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THE INSTITUTIONALIZATION OF THE RIGHT TO TRUTH IN MEXICO:
EFFECTS OF THE INTERAMERICAN SYSTEM OF HUMAN RIGHTS

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Abstract: Critiques of the failing efforts of transitional justice processes in Mexico have dominated the academic literature on the matter. I argue that a primordial focus on the systematic and culture of impunity in Mexican institutions has greatly concealed efforts on the institutionalization of the right to truth. Using a process-tracing methodology based on interviews and documental analysis, I study three specific mechanisms that have been implemented to satisfy the right to truth: a truth commission in Guerrero, a mechanism formed by interdisciplinary experts concerning the disappearance of 43 students in Ayotzinapa, and the truth commission recently created by presidential decree. I propose a causal mechanism that poses the Inter-American Human Rights System as a leverage mechanism in the implementation of the truth pillar in Mexico. Results demonstrate that a causal process exists between the identification of international norms, by norm entrepreneurs; their participation at the Inter-American Human Rights System; the localization of these norms by civil society organizations in their own communities and the impulse of societal pressure in the institutionalization of the right to truth, in Mexico.

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LIST OF ABBREVIATIONS AND ACRONYMS

IAHRS	Inter-American Human Rights System
IACtHR	Inter-American Court of Human Rights
IACHR	Inter-American Commission of Human Rights
FEMOSPP	<i>Fiscalía Especial para Movimientos Políticos y Sociales del Pasado</i>
COMVERDAD	<i>Comisión de la Verdad para la investigación de las violaciones a los derechos humanos durante la Guerra Sucia de los años sesenta y setenta del estado de Guerrero</i>
GIEI	<i>Grupo Interdisciplinario de Expertos Independientes</i>
COVEH	<i>Comisión por el Acceso a la Verdad, el Esclarecimiento Histórico y Justicia a las violaciones graves a los derechos humanos cometidos entre los años 1965 y 1990</i>
CMDPDH	<i>Comisión Mexicana de Defensa y Promoción de los Derechos Humanos</i>
AFADEM	<i>Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a Derechos Humanos en México</i>
JTMX	Transitional Justice Mexico
Centro Pro	<i>Centro de Derechos Humanos Miguel Agustín Pro Juárez</i>
CICIG	<i>Comisión Nacional contra la Impunidad en Guatemala</i>

SECTION I

Transitional justice has been categorized by concerns on how governments and societies should deal with atrocities committed by authoritarian regimes in the past, inquiries concerning the role of diverse institutions, processes, and mechanisms in the face of violent circumstances that have fragmented social and political life.

Transitional justice mechanisms and processes seek to address the causes, consequences, and legacies of large-scale human rights violations (López Ayllón, 2018: 3). According to the United Nations Guidance Note of the Secretary-General, “transitional justice is the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (2010).

It has been commonly agreed that transitional justice policies should be directed at fulfilling the following objectives: (a) To elucidate the events that caused the violence and identify those responsible, (b) To reduce impunity, (c) To repair the victims for the damage suffered and rebuild the social fabric, and (d) To prevent the recurrence of events (López Ayllón et al, 2018: 99-100). These objectives correspond to the four standard pillars of transitional justice: justice, truth, reparation, and guarantees of non-repetition.

Different mechanisms have been implemented in processes of transitional justice. Some examples refer to criminal trials (international, foreign, domestic, or civil), truth commissions, institutional reforms, lustration, and vetting, among others. Despite the efforts attained until now by other countries in the matter,¹ transitional justice mechanisms and processes in other places has not been implemented to the expected extent.² Many have argued that Mexico is unfortunately an exemplary case in the under-provision of transitional justice.

A recurrent sentiment of skepticism toward attempts at implementing transitional justice processes in Mexico is evident in academic discussions (Acosta & Esa, 2016; Saffon & Pinilla,

¹ Cases usually portrayed as a success of international justice processes have been Argentina and Peru (González Ocantes, 2020)

² “We should not stop reflecting on an unavoidable conceptual aspect: the mere evocation of the name “transitional justice” usually involves expectations that can be inversely proportional to the practical results obtained with it”. (Álvarez Ledesma, 2020: 49).

2021; González Ocantes, 2019; Agüayo & Treviño, 2006; Karl, 2014). The lack of political will to tackle the problems derived from an excess of impunity, corruption, and violence in the country has been the main focus of critique.³

And yet, I show in what follows that it is crucial to disaggregate transitional justice processes and look separately at its different components in order to reveal factors that may constitute the fulfillment of at least one of the pillars. Disaggregating these processes allows us to look at achievements from a different perspective; the fulfillment of one pillar indicates an effort in the right direction, even though transitional justice is not attained in its exceptional form –understood as effective results derived by the implementation of the four pillars of transitional justice.

As stated by Mario Álvarez Ledesma: “The importance of transitional justice and the role it has played in the modern history of human rights is undeniable. However, it is necessary to adopt a critical position that allows transitional justice to be placed in a dimension closer to reality and by its imprint, to allow it to carry, with the greatest efficiency possible, the changing tasks and objectives that according to its genealogy and concomitant transformation, have been assigned to it” (2020: 50).

