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 FM AMEMBASSY MEXICO
 TO SECSTATE WASHDC PRIORITY 1347
 INFO USMISSION GENEVA
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 AMEMBASSY PRETORIA
 AMEMBASSY SAN SALVADOR
 AMEMBASSY GUATEMALA
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NSC FOR MCILHENNEY

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 E.O. 12958: DECL: N/A
 TAGS: PHUM, PGOV, KJUS, PINR, MX
 SUBJECT: CNDH UNDER FIRE FOR MISHANDLING ALLEGED
 DISAPPEARANCES

REF: MEXICO 5035

1. SUMMARY: SCHOLAR AND ACTIVIST SERGIO AGUAYO
 HAS CHARGED THAT THE NATIONAL HUMAN RIGHTS
 COMMISSION (CNDH) IGNORED INFORMATION IN OFFICIAL
 ARCHIVES ABOUT "DISAPPEARANCES" ALLEGED TO HAVE
 TAKEN PLACE DURING THE 1970-80S. AGUAYO CLAIMS
 TO HAVE DISCOVERED DOCUMENTS THAT SHOW THE NOW-
 DEFUNCT FEDERAL SECURITY DIRECTORATE (DSF)

REVIEW AUTHORITY: James Cooper, Senior Reviewer

ARRESTED AND INTERROGATED PERSONS LISTED WITH THE CNDH AS "DISAPPEARED." THE CNDH HAS SCRAMBLED TO DEFEND ITSELF AND CNDH PRESIDENT JOSE LUIS SOBERANES PROMISED TO PRODUCE CONCRETE RESULTS FROM CNDH INVESTIGATIONS ON 482 CASES OF ALLEGED "DISAPPEARANCES" BY OCTOBER OF THIS YEAR. WHILE AGUAYO IS A REPUTABLE FIGURE, IT IS UNCLEAR WHETHER THE DOCUMENTS HE CLAIMS TO HAVE SEEN HAVE BEEN INTERPRETED CORRECTLY AND WHETHER THOSE HE IDENTIFIES AS "DISAPPEARED" PERSONS ACTUALLY MEET THE DEFINITION FOUND IN THE DOS HUMAN RIGHTS REPORT. END SUMMARY.

THE REVELATION

2. IN A FRONT-PAGE ARTICLE IN THE JUNE 25 ISSUE UNCLASSIFIED

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OF MEXICO CITY DAILY "REFORMA," SERGIO AGUAYO QUEZADA CLAIMS TO HAVE DISCOVERED DOCUMENTS THAT SHOW THE NOW-DEFUNCT FEDERAL SECURITY DIRECTORATE (DSF) ARRESTED AND INTERROGATED PERSONS LISTED WITH THE CNDH AS DISAPPEARED. (AGUAYO CLAIMS THAT THERE IS AN UNNAMED CNDH OFFICIAL WHO CAN CONFIRM PARTS OF HIS ALLEGATION.) THESE DOCUMENTS ARE IN THE ARCHIVES OF THE DSF AND KEPT BY THE CENTER FOR INVESTIGATION AND NATIONAL SECURITY (CISEN), MEXICO'S CIVILIAN INTELLIGENCE ORGANIZATION.

3. IN OCTOBER 1990, THE CNDH LAUNCHED THE "PROGRAM FOR THOSE ALLEGEDLY DISAPPEARED" BUT AFTER MORE THAN A DECADE HAS YET TO SUBMIT A REPORT ON THE SUBJECT. AGUAYO, NATIONAL COORDINATOR OF THE CIVIC ALLIANCE, FORMER PRESIDENT OF THE MEXICAN HUMAN RIGHTS ACADEMY, AND NATIONAL SECURITY AFFAIRS SPECIALIST, CHARGES THAT THE CNDH MUST HAVE HAD ACCESS TO THE SAME ARCHIVES THAT HE EXAMINED IN CISEN: THEREFORE, AGUAYO REASONS, THE CNDH IGNORED, MISMANAGED OR WITHHELD INFORMATION REGARDING PERSONS WHO ALLEGEDLY DISAPPEARED DURING THE 1970S AND 1980S.

