BREAK THE SILENCE

Towards a Process of Truth and Memory in Mexico

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# Why a process of truth and memory for mexico?

# Justification

The beginning of the war against drug trafficking in December 2006 opened a period of unsuspected violence in Mexico in which serious violations of human rights and possible international crimes have been committed. This war is intimately linked and has been made possible by the political violence exercised in the years prior to these clashes. As a result of these conflicts, between 2007 and 2018 hundreds of thousands of people have been tortured, murdered, executed, disappeared, buried in clandestine graves, raped or displaced. State agents and institutions, private companies and members of organized crime or other armed groups, sometimes confronted, sometimes in collusion, have been at the center of the production of this long night of violence.[[1]](#endnote-1)

Despite the magnitude and the multiple forms of violence - comparable to atrocities committed in the worst civil wars of the 20th century - the Mexican State denies the massive nature of the conflict, refutes the serious violations of human rights and exonerates itself from any responsibility for commission, collusion or omission. When victims go to public authorities to present their complaints, prosecutors and public ministries become a bureaucratic labyrinth in which, due to inefficiency or collusion with the perpetrators, investigations are lost, justice vanishes and violations remain unpunished. By denying the massiveness of this violence and by hampering justice for serious human rights violations, the State undermines the dignity of victims, silences society and fuels the impunity that has become one of the main causes of the serious human rights crisis that afflicts the country.

Faced with the double problem of denial and impunity in cases of serious human rights violations committed in contexts of authoritarian regimes or armed conflicts, contemporary societies have developed an ecosystem of extraordinary mechanisms that we know as the field of transitional justice.[[2]](#endnote-2) Transitional justice processes generally begin with the search for truth and this is used as an input for justice, reparation of damages and the reform of institutions to ensure the non-repetition of the events that gave rise to the atrocities.[[3]](#endnote-3)

*The transitional justice processes generally begins with a truth seeking processes that will be used as an input for justice*

Because the search for truth is centered on the experience of the victims and their families - unlike the judicial processes focused on the perpetrators - a truth and memory process provides a voice to the victims who have been silenced by the violence and impunity, recognizes their dignity and satisfies their right to the truth. Likewise, it offers a credible, sustained and explanatory narrative of the violence that will destigmatize the victims. In the same way, it puts an end to the narrative of denial and pretenses by the State about serious violations and helps to combat social indifference towards the victims. Finally, the search for truth contributes to the knowledge of the transgenerational consequences of violence.

This document develops a proposal to initiate a long process of truth and reconstruction of memory that will help us break the silence and impunity about the serious violations of human rights and, where appropriate, crimes against humanity committed in two periods::

*An initial process of truth and memory would also be a trigger and a complement for the activation of other mechanisms of justice*

* Between 1 December, 2006, to the present.
* Between 1 January, 1965, and 30 November, 2006.

Focused on the goal of dignifying the victims and their families, this process requires the establishment of a Truth and Historical Memory Commission (CVMH - Comisión de la Verdad y la Memoria Histórica) approved by a legislative majority. This entity must also be an autonomous body supported and financed with public funds and designed with the technical support of national and international organizations, such as the National Commission of Human Rights, the State Commissions on Human Rights, the Office of the High United Nations Commissioner for Human Rights and the Inter-American Commission on Human Rights.

As suggested by the most successful international experiences of truth seeking, the CVMH could be formed by nine commissioners - national and foreign experts, people of great moral recognition in the country and social leaders with proven closeness to the victims - with an extensive team of researchers and support staff.

The main mandate of the CVMH would be to make the victims visible and identify the perpetrators of serious human rights violations and, in their case, crimes against humanity - including disappearances, enforced disappearances, extrajudicial executions, murders, torture and sexual violence - and give an account of the patterns, methods and causes of violence.

When analyzing two major periods of violence, the CVMH will try to (1) clarify and account for serious human rights violations committed in the context of the war against drug trafficking and in the context of state repression against political and social dissidents and (2) analyze the potential links between practices and actors of past political violence and criminal violence of more recent periods. Various international studies and the experience of countries such as Guatemala have demonstrated the close relationship that often exists between state and paramilitary actors who committed atrocities in authoritarian regimes or during armed conflicts and the emergence and operation of organized crime groups.[[4]](#endnote-4) These studies have also demonstrated the continuity between the anti-insurgent practices of an authoritarian period (through which serious violations of human rights were committed) and the use of heavy-handed policies against organized crime (which contributes to greater violations).