Parting from this perspective of the fulfillment of certain mechanisms in processes of transitional justice, taking into account the importance of international norms to advance political mobilization towards the advocacy of human rights, and the recognition of the role played by civil society collectives in the institutionalization truth pillar in Mexico, begs the following research question: What has been the effect of civil society collectives’ participation in the Inter-American Human Rights System on the institutionalization of the right to truth in Mexico?

The importance of the institutionalization that accompanies the right to truth has been made apparent by Article 1(1), 13 and 25 of the American Convention of Human Rights. The Interamerican Court of Human Rights “has affirmed the existence of a *right of the victim’s family to know his fate and, if appropriate, where his remains are located, [which] represents*

³ Mistrust in the face of contradictory or at least confusing signals to build the path of truth and justice in Mexico has shown the weakness of the institutions for the administration of justice. This denotes at the same time the lack of political will to properly frame the defense and protection of human rights from the institutional sphere, resulting not only in the failure of the Prosecutor's Office, or in not giving a binding character to the recommendations of the CNDH, but in the continuity of the practice of forced disappearance (Dutrénit Bielous & Argüello Cabrera, 2011: 141).

a fair expectation that the State must satisfy with the means available to it" (Ferrer Mac-Gregor, 2016:123). Therefore, the acknowledgement of a right, made tangible in international norm, has constituted itself as a compulsory legal demand in such a manner that it has become institutionalized, and little academic attention has been carried out in this respect.

The importance of the institutionalization of the right to truth lies in its meaning. Institutions are conceptualized as "patterned behaviors, relative stable, valued sets of formal and informal rules, norms, and practices that *constrain but also enable political behavior* (my italics). In short, institutions give structure to political life, but they also emerge from actor-based social and political processes" (Badie, 2011: 1199). Therefore, acknowledging the political implications and the elite learning process undertaken in order to institutionalize a right, I consider this process of great importance and a remarkable advancement in the matter.

The present essay reconstructs the institutionalization of the right to truth materialized by the creation of distinct truth commissions. Truth commissions are *ad hoc* investigative commissions of an autonomous nature established in a given State. Their aim is to research and report on the main causes and consequences of relatively recent acts of violence and repression and make recommendations for reparation and future prevention (Freeman, 2006: 18).

The analytical reconstruction starts with the creation of the "*Comisión Especial Investigadora de los Sucesos del 68*", in 1997, which attempted to investigate violence committed by the state against a student rally in 1968, in Tlatelolco.

The second set of efforts concentrate two truth commission concerning the *dirty war* in Mexico. This period of time specifically is understood as a set of strategies, tactics, and actions outside of the legal sphere to combat, through violence from within and outside the State apparatus, certain political groups or individuals because of their ideological or political convictions (Esparza, Huttenbach and Feirstein, 1990).

The first of this set of truth commissions was established in 2012 and takes the name "*Comisión de la Verdad para la investigación de las violaciones a los derechos humanos durante la Guerra Sucia de los años sesenta y setenta del estado de Guerrero*" (COMVERDAD). The second and most recent one, "*Comisión por el Acceso a la Verdad, el Esclarecimiento Histórico y Justicia a las violaciones graves a los derechos humanos cometidos entre los años 1965 y 1990*" (COVEH), was established by presidential decree in October of 2021.

And, finally, an approach to the creation of the *Grupo Interdisciplinario de Expertos Independientes* (GIEI) in charge of investigating the events occurred in the disappearance of 43 students in Ayotzinapa, Guerrero.

I argue that the Interamerican Human Rights System (IAHRS) has played a leveraging role in the creation and implementation of the previously mentioned truth commissions. In addition, the role played by the IAHRS in the advancement of transitional justice processes has been broadly studied in the past. The relationship between results created and implemented on matters of truth and justice as a consequence of sentences dictated by the Inter-American Court of Human Rights has been widely recognized.

Carolina de Campos Melo (2019) identifies the case of *Barrios Altos vs. Perú* as the representation of a new paradigm of international human rights law on the topic of truth and justice. Elizabeth Salmón portrays the palpable relationship between truth commissions and transitional justice in stating: “It was the IACtHR which, for the first time in the region, expressly alluded to the right to the truth in the case of *Manuel Bolaños vs. Ecuador*” (2015: 297). Therefore, a recognition of the IAHRS as a possible instrument of leverage in the institutionalization of international law has been previously acknowledged.

I hypothesize a causal process between the participation of civil society collectives at the IAHRS to the institutionalization of the principle of truth, by drawing from distinct theoretical perspectives on norm diffusion and the compulsory dimension of the IAHRS as a delegated international organization. The theoretical framework is built from the implications of the effects of international treaties on political mobilization (Simmons, 2009), domestic norm empowerment (Checkel 1997, 1999; Cortell and Davis 1996, 2000), and the importance of *localization* to explain the incorporation of international norms to the local realm (Acharya, 2004). Therefore, I intend to prove that participating in mechanisms of the Interamerican System of Human Rights has helped organized civil society advance matters of institutionalization of the principle of truth.

This dissertation begins by reviewing relevant literature on transitional justice processes in Mexico, which, I find, attributes the generalized sentiment of failure to the rampant impunity and corruption of institutions. Section Three presents the paper’s theory and hypotheses, for which I draw on several accounts of international norm diffusion. This Sections outlines the tracing