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THE OTHER WHITEWATER AFFAIR

By Dr. Jorge R. Mancillas
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It is a tale of political intrigue, involving murder and an extensive government cover-up, yet it has failed to catch the interest of the common American. It has all the elements of a good story, yet the U.S. press seems uninterested in covering it. It even includes a videotape clearly depicting law enforcement officers using excessive force against helpless citizens -much more brutal force than that used by the officers who beat Rodney King or the Riverside sheriff deputies who beat Alicia Sotero and Enrique Funes by the Pomona Freeway-, yet the images have not appeared on our television screens.

It is the “white waters” affair. No, not whitewater, Arkansas, but Aguas Blancas, or white waters, México. Since June 28, 1995, the case has shaken the Mexican conscience, fractured the country’s political establishment and provoked unprecedented challenges from unexpected corners in México’s institutions.

More than anything else, it put to the test President Zedillo’s claim that establishing rule of law and doing away with impunity was to be one of his administration’s top priorities. The way it has been handled reveals how much México has advanced in achieving that goal, yet how much the country’s judicial institutions remain hostage to political imperatives.

The story began on June 27, 1995, when during a telephone conversation with María de la Luz Núñez, Mayor of Atoyac, Rubén Figueroa, Governor of the state of Guerrero, referred to a demonstration by members of the OCSS (Organización Campesina de la Sierra del Sur, Peasant organization of the Southern Sierra), a recently formed group with thousands of members. He asked Mayor Núñez to persuade OCSS members in Atoyac not to attend the event in which the group would demand the presentation of Gilberto Romero Vázquez, who had “disappeared” since May 24, and added that “I have taken steps to insure the majority will not go. We will try to stop those from Tepetitla by any means necessary.”

The next day, at 10:25 am, at Aguas Blancas, a truck carrying 40 passengers in the back approached a police roadblock. Following orders, the driver slowed down, but before he came to a full stop, 2 peasants, one holding a machete, jumped down from the back. Shots rang behind the truck and policemen could be heard saying “there, you see, there goes the first one, is that what you want? you see?” More shots rang. Then, the 17 peasants killed and 21 wounded were videotaped.

When news of the massacre made the national news, Governor Figueroa, a personal friend of President Zedillo, defended the police and presented a video showing some of the dead peasants holding a gun. He blamed the incident on an attack against the police by the peasants with machetes and guns. The video, however, had been secretly edited from its original length of 12 minutes and 26 seconds, to 2 minutes and 22 seconds.

State investigators supported the Governor’s version (they even raised the hypothesis that the peasants may have been killed by their own comrades), in spite of protests from the OCSS, opposition parties and Human rights groups, who questioned the conduct of the investigations and their conclusions.

It may have ended there, as it often does in México. But then a number of new developments converged. In January of 1996, Alejandro Burillo Azcárraga took charge as Vice-President of Televisa, the giant television monopoly often accused of blindly supporting government policies. Charged with restoring credibility to the network, he took his mandate seriously. He hired journalists known for their independence and launched a series of new programs.

On February 25, one of them, “Behind the news,” obtained and aired the unedited “Aguas Blancas” video, showing police spraying unarmed peasants with bullets and planting weapons on their corpses. In the ensuing scandal, evidence surfaced showing that the executions and cover-up had originated at the highest

levels of state Government. President Zedillo ordered the country's Supreme Court to investigate whether the Constitutional rights of the victims had been violated. Under pressure, Governor Figueroa first replaced a few top state officials, but was finally forced to take "a leave of absence" in March. The incident also cost Alejandro Burillo his job and may have put an end to the "aperture" at Televisa.

Things could have again ended there, in spite of widespread demands that Figueroa and all others implicated be brought to trial. Then, another unexpected and unprecedented development. The newly appointed members of the Supreme Court, which normally operates as a rubber stamp for politically-motivated decisions, also took their charge seriously.

On Tuesday April 23, it made public a report on the case, unveiling details of the massacre and cover-up. The Supreme Court commission found Figueroa, and 7 of his top officials, guilty of "covering up the truth" deceiving the public, and obstructing justice by "manipulating" the White Water investigation.

Their report stops short of accusing Figueroa of being responsible for the massacre, but it indicates that Constitutional guarantees were violated by officers of the Government of Guerrero, including the rights to free transit, freedom of expression, personal liberty, rights to safety, defense, petitioning and respect of their lives.

What was even more surprising is that the report, adopted unanimously, was expected to have been quietly turned over to the President, but the Court felt its responsibilities were to others. It turned over copies to the Congress, the Attorney General's Office (expecting it to conduct a federal investigation and prosecution), to law enforcement agencies in Guerrero and to the President. It also released it to the public.

Two weeks later, on May 6, the Attorney General's Office announced that after examining the Supreme Court's report, they had determined that no federal crime had been committed. It was therefore outside their jurisdiction, leaving it up to state authorities in Guerrero, still aligned with Figueroa, to conduct an investigation and any necessary prosecutions.

On June 14, 1996, almost a year after the massacre, they exonerated Figueroa of any guilt. 2 weeks before the first anniversary of the massacre, they exonerated Figueroa of any guilt. President Zedillo has been silent.

Two steps forward, one step back, seems to be the norm these the norm these step back, seems to be the norm these days in México. While the families of the victims await justice, México continues to surprise the experts and break old political traditions. Rule of law, however closer, continues to be elusive.