A process of truth and memory about serious violations and possible crimes against humanity committed in the framework of the war against drug trafficking and political violence of the second half of the 20th century would be a trigger for future truth processes and other commissions, be they regional, local or focused on specific groups of victims. A successful truth-searching experience enables future truth searches about other conflicts. Guatemala had two truth processes;[[5]](#endnote-5) Chile had two truth commissions;[[6]](#endnote-6) and Argentina has had multiple truth processes from 1982 to the present.[[7]](#endnote-7)

An initial process of truth and memory about atrocities committed in the framework of the war against drug trafficking and the political violence of the past would also be a trigger and a complement for the activation of other justice mechanisms that are part of the ecosystem of the transitional justice. The most successful processes of transitional justice in Latin America are those that simultaneously combine the search for truth with the judicial persecution of the perpetrators of serious human rights violations. This simultaneous search for truth and criminal justice is the great contribution of Latin America to the toolbox of transitional justice.[[8]](#endnote-8)

In the agenda of various Mexican and international civil society groups, this combination of truth and criminal justice is part of an anti-impunity package that tries to combine extraordinary measures (eg, a truth commission and an international investigation mechanism of serious violations of human rights and crimes against humanity).[[9]](#endnote-9) In addition to providing inputs to investigate and prosecute perpetrators of the State and organized crime for atrocities committed during the war against drug trafficking,[[10]](#endnote-10) the truth is a crucial input to carry out a comprehensive process of reparation of damages for victims and their families and to fuel the debate on the relevance of reforms of institutional and socioeconomic structures that guarantee the non-repetition of future damage.[[11]](#endnote-11)

As international experience and academic research demonstrate, the most successful processes of truth and memory can have very concrete effects on the long-term well-being of communities and societies in general. Today we know that truth processes by themselves, but especially when combined with trials of perpetrators of international crimes and serious violations of human rights, are associated with fewer human rights violations[[12]](#endnote-12) and lower levels of criminal violence.[[13]](#endnote-13)

By exposing the truth about episodes of serious human rights violations - including perpetrators and institutions and organizations responsible for violence and denying justice - and prosecuting and punishing the perpetrators, these truth and justice processes discourage state actors from using state coercive apparatuses to violate the human rights of citizens and to associate with organized crime. Likewise, when establishing a global narrative that prevents the existence of divided truths about the perpetrated crimes, the victims are restored in the enjoyment of their rights and the due dignity and adequate value that society owes to each of them is recognized its members.

*A healing process needs to work with the past to transform the narratives of defeat into narratives of hope and future*

As multiple cases show, truth and memory also serve for individual and collective healing.[[14]](#endnote-14) The healing processes are fundamental since traumatized communities are unable to project themselves into the future; the losses undermine the energies to rebuild life and society itself. A healing process needs to work with the past to transform the narratives of defeat into narratives of hope and of the future.[[15]](#endnote-15)

Whether contributing to the development of a democratic state of law or to individual and social healing, when these processes are accompanied by effective local programs of integral reparation of the damage to the victims and their families, truth and justice can trigger new horizons of social and economic development.[[16]](#endnote-16) The end of a political era marked by the partisan domination of the binomial PRI-PAN, which aborted a process of transitional justice in its infancy in 2000[[17]](#endnote-17) and sponsored the war against drug trafficking from 2006 to 2018, opens a historic opportunity to initiate a profound process of transitional justice in Mexico. If the new government unilaterally declares the end of the war and the beginning of a peace process, Mexico would be faced with the possibility of looking at a recent past plagued by serious violations of human rights and impunity.

Transitional justice - through truth, justice, reparation to victims and guarantees of non-repetition - can drive a profound change in the conditions of injustice and illegality of a country. Applied to Mexico, it would contribute to its transition from a legacy of human rights abuses and violations to a state of effective enforcement of the law and a direct fight against impunity.

Below we present a detailed exposition of the ten axes that could guide the construction of a Truth and Historical Memory Commission in Mexico.

# HOW IS A PROCESS OF TRUTH AND MEMORY CARRIED OUT?

**Ten axes to guide the process**

1. ***Mandate***

Putting the victims and their families at the center of all their tasks, the Truth and Historical Memory Commission (CVMH) will focus on making the victims visible and identifying the perpetrators of serious human rights violations and, where appropriate, of crimes against humanity - including disappearances, enforced disappearances, extrajudicial executions, murders, torture and sexual violence - and account for the patterns, methods and causes of violence.

The CVMH will be created by legislative mandate at the proposal of the Executive Power or the Legislative Power, after consultation with the victims and the groups that represent them, the community of human rights organizations, national and foreign academic specialists and civil society in general and International organizations. As experience shows, the effective search for truth and the construction of memory requires multiple accompaniments to victims. That is why the active participation of the victims and a broad group of social actors in the constitution of the mandate is essential for the success of the process. A CVMH should not arise from a unilateral or top-down decision, but from a broad consultation and from below. For such purposes, meetings will be held in different states and regions of the country with groups and organizations that include participatory workshops in which general guidelines are presented and questions and major dilemmas of the process are raised. Likewise, pedagogical materials will be generated that will serve as an instrument for the workshops.