THE WEAK DEFENSE

4. CAUGHT OFF GUARD BY AGUAYO'S ARTICLE, THE CNDH BLAMED PREDECESSORS AND A LACK OF

TRANSPARENCY AT CISEN. ON JUNE 26, RAUL
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PLASCENCIA, THE ASSISTANT INSPECTOR AND GENERAL
COORDINATOR FOR THE CNDH'S SPECIAL PROGRAM ON THE
PRESUMED MISSING DENIED THAT THE CNDH HAD
WITHHELD INFORMATION. HE SAID THE CNDH WAS
UNAWARE OF THE DSF FILES HOUSED WITHIN CISEN, BUT
WAS NOW REQUESTING ACCESS TO THEM.

THE INVESTIGATION CONTINUES (OR BEGINS?)

5. HOWEVER, CNDH PRESIDENT JOSE LUIS SOBERANES
PARTLY CONTRADICTED THESE REMARKS IN A JUNE 27
PRESS CONFERENCE BY INDICATING THAT SCRUTINY OF
FILES LOCATED WITHIN CISEN WAS NOT A HIGH
PRIORITY AT THIS TIME BECAUSE THE CNDH "CANNOT
REVIEW 80 MILLION RECORDS WITHOUT" A
COMPREHENSIVE INDEX. MOREOVER, SOBERANES ADDED,
PROGRESS ACHIEVED TO DATE IN INVESTIGATING THE
482 CASES OF ALLEGED DISAPPEARANCES REGISTERED AT
THE CNDH MEANT THAT THERE WAS LITTLE NEED FOR
ACCESS TO THE CISEN ARCHIVES. IN THE MEANTIME,
SECRETARY OF GOVERNMENT SANTIAGO CREEL AND ADOLFO
AGUILAR ZINSER, FOX'S NATIONAL SECURITY ADVISOR,
ANNOUNCED THAT CISEN ARCHIVES ARE OPEN TO CNDH

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INSPECTION.

6. IN THE SAME PRESS CONFERENCE, SOBERANES PROMISED TO COMPLETE THE INVESTIGATIONS INTO THE 482 CASES OF ALLEGED DISAPPEARANCES DATING FROM SAME TWO DECADES, THE SEVENTIES AND EIGHTIES. HE ANNOUNCED THAT A FINAL REPORT ON THESE CASES WOULD BE FORTHCOMING IN OCTOBER, AND HE CALLED FOR THE CREATION OF A SPECIAL PROSECUTOR'S OFFICE SPECIFICALLY CHARGED WITH BRINGING TO JUSTICE THOSE IMPLICATED IN THE ALLEGED DISAPPEARANCES.

ALICIA: THE PR CAMPAIGN

7. THE UPROAR OVER AGUAYO'S CHARGES HAS REINVIGORATED THE PUBLIC ADVOCACY EFFORTS OF PARENTS OF MISSING PERSONS. THE POSTER CHILD FOR THIS EFFORT IS THE SUPPOSED GUERRILLA ALICIA DE LOS RIOS, AND GROUPS SUCH AS THE ASSOCIATION OF FAMILIES OF DISAPPEARED DETAINEES (AFADEM) AND COMITE EUREKA COULD NOT HAVE INVENTED A MORE APPEALING YOUNG VICTIM. ACCORDING TO AGUAYO, DSF AGENTS DETAINED DE LOS RIOS IN 1978 AND SHE WAS REPORTEDLY SEEN AS LATE AS 1980 IN STATE CUSTODY
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BY AMANDA ARCIENAGA CANO, A FELLOW PRISONER. DE LOS RIOS' FAMILY HAS NOT SEEN HER SINCE SHE LEFT HER HOME IN 1973.

8. THE JULY 2 SPANISH LANGUAGE EDITION OF NEWSWEEK INTERNATIONAL DESCRIBED HOW ALICIA LEFT A DAUGHTER BEHIND WITH HER MOTHER WHEN SHE JOINED A GUERRILLA MOVEMENT IN THE 1970S. THAT DAUGHTER, NOW 22, IS THE SPITTING IMAGE OF HER REBEL MOTHER, AND SHE TOLD NEWSWEEK SHE WAS SAVING HER GRADE SCHOOL REPORT CARDS SO THAT ONE DAY SHE CAN TELL HER MOTHER ABOUT HER CHILDHOOD. WHILE IN CUSTODY, ACCORDING TO AGUAYO, ALICIA PURPORTEDLY GAVE BIRTH TO A SECOND CHILD. THAT CHILD, IF STILL ALIVE, IS ALSO MISSING.

