

## ENTREVISTAS PBI MÉXICO

Núm. 14/2010 • 1 February

**Entrevistas** is a publication of PBI Mexico that highlights situations that increase risks to the physical or psychological integrity of Mexican human rights defenders, or that damage the legitimacy of their work. The opinions expressed in this publication do not necessarily reflect the opinions of PBI Mexico

### *The Inter-American Court of Human Rights finds Mexico responsible for the forced disappearance of Rosendo Radilla*

*On Tuesday 15 December 2009, the Inter-American Court of Human Rights published its first judgement condemning the Mexican State in relation to a person detained and disappeared during the Dirty War. This was the case of Rosendo Radilla Pacheco. Mr Radilla was forcibly disappeared after being detained at a military checkpoint in Atoyac de Álvarez, in the state of Guerrero, in August 1974. The Court established the Mexican State's responsibility for the violation of Rosendo Radilla's rights to life, liberty and personal integrity. Since 2003, PBI has accompanied Mr Radilla's daughter, Tita Radilla, because of the threats she has suffered as a result of her work against impunity and in defence of fundamental rights.*

#### **PBI: What does the Court's judgement on your father's case mean for you and your family?**

**Tita Radilla:** It is a triumph. For many years we have tried to make the Mexican State investigate and bring this case to justice, and – above all – find my father. It is very satisfactory to think that today the Mexican State can be forced to conduct the investigation. Unfortunately, our mother is no longer with us, but it is wonderful to know that there is now hope for an investigation into what happened in this case, and in the cases of other people detained and disappeared.

#### **How have other family members of disappeared people reacted?**

The family members of disappeared people who participate in AFADEM [the Association of the Family Members of the Detained, Disappeared, and Victims of Human Rights Violations in Mexico] are very happy, because they know that my father's case will have repercussions on their cases. There is great happiness, contentment, hope. Family members from other organisations have also congratulated us; they've called us and said that they're grateful that we took the case to this international body, because it will also impact on their cases. We've been congratulated

by many families, and they are filled with hope that real investigations will now be conducted.



Tita Radilla in interview

#### **How does the judgement make you feel?**

A bit worried, because almost two months after the judgement was made public, we still don't know how the Mexican State plans to comply with the Court's ruling. We have still not had a formal meeting with them to reach an agreement on the compliance of the judgement. I know it is going to be very difficult to make the State

comply. Until now, we have not received a phone call, we have seen no signs of the Mexican State's political will to implement effective investigations that will locate our loved ones. So while there is no will, I don't believe there will be any results.



**Do you think the judgement puts you at greater risk or makes you safer?**

There is always the fear that something could happen, but I think that at the moment, following the Court's judgement, the eyes of the international and the national communities are on us. Maybe because of that they won't dare to attack us right now. We know that some don't like the judgement, some wish we would forget what happened. We know they're there, that they exist. There are times when I feel unsafe, because we don't know the intentions of the people responsible for the disappearance of our relatives. Thinking about that, and also hearing friends' comments - advising us to take precautions, to not expose ourselves - makes me feel a little nervous.

**What do you think of the Court's decision that the case should be reopened in a civilian tribunal?**

It's very important that the case be investigated by a civilian tribunal, as the Court has ordered. We believe this is the only way to locate my father. We are in complete agreement, but the Mexican State must show its political will in this situation. I think this step has always been missing, and that is precisely why our loved ones have not been found.

**Where does the process of reinitiating investigations stand? Do you think it will have repercussions in finding other disappeared people?**

These investigations must be conducted. The Mexican State must undertake them; it should have done so years ago. But now the judgement represents a new obligation which it must fulfil. The Ministry of the Interior (Secretaría de Gobernación) has made a pronouncement, stating that the judgement will be complied with on all points - but to date there have been no investigations, we have seen nothing. We find the situation quite worrying.

The Attorney General's Office hasn't communicated with us. The Mexican State has shown no interest in investigations. This really worries us because if there are no investigations, how are they going to find him [my father]? We want to know what the Attorney General's Office is doing, we want to provide them with all the information we can, we want to be informed of each and every step they take.

And yes, I think that once investigations are undertaken to locate Rosendo, information about a lot of other people will also come to light. He was disappeared in a time of repression, when another 122 people were also disappeared. All of those cases were included in an investigation for the period between July and November 1974. I think that he is surrounded by a lot of other people, and when they find him they'll also find many others. The goal isn't only [to find] Rosendo, but all of them. For us it is supremely important to find all of those who were detained and disappeared, even when they are not [cases coordinated by] AFADEM.

**In terms of the acts of public recognition ordered by the Court, what are you and AFADEM expecting? What will they mean to the families of the disappeared, and for Atoyac?**

For us, these public acts are important as they treat our relatives with dignity and vindicate their work. Our relatives were people who fought for just causes and they deserve to be treated as such; not the way they are treated in the national archives, as wrongdoers and criminals. All of the disappeared people who had nothing to do with armed groups, the civilians, also need to be

recognised as such. They suffered because of something that shouldn't have happened. The symbolic acts will remain in [our collective] memory. We want people now and for generations to come to know about these incidents so that they won't happen again.

We expect the Mexican State to recognize that these disappearances should never have occurred. Those detained and disappeared have the right to a fair trial; law-breakers also have the right to legal protection, through a trial. They never should have experienced what happened to them.

**What do you think of the compensation outlined in the Court's judgement?**

We've focused on the investigations and the

excavations, not on the economic compensation for our family. As for AFADEM, the group never asked for money from the State, but the Court orders this compensation because it believes that the organisation has the right to an indemnity for its efforts. For us it is very important that all of the families receive compensation. The quantity is very small compared to the magnitude of the pain and the problems experienced.

We hope that the Mexican State will fulfil its obligation to investigate, so [we know] what happened to our disappeared relatives. That is what AFADEM has asked for over many years: we want to know what happened to them, where they are; we want them returned to us, their families.

*For more information on the case of Rosendo Radilla, the Court's judgement, and the context of forced disappearances in Mexico, see:*

*Association of the Family Members of the Detained, Disappeared, and Victims of Human Rights Violations in Mexico (AFADEM): <http://espora.org/afadem/>.*

*Díaz, Gloria Leticia. "México en la Corte Interamericana: vano mea culpa". In *Proceso*, No.1706, 12 July 2009, pp 11-13.*

*Association of the Family Members of the Detained, Disappeared, and Victims of Human Rights Violations in Mexico (AFADEM): <http://espora.org/afadem/>.*

*Inter-American Court of Human Rights, judgement handed down on 23 November 2009 in the Radilla Pacheco case (in Spanish): [www.corteidh.or.cr/docs/casos/articulos/seriec\\_209\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_209_esp.pdf).*

*Mexican Commission for the Defence and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos): [www.cmdpdh.org](http://www.cmdpdh.org)*

*PBI Mexico, Human Rights Defenders in the State of Guerrero (December 2007): [www.pbi-mexico.org](http://www.pbi-mexico.org)*