The CVMH must recognize as victims those persons who, individually or collectively, have experienced serious violations of their fundamental human rights as a result of actions by agents of the State, companies, organized crime or other armed groups, or by omissions of the State to protect them.[[18]](#endnote-18) It will be necessary for the commission to avoid criminalizing the victims and refrain from prejudging without sufficient information, as has been the norm in the government's discourse during these years of conflict. The term "victim" should include family members or dependents who have an immediate relationship with the direct victim.[[19]](#endnote-19) The CVMH should be aware that some people prefer to be considered "survivors," rather than "victims," because survival to horror recognizes their ability to resist and recover.

The CVMH must proceed with great care in identifying the perpetrators of violence. One of the most important challenges comes from the role of State agents in the generation of violence and serious violations of human rights. Some state agents fight - sometimes through the extralegal use of force - organized crime groups; others provide protection and impunity to their private armies; and others desert their governmental functions to become armed arms of criminal organizations.[[20]](#endnote-20) The existence of this gray and hazy area, where the spheres of the State and organized crime intersect clandestinely, is a huge challenge to identify the intellectual and material perpetrators of the serious violations of human rights. Another challenge is that to build their private armies, the cartels and criminal organizations often recruit young men who are part of gangs in urban areas of high marginalization and neglect by the state.[[21]](#endnote-21) As shown by important research on armed conflicts, it is common for these young people to be forced through the use of force to join the private armies of criminal organizations.[[22]](#endnote-22) Regarding the political violence of the past, the Mexican state used paramilitary groups, death squads, para-police groups, “porro” organizations and peasant groups to repress political dissidents.[[23]](#endnote-23) These informal groups also existed in a hazy area difficult to identify. As demonstrated by the international experience, their identification and the clarification of their actions and the informal rules that gave them impunity is fundamental because of the role these illegal groups have played in the production of political and criminal violence.[[24]](#endnote-24)

Finally, the CVMH must recognize the existence of a great diversity of conflicts over time and of the national territory and to address differences in violations and methods of violence in urban, rural and indigenous areas of the country. Although there are common temporal and national patterns, there are temporary, regional and local differences that are fundamental to be able to unravel the methods of horror and lay the factual foundations to contribute to justice, reconciliation, reparation of harm and institutional reforms for the nonrepetition of the grievance.

1. ***Specific Objectives***

* Clarify and recognize the serious violations of human rights and, where appropriate, crimes against humanity committed from January 1, 1965 to the present. These violations include: disappearance, forced disappearance, assassinations, extrajudicial executions, torture, sexual violence and other serious violations that the CVMH considers in the exercise of its investigations. These are serious violations committed by agents of the Mexican State, private companies, organized crime organizations, and other armed groups, such as paramilitary organizations, death squads, self-defense groups, guerrilla organizations, among others, either independently or in collusion.
* Through individual cases present national, regional, thematic and temporal narratives that account for the contexts, methods, patterns of violence and impunity and networks of collusion between authorities, state security forces, private companies, organized crime and others armed groups.
* Determine if there are widespread and systematic patterns of violence that constitute crimes against humanity.
* Explore the possible connection between the political violence of the past and the criminal violence of the present.
* Dignify the victims and their families.

1. ***The centrality of victims and survivors***

Victims and their families should be at the center of the search for truth and the reconstruction of memory.[[25]](#endnote-25) The direct victims of the violence, as well as their relatives, live with emotional traumas and in many cases with feelings of anger, guilt or desire for revenge. These feelings are exacerbated when you live permanently with an unsatisfied demand for truth and justice.

International experience shows that a process of truth and memory, together with other mechanisms of transitional justice, help victims recover their dignity as subjects of rights.[[26]](#endnote-26) By providing spaces where their stories can be recognized by the State and society, the processes of truth and memory enable victims to gradually recover their confidence in themselves, their communities and public institutions. By identifying the perpetrators of serious human rights violations, blame is identified, and the idea of collective guilt evaporates. This contributes to the gradual recovery of the social fabric.[[27]](#endnote-27) In addition, the truth contextualizes victimizing facts and makes it easier for victims to understand them, without justifying them.[[28]](#endnote-28) In some cases, the truth restores the honor and reputation of the victims, and in others it helps them decide if they choose to participate in processes of forgiveness and reconciliation.

Victims and their families should play a central role when asked about the relevance and viability of a process of truth and memory in their communities and neighborhoods. Since the individual and collective testimonies of the victims and their families represent the backbone of any process of truth and memory, the CVMH will have to establish close communication with them and with the groups that represent them to define the ways, times and security protocols necessary to collect individual and collective testimonies.

To collect the testimonies of the victims, the CVMH should guide its actions based on the principles proposed by Resolution 60/147 of the United Nations Assembly regarding the treatment of victims, which requires a truth commission take the necessary measures to protect "the safety, physical and psychological well-being, dignity and privacy of the victims."[[29]](#endnote-29) Similarly, you should avoid that the methods of documentation and investigation give rise to a new trauma or secondary traumas.

In operational terms, to collect the testimonies of the victims, the CVMH must:

* Create and ensure a reliable and safe space for victims to be heard and their stories recognized.
* Clarify the expectations of what a process of truth and memory can bring to the victims and the limits of these processes.
* Providing a dignifying treatment that allows victims to recover their sense as subjects of law.
* Have a research methodology with a psychosocial approach and action without harm.

One of the main challenges of the CVMH's work will be to create strict security protocols for victims and witnesses to offer testimonies in a context of physical and psychological security with the participation of civil society organizations and international organizations. In this sense, one of the first measures that the CVMH must carry out will be to elaborate an analysis of context and a diagnosis to know the risk situation of the people who will give their testimonies.

Since victims play a leading role in the construction of the narrative of violence, the processes of truth and memory, as Carlos Beristain warns, "fall on the back of the victims and their families, causing enormous emotional overload and practical difficulties."[[30]](#endnote-30) That is why the CVMH will have to consider the implementation of mechanisms to prevent secondary victimization in its research processes. For example, from a psychosocial perspective, you will have to "avoid repeating the taking of testimonies" and "providing guarantees about how information about the facts or victims is treated."[[31]](#endnote-31)

Since any intervention, however well-intentioned it may be, has the potential to generate some type of damage,[[32]](#endnote-32) the work of the CVMH should be guided by the three ethical principles of action without harm: dignity, autonomy and freedom.[[33]](#endnote-33) The principle of dignity suggests that victims, like every human being, are an end in themselves - they have their time, their processes and their testimonies will not be at the service of the process of truth and memory. The principle of autonomy warns that victims have the ability to define their life projects and decide if they participate in a process of truth and memory. Finally, the principle of freedom accepts that the victims will have total independence when deciding their level of involvement in the process of truth and memory and the moment in which their contribution comes to an end.

Although victims and their families play a central role in the design and operation of a CVMH, their participation is equally important in the articulation of truth and memory with other mechanisms of transitional justice. As strategic subjects of social transformation and the construction of peace and a democratic state of law, victims will also play a leading role in defining the mechanisms through which truth should nurture justice - whether through criminal, reconciliation, comprehensive reparation of damages and / or reforms of the relevant institutional and socio-economic structures to avoid the repetition of the grievance.

1. ***The Accompaniment of Civil Society***

The search for truth requires close work with groups of victims and relatives of the victims, with human rights organizations recognized by the victims or their families and churches to which the victims and their relatives belong.[[34]](#endnote-34) This approach is vital for social, psychological and emotional accompaniment during the search for truth and for the long-term reconstruction of memory and social life in communities.

In order to make effective the centrality of the victims, the survivors and their relatives, it will be necessary to consider the creation of advisory bodies, made up of representatives of the victim collectives and establish communication mechanisms between the CMVH and the victims.

In addition to the direct accompaniment of the victims with civil organizations, another accompaniment of enormous relevance in all processes of truth and memory comes from academia, specialists from civil society and centers specializing in human rights and transitional justice, whether national or international.

While the search for truth is not an academic exercise, international experience shows that the most successful truth commissions require the multidisciplinary participation of specialists in the social sciences (anthropology, political science, sociology, economics, psychology and history), international human rights law, international criminal law, international humanitarian law and experts in quantitative and qualitative methodologies. This expertise is necessary for a) the collection of individual and collective testimonies through participatory action research techniques and a psychosocial approach and action without harm; b) the collection and statistical analysis of the data; c) analysis of local contexts; d) identify patterns of violence that could constitute crimes against humanity; and e) unravel the ways and causes of violence.

None of this is possible if one forgets that victims must be at the center of the search for truth and the recovery of historical memory; but, as international experience shows, these processes will be more effective if they are nourished by the best practices of the social sciences and international law. It will be of great importance that the experts who participate as researchers or advisors of the CVMH acquire through their work the credibility of the victims and that they effectively communicate the potential benefits and limitations of a process of truth and memory.

1. ***Intergration of the commission***

Truth commissions are made up of national and international experts, personalities with high moral recognition and social leaders with close ties to the victims. From the mandate that arises from the law through which a truth commission is constituted, the members of the CVMH will have to define the policies, the research methods and the final content of their reports.

In consideration of the best international practices, the selection of the members of the commission is carried out by a selection panel, made up of a group of five people, who are suggested by the victims and the collectives, civil organizations, the State and academic institutions. This panel is in charge of reviewing candidatures, interviewing the finalists and electing the commissioners and commissioners. The Executive formalizes the constitution of the CVMH.[[35]](#endnote-35) It must, therefore, be a consultative selection process and not a direct selection process.

The CVMH could be integrated by 9 commissioners and commissioners, and there cannot be more than 5 men or women. They can integrate up to 4 foreign people. For your selection, the following criteria will be taken into account:[[36]](#endnote-36)

* Moral leadership and closeness to victims
* Representation of different sectors
* Human rights trajectory
* Public trust
* Political party independence
* Government neutrality
* Full-time commitment
* Specialization

This combination of technical capacity, impartiality vis-à-vis the State and political parties and closeness to the victims allows the commissions to operate a multiplicity of tasks that are both complex and sensitive, which implies a process of truth and historical memory. The participation of international experts can be of great importance for the Mexican process to consider the best practices and experiences of other countries. It is important to note that international cooperation also involves a series of advisory services and accompaniments from international organizations such as the UN, the IACHR, the International Committee of the Red Cross and an extensive international solidarity network of NGOs, specialized centers, universities and former commissioners of truth processes from other countries, always of enormous relevance. Three organizations have played an enormous role in the functioning of various processes of truth and memory in Latin America: Human Rights Data Analysis Group (HRDAG) - advising the collection of statistical data based on the highest scientific standards -, The Team Argentine Forensic Anthropology - also with extensive experience in Latin America and previous work in Mexico, especially in recent years - and the International Center for Transitional Justice (ICTJ) - with extensive experience advising transitional justice processes, including real and memory, in various parts of the world and prominently in Colombia and Peru.

1. ***Functioning and temporality***

The successful operation of the CVMH will require that the legal mandate make it explicit that it is an autonomous commission vis-à-vis the State.[[37]](#endnote-37) The main source of financing of the commission will be the public treasury - that is, the taxes of the Mexican society - but it would be advisable to seek international cooperation. To determine a budget, there must be a broad consensus regarding the objectives and ways of operating the CVMH. We consider it necessary to postpone these definitions to more mature phases of the discussion of this process of truth and memory.

International experience shows that the most successful truth commissions operate with large teams of researchers and logistical, administrative and social communication support personnel. In the Peruvian case, the commission team had 500 full-time employees.[[38]](#endnote-38)

Because of the magnitude of the violence and the needs of understanding and unraveling the mechanics of the violence of a sui generis conflict like the Mexican one, it is proposed that the CVMH operate for a space of 3 years, with the possibility of extension. Previously, it is required to have a preparatory phase of a period of six months.

Although the global task of the CVMH is to clarify and recognize the truth about serious human rights violations through an in-depth investigation of the victims and perpetrators of violence and the methods and causes of multiple forms of violence (see axes 1 and 2), since the search for truth and the construction of memory are part of the transitional justice ecosystem, the findings of the commission should guide it to:

* Support the work of the justice system so that the findings of the CVMH serve as evidence before the prosecutor's offices.
* Suggest comprehensive reparation measures, whether individual or collective.
* Recommend any necessary measures or structural reforms so that violations do not recur.
* Prepare recommendations to withdraw or exclude perpetrators from public office or implement background research programs as part of the reform of security, justice and other sectors and institutions of the State.
* Promote national reconciliation through activities that seek healing among individuals, communities and society.

The temporality of the process of truth search and construction of historical memory will have four phases: preparation, operation, conclusion and implementation.[[39]](#endnote-39)

**Preparation.** This first phase will last 6 months and will be dedicated to review the legal mandate of the commission, establish the internal organizational structure of the commission, develop internal administrative procedures, initiate disclosure to the public (especially victims and groups), hire the essential personnel and perform an initial mapping on the dimensions of violence through a thorough review of the sources of information and the results of existing investigations - that is, a recount of what is known, known and ignored.

In this phase, the CVMH must produce:

* Function's manual.
* Organizational chart.
* Workplan.
* Research plan.
* Outreach and training plans.
* Declaration of principles and commitments that will govern the relationship with other public institutions, victims and victim groups, civil society organizations and society in general.
* An initial report summarizing the findings from academic research and civil society groups, in addition to the available information bases that could be an input for the qualitative and quantitative analysis.
* Risk analysis to determine the safety of people who wish to give their testimonies to the CVMH.
* A report that identifies the institutional location of information sources that would be necessary for the Mexican State to open to help the CVMH achieve its objectives. Instead of each request going through the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI), the CVMH should have the legal authority to go directly to the State institutions to obtain the information and these would have than being obliged to provide it.
* Conduct meetings with representatives of victims' groups, civil society organizations and academic institutions to present the plans and objectives of the CVMH and establish cooperation agreements to carry out specific research tasks.
* Conduct consultations with national and international specialists to evaluate the research strategy.