9. FAMILIES OF THE MISSING SAY THEY DO NOT WANT FORGIVENESS FOR THEIR CHILDREN WHO FOUGHT AGAINST THE STATE, BUT RATHER FOR THE RULE OF LAW TO PREVAIL IN THESE CASES. MOREOVER THEY DEMAND TO KNOW WHERE THEIR CHILDREN ARE, WHY THEY WERE DETAINED, AND WHO WAS RESPONSIBLE. GENERALLY, OUR IMPRESSION IS THAT THE FAMILY ORGANIZATIONS DO NOT HAVE ANY FAITH IN THE CNDH, AND DO NOT SUPPORT THE CREATION OF SPECIAL COMMISSIONS OR PROSECUTORS, SINCE THESE HAVE DISAPPOINTED IN THE PAST.

10. AS FOR THESE ALLEGED DISAPPEARANCES AND OTHER ACCUSATIONS AGAINST PAST REGIMES, GOVERNMENT AND NON-GOVERNMENT ACTORS ALIKE

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CONTINUE TO MANIFEST GREAT AMBIVALENCE ABOUT HOW TO EXPLORE THE PAST. IN A POLL SPONSORED BY THE MEXICO CITY DAILY EL UNIVERSAL, 81.3 PERCENT OF THE MEXICO CITY POPULATION SUPPORTED SOME FORM OF A "TRUTH COMMISSION," WHILE AT THE SAME TIME 84.9 PERCENT BELIEVED SUCH A COMMISSION WOULD TURN INTO A WITCH HUNT. THIRTY-ONE PERCENT SAY THAT A "TRUTH COMMISSION" COULD LEAD TO POLITICAL AND SOCIAL INSTABILITY.

THE CREDIBILITY QUESTION

11. COMMENT: AGUAYO IS A RESPECTED COLUMNIST AND NEWS ANALYST, AND "REFORMA" COULD BE CONSIDERED MEXICO'S MOST RESPECTED NEWSPAPER IN TERMS OF

JOURNALISTIC PROBITY. HOWEVER, THERE ARE GROUNDS FOR DISPUTING REFORMA'S COVERAGE OF THESE CASES BECAUSE ONLY AGUAYO HAS SEEN THESE DOCUMENTS, ONLY AGUAYO HAS VOUCHERED FOR THEIR AUTHENTICITY, AND WE HAVE ONLY AGUAYO'S WORD THAT HE HAS INTERPRETED THEM CORRECTLY. FURTHER, IT IS UNCLEAR WHETHER THOSE AGUAYO HAS IDENTIFIED AS "DISAPPEARED" ACTUALLY MEET THE DEFINITION FOUND IN THE HUMAN RIGHTS REPORT. LIKEWISE, AGUAYO'S

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CHARGES THAT THE CNDH HAS IGNORED AND WITHHELD INFORMATION, MISMANAGED FILES, AND FAILED TO FOLLOW UP ON OBVIOUS LEADS MIGHT BE TRUE IF THE CNDH ACTUALLY HAD ACCESS TO THE SAME ARCHIVES AS AGUAYO DID AND KNEW WHAT WAS IN THEM. HOWEVER, IT IS UNCLEAR WHETHER THE CNDH EVEN KNEW OF THEIR EXISTENCE BEFORE HIS ARTICLE APPEARED.

12. THE CNDH, ALREADY SUFFERING FROM LOW PUBLIC REGARD, HAS NOT GAINED ANY CREDIBILITY BY ITS HANDLING OF THIS MATTER. MEANWHILE, SOBERANES' CALL FOR A SPECIAL PROSECUTOR JOINS THE DEBATE IN HUMAN RIGHTS CIRCLES AND BEYOND ON HOW TO EXPLORE THE PAST, AND WHETHER OR NOT EXISTING INSTITUTIONAL STRUCTURES ARE UP TO THE TASK (REF). SPECIAL PROSECUTORS APPOINTED BY THE EXECUTIVE ARE AUTHORIZED BY THE CONSTITUTION, AND AS SUCH HAVE BEEN PROMOTED BY SOME NGO ACTORS AS A POSSIBLE ALTERNATIVE TO A SO-CALLED "TRUTH COMMISSION." THERE ARE ALSO MANY IN PUBLIC LIFE WHO ADVOCATE USING THE EXISTING INSTITUTIONS BECAUSE, GOES SOME OF THEIR REASONING, IF YOU TAKE THE HARD QUESTIONS AND CASES AWAY FROM THE CURRENT SYSTEM OF COURTS AND PROSECUTORS, THEY WILL NEVER GROW STRONGER.

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