fact that many authorities were imbued with organized crime organizations. According to Bustillo and Mares, 26 of the 80 identified criminal groups in Mexico settled in Guerrero (2016). The government intelligence documents state that at least 12 mayors in Guerrero, eight of them from the ruling party of the Democratic Revolution, are suspected of having links with drug cartels. After the disappearance of Ayotzinapa, the army took control of 13 municipalities in Guerrero due to a lack of confidence in municipal security forces.

Even though the State of Guerrero was actively infiltrating criminal organizations, government officials responded to the image of the federal government about the violence caused by organized crime, as well as a sign that the security strategy launched by President Felipe Calderon at the end of 2006 succeeded. State and federal governments often portrayed victims of violence as criminals, especially when state agents killed these victims.

The killing and disappearance of Ayotzinapa students in September 2014 to some extent resonated in Guerrero and Mexico in part because they so clearly refuted this long-standing government narrative (Cisneros Puebla et al., 2015). Forty-three pupils were clearly not members

of organized crime, but rather embodied the victims of their families and hoped for a better future. The country and the world were viewed as distraught, indignant families demanding answers from the state and federal governments. Abandoning state payments, which looked like a desperate attempt to contain protests. These families from rural areas, mostly indigenous people, abandoned their jobs and farms to find out for themselves some hint of the disappearance of their children, talk with the press and demand accountability. Within weeks of the murders and disappearances in Guerrero, students and Mexican middle-aged people took to the streets to express their disgust and demand change.

Politicians tried to answer and find some solution. Nevertheless, only more than a month after the attack on students President Peña Nieto agreed to meet with the families of the missing. During this meeting, he also agreed to a 10-point plan to investigate the case at the request of the victims. Finally, he appealed to the nation to promise many reforms on security and justice. In the face of street protests in Guerrero, Governor Aguirre, who subsequently became permanent, was forced to leave. Members of various political parties, including the mayor of Iguala, were deeply involved in the disappearances and were associated with organized crime.

With all the promises of reforms brought about by renewed attention to old problems, Guerrero has a new opportunity to achieve justice for atrocities, including events that took place in September 2014. The recording was not encouraging. Guerrero has the highest kill rates in Mexico. According to the Federal Ministry of the Interior, from 2005 to 2014, Guerrero's prosecutors reported more than 19 thousand killings. Of all the murders reported annually to public prosecutors from 2005 to 2014, the percentage of total recorded murders that resulted in a criminal conviction for willful killing or unintentional murder has never increased by more than

10 percent (Cisneros Puebla et al., 2015). Moreover, from 2011 to 2013, it fell to half that for three years with the largest number of recorded murders.

Although impunity for the murder in Guerrero was widespread, impunity for enforced disappearances was common. By its nature, the establishment of a number of general cases of enforced disappearance depends, *inter alia*, on family members or friends who feel confident enough to report the disappearance of the authorities, as well as to provide documentary crimes to the State Commission on Human Rights and other entities. Given the low level of confidence in Guerrero's criminal justice system and the limited resources available to the Human Rights Commission or independent civil society organizations, the total number of reported cases is likely to underestimate the total amount.

The local civil society organization, Comité de Familiares y Amigos de Secuestrados y Desaparecidos y Asesinados en Guerrero, documented 293 disappearances between April 2005 and May 2011, indicating the participation of state actors in approximately 200 cases or nearly 70 percent. The State Human Rights Commission registered 90 cases of forced and enforced disappearance between 1990 and 2014, and in this connection, from 1990 to 2013, made 21 official recommendations to state bodies that are recognized as responsible for human rights violations (Cisneros Puebla et al., 2015). For 87 of these cases, a breakdown of the competent authority is available, which is responsible. According to Grafic, this breakdown includes the investigative police, namely who is working with the prosecutor's office, 38 cases; Mexican army - 17 cases; Federal Police - 15 cases; state security police - 15 cases; municipal police - 16 cases; and "other" - 9 cases (2018).

To this day, impunity continues to grow, as the crimes involving drug cartels were committed in collusion with corrupt officials who have direct access to the government of the

country. Corruption in Mexico is endemic and is steadily developing, which in turn leads to manifestations of the struggle against it, at the core of which are citizens. It is also worth noting that some acts against corruption, in particular, contributed to the crimes of atrocity. Indeed, over the past two years, the growing evidence of collusion between state and municipal officials in crimes against the cartel raises the question of whether there has been systemic collusion between government officials and organized criminal groups in different parts of Mexico. These forms of corruption not only corrode in the long term - they limit the implementation of democratic governance, economic investment and fair development, but are deadly.