**Operation.** This second phase will last approximately 24 months and will be dedicated to the execution of the CVMH action plan. In this phase, the personnel, national and international, necessary to carry out its main functions must be hired. The hiring must comply with the highest international standards of transparency, equality of opportunities and balance between different professions. In this phase, the CVMH will also establish its regional offices and mobile teams for its better functioning.

Once the CVMH is fully constituted and operates with its full potential, in this phase the commission will focus on:

* Take testimonies of victims through their offices and mobile teams or, if necessary, in safe spaces geographically distant from the victims' place of residence, including, when necessary, abroad and in prisons. The testimonies would be individual or collective and would be governed by the principles stipulated in axis 3 of this document. It will be a decision of the victims if their testimony is protected in anonymity or if they want their name to be made public in the different CVMH reports.
* Hold public hearings.
* Integrate quantitative databases on the different forms of violence and serious human rights violations. To carry out this collection, the CVMH will have to define the procedures and elaborate the necessary protocols to register, store, analyze and safeguard the information.
* Carry out the analysis of the local contexts that allow contextualizing the information obtained from the testimonies and the quantitative data. To achieve this objective, in addition to free access to information, the CVMH will have the power to request testimonies from potential perpetrators, although they will not be legally bound to respond. It will be up to the CVMH to persuade security institutions about the benefit of participating in these processes of truth and memory. In Chile, it was not until the second process of truth and memory, almost ten years after the first process, when the armed forces joined the search for truth.
* Carry out the statistical and qualitative analysis that allows to test some of the initial hypotheses and that begins to outline the general lines of the local and general explanations.
* In coordination with social research teams, groups of experts in international human rights law, international criminal law and international humanitarian law will analyze patterns of violence to determine whether serious human rights violations constitute crimes against humanity.

**Conclusion.** This third phase will last 12 months and will be devoted to producing the final report of the CVMH and the reports on specific topics.

The CVMH will have to produce a final report that accounts for its main findings on serious human rights violations committed during the two periods under analysis: 1965-2006 and 2007 to the present. The report will make visible the victims and the perpetrators and the multiple forms of violence and offer an explanation about the methods and causes of violence. If the evidence so shows, the report would have to argue why the serious violations committed would constitute crimes against humanity. Based on its findings, the report will elaborate recommendations on 1) specific cases that should be brought before courts, 2) institutional and socioeconomic reforms for non-repetition, 3) comprehensive damage reparations and 3) reconciliation and memorialization processes.

In agreement with the victims, in some cases the reports include a brief history of life of each of the victims or their relatives who offered their individual or collective testimony (eg, Guatemala)[[40]](#endnote-40) but in other cases the victims prefer that their individual testimonies remain anonymous or protected under strict security measures (eg the testimonies of the victims of El Salvador's civil war were embargoed indefinitely and are located at the UN offices in New York).[[41]](#endnote-41)

In various cases, in addition to the final report, the commissions publish specific reports on groups that, due to some type of characteristic or ascription, were victims of violence (eg, gender, race, ethnicity, political-ideological affiliation).[[42]](#endnote-42)

The final report must be presented before the holders of the Executive, Legislative and Judicial powers and before groups of victims and their families, civil society organizations and representatives of international organizations and governments and solidarity governments. On behalf of the State, the Chief Executive must acknowledge receipt of the final report and, if necessary, offer a public apology to the victims for this long night of violence.

**Implementation.** The last few months are devoted to laying the foundations for socializing the report - eg to produce compact and didactic versions of the main findings of the final report of the CVMH that serve as material to be known in the high schools and high schools of the country; to promote the construction of museums and memory centers so that future generations are aware of the atrocities committed in this sad period of Mexican history; and to build bridges with other transitional justice processes - eg provide detailed information to the public prosecutor so that the authorities analyze the pertinence of carrying out judicial proceedings against perpetrators; promote reparations programs with national and local authorities; and suggest institutional reforms of non-repetition to the legislature and the executive.

1. ***Decentralized structure***

Due to the great regional variety of conflicts and the multiplicity of actors and forms of violence, it will be necessary for the CVMH to adopt a decentralized approach based on local realities in order to understand general phenomena. As demonstrated by international experience, the most effective truth commissions have been those that adopt a decentralized and federalist structure that allows them to nurture their research based on a deep knowledge of local experiences and to add these local realities in patterns regional and national.[[43]](#endnote-43) To achieve this objective, the CVMH should have regional offices that serve as an operational base to build strong bonds of trust with local organizations and carry out the different links of the research - from taking testimonies, analyzing local contexts and gathering local information.[[44]](#endnote-44) In addition to seeking closeness with the victims, these regional offices will work with local experts and local civil organizations, churches, journalists and any social sector that contributes to the search for truth and the construction of historical memory.

Although truth commissions have been established in Mexico for the states of Guerrero (to clarify serious human rights violations committed in the context of the political violence of the 1970s) and in Oaxaca (to clarify human rights violations committed in the framework of the enormous teacher and social mobilization of the APPO), this proposal is decided decisively by a decentralized national commission and with a research approach that goes from the local to the regional and national. Both the experience of Guerrero and that of Oaxaca have left very important lessons and achieved very valuable objectives, but international experience shows that when the mass of violence reaches a majority of the national territory - as it has been with political violence and criminal violence - it is better, in the framework of a national commission, to understand the patterns of serious violations of the local to the regional and national and the links of the past with the present.[[45]](#endnote-45)

The results of the CVMH could be useful for future regional or local truth and memory search processes, when the victims so require. These demands can arise when communities enter to develop local programs of integral reparation of the damage or to carry out a process of community reconciliation.

1. ***Transversal approaches***

One of the most important lessons from the most successful searches is the usefulness of adopting a cross-cutting approach that guides the search for truth on the basis of gender criteria (eg feminicide), age (eg atrocities committed against young people), race and ethnicity (eg genocide or other systematic attacks on indigenous peoples) and social sectors (eg atrocities committed against peasants or immigrants or populations living in poverty to understand the phenomenon of the criminalization of poverty).[[46]](#endnote-46) This approach allows us to explore whether the identities or profiles of people played a decisive role in their suffering of serious human rights violations. To avoid essentializing the conflict and assuming that the victims were because of their personal ascriptions, the CVMH will have to take the impact of collective identities on violence as a hypothesis to be tested based on qualitative and quantitative evidence.

The case of Peru is instructive in this regard. In Peru, most interpretations of violence during the civil war were very centralist and based on the dynamics of violence in Lima. Therefore, few analysts warned that 1) most of the violence occurred in rural and indigenous areas, 2) the victims were Quechua-speaking populations and 3) the perpetrators of most of the violence were from rebel organizations, followed by by state forces. Guided by ethnic and racial criteria, both quantitative and qualitative data and the reconstruction of local contexts allowed the Peruvian Truth and Reconciliation Commission to find in racism against Quechua-speaking populations one of the main causes of violence.[[47]](#endnote-47) As different social actors in Peru admit, uncovering racism as one of the structural causes of violence was one of the commission's main achievements, which represented a radical change in the country's narrative and understanding.[[48]](#endnote-48)

1. ***Victimization by work activity***

There is much that is learned about the forms and causes of violence in general when analyzing the serious violations committed against members of specific professions. Unlike the transversal analysis, which focuses on specific social sectors, the analysis of victimization by work activity is concentrated in groups of professionals who are targets of attacks for their daily activity. This includes, among others, atrocities committed against social activists, human rights defenders, journalists, mayors, local authorities and local political candidates and religious personnel.

Since these high profile murders are unusual cases of violence in the criminal world, a systematic look at patterns of violence focused on these groups of professionals, in addition to contributing to the visibility of victims and perpetrators, will help to better understand the contexts of state violence and organized crime. In particular, this high impact violence gives many clues to understand the dynamics of social and political control and the new logics of criminal governance.[[49]](#endnote-49)

1. ***Security protocols for victims***

Since this process of truth and memory would be done in a context in which the perpetrators of violence are still active, one of the most important tasks of the CVMH will be to develop strict security protocols for victims and witnesses, in order to guarantee their testimonies and prevent reprisals for them once they return to their everyday surroundings. Countries that have carried out processes of truth and memory when the conflicts are still in force, include Guatemala (in particular the REHMI project) and the memory processes that precede the peace signing in Colombia.[[50]](#endnote-50)

To achieve this goal, it will be necessary to have the joint accompaniment of state agents, international organizations such as the UN, civil organizations and society in general.