In 2016, the Justice Initiative joined five leading Mexican human rights organizations that formally called for the creation of an internationalized mechanism that would be authorized to independently investigate and, if necessary, prosecute atrocities and related cases of corruption (Grafic, 2018). Over the past two years, an increasing number of Mexican civil society organizations have joined the call for the creation of such a mechanism; these groups are now united in the framework of the Platform against Impunity and Corruption. However, up to date, the government has rejected this recommendation for the internationalized mechanism as a whole. It also failed to comply with even more modest recommendations, in particular, the recommendation of the United Nations High Commissioner for Human Rights until 2015 that Mexico establishes an advisory council to combat impunity (Grafic, 2018).

Conclusion

The war on drug policy in Mexico has instead turned into drug-war-Capitalism through coercion among the officials who are supposed to counter the narcotics (Carasik, 2016). The police have also punished groups that have adopted neoliberal policies and struggle against dispossession as in the case of the Campesino communities. The teachers targeted were

impoverished and affiliated with the rural leftwing activism and resisting the weak educational reforms. The incident is a product of corruption and impunity that has been nurtured through global capitalism. The Mexican government and other stakeholders should collaborate to alleviate the deeply rooted social-economic problems by ensuring equitable distribution of resources and implementing effective human rights initiatives.

For the proper investigation and prosecution of crimes of atrocity and related acts of corruption, the judicial system of Mexico urgently requires external support. He needs experts who can bring objectivity, experience and technical skills to the difficult task of accountability for the most serious crimes. Mexico needs an international justice mechanism to help resolve cases, fight corruption, empower those within the current system who really want it to work properly, and restore public confidence in the idea that justice is for complex and politically difficult cases are possible. Mexico is not a country where the justice system has collapsed, or where technical skills for conducting competent investigations and effective prosecutions and trials are completely absent. Mexico needs assistance in the form of an international justice mechanism to reduce the wave of impunity.

References

- Advocacy for Human Rights in Americas. (2017, September 25). Update on Mexico's Case of 43 Disappeared Students. Retrieved from <https://www.wola.org/2017/09/wola-update-mexicos-case-43-disappeared-students-september-2017/>
- Bustillo, C. P., & Mares, K. H. (2016). *Human Rights, Hegemony, and Utopia in Latin America: Poverty, Forced Migration and Resistance in Mexico and Colombia*. Brill.
- Carasik, L. (2014). US policies in Mexico have made bad situation worse. *Western New England University School of Law*.
- Cisneros Puebla, C. A., Alatorre, F., Allen, M., Bénard, S., Castañeda, D., Castañeda, Y., ... Tilley-Lubbs, G. A. (2015). 1, 2, 3, 4, 5 . . . 43: Justice! Ay! Ay! Ayotzinapa. *Qualitative Inquiry*, 22(6), 447-465. doi:10.1177/1077800415615622
- Frey, B. A. (2015). Uneven ground: Asymmetries of power in human rights advocacy in Mexico. In *The Social Practice of Human Rights* (pp. 121-139). Palgrave Macmillan, New York.
- Garcia, M. (2016). Forced Disappearances in Mexico: Justice is Nowhere to be Found. *Washington Report on the Hemisphere*, 36(2), 4-6. Retrieved from https://onsearch.cuny.edu/primo-explore/fulldisplay?docid=TN_proquest1774150696&context=PC&vid=jj&search_scope=everything&tab=default_tab&lang=en_US
- Grafica, S. A. (2018). Corruption That Kills. *New York: Open Society Foundations*, 24-51.
- Jimenez, M. A. (2015). Ayotzinapa 43: The Criminal Corruption of the Mexican State. *Educational Philosophy and Theory*, 48(2), 119-122. doi:10.1080/00131857.2015.1037226
- Mckibben, C. (2015). Commission on Forced Disappearances in Mexico: A Collective Healing? *Washington Report on the Hemisphere*, 35-(4), 1-3. Retrieved from

https://onesearch.cuny.edu/primo-explore/fulldisplay?docid=TN_proquest1667368562&context=PC&vid=jj&search_scope=everything&tab=default_tab&lang=en_US

McPherson, E. E. (2015). ICTs and Human Rights Practice: A Report Prepared for the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.

Seelke, C. R. (2014, December). Mexico: Background and US Relations. In *CRS Report prepared for Members and Committees of Congress*.