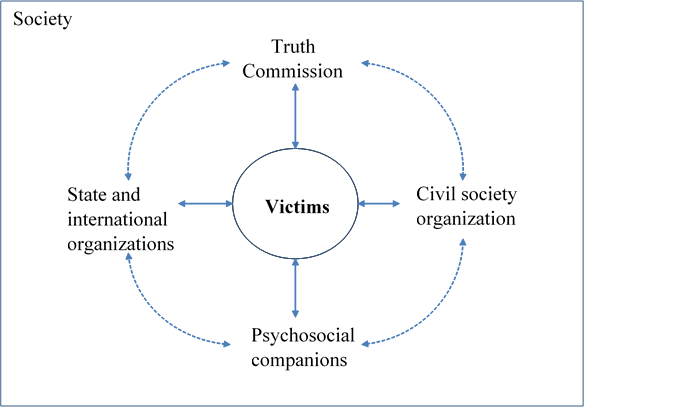
International experience also suggests that anonymity mechanisms can be used in the taking of testimonies. It should also make use of the main technological advances to collect information without endangering the victims and witnesses. Instead of keeping recordings of the testimonies, we will immediately seek to transfer the encrypted testimony to a server at the central offices of the CVMH. Similarly, it will be necessary to explore the need to take testimonies in geographical locations far away from the area of ​​residence of victims and witnesses, including foreigners.

In the event that any victim or witness, once given his testimony, will face any threat to his physical integrity due to his participation in the truth and memory process, the CVMH must have the power to request immediate protection from the State.

Beyond physical security, as discussed in axis 5 of this document, the CVMH must have the human infrastructure to offer emotional and psychological support to victims and witnesses and thus avoid the retraumatization of those who participate in this process of truth and memory.

HOW TO DISPLAY THE PROCESS?

**The centrality of victims in the search for truth**

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This graphic visually summarizes the actors and institutions involved and the communicating vessels that would guide a search process of truth and memory. In this process the centrality of the victims is assumed and is accompanied by the Truth and Historical Memory Commission, organizations of civil society, agents of the Mexican State and members of international organizations and psychosocial companions. This circle of truth and memory is inscribed in a broader box that represents Mexican society and that highlights the importance of society in general as guarantor of the legitimacy of a process of truth and memory and as an active subject that provides protection to the victims in the difficult process of sharing the testimonies of violence and horror.[[51]](#endnote-51) This chain of focused and general accompaniments tries to show the victims that they are not alone; that the State, society and the international community accompany them in their search for truth and justice.

**The truth as a precondition for the effectiveness of other mechanisms of transitional justice**



When the processes of truth precede other mechanisms of transitional justice and combines with them, truth enhances the effect of different forms of justice for the sake of the construction of a democratic state of law. When the truth exposes the perpetrators and justice judges and punishes them criminally, the system experiences an accountability shock that changes the behavior of the members of the armed forces and the police, preventing them from becoming corrupt and committing serious human rights violations in a generalized and systematic way.[[52]](#endnote-52) When the truth serves as an input to democratize the institutions of security and justice, this dissuasive effect becomes institutionalized and guarantees the non-repetition of the damage in the long term. When the truth feeds the integral reparation of the damage, it is possible, partially, to achieve some personal and material restitution. Finally, when the truth is a condition for a partial amnesty, societies can enter into processes of reconciliation.

Without truth, it is difficult to think of justice.[[53]](#endnote-53) In the absence of truth, judicial processes are limited, they avoid charging the perpetrators for their crimes against humanity. In addition, they focus primarily on the perpetrators, leaving the victims on a secondary level. Without truth and without having a deep knowledge of the magnitude and causes of violence and human rights violations, institutional reforms to guarantee non-repetition are usually limited. Without truth, the integral reparation of the damage will be ineffective if the true dimension of the material, psychological and social damage of the violence is not known.

**When amnesties are granted in the absence of a prior truth process, they become instruments of impunity**

Truth

Yes

No

Possibility of reconciliation

Impunity

Impunity

Impunity

Partial/ conditional

General

Partial

General

Amnesty

Amnesty

As Kathryn Sikkink argues, amnesties are granted to prevent the legal persecution of those who committed an illegal act or any violation of the human rights of others, whether on the part of the State or armed non-state groups.[[54]](#endnote-54) Amnesties are usually 1) general - when all state agents and armed rebel groups are exempt from any legal charges for violence during the period of war or conflict - or 2) partial - when granted only to specific groups of perpetrators. As the graph suggests, when the partial amnesty is conditioned in exchange for the truth of the perpetrators on the violations committed (as long as they do not constitute crimes against humanity), the bases for a possible reconciliation can be laid. South Africa followed this model.[[55]](#endnote-55) Colombia followed the same principle, but added community service as part of the reintegration and left open the criminal justice channel for perpetrators who did not accept to participate in the truth process or who had committed crimes against humanity.[[56]](#endnote-56) However, as shown in the lower part of the graph, when amnesties are not conditioned in exchange for the truth, they become a source of impunity, regardless of whether they are partial or general. General amnesties - whether there is a truth commission (El Salvador) or not (Brazil until 2014) - are a source of impunity.

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***For more information about this initiative:***

<http://www.plataformacontralaimpunidad.org/>

**Explanatory notes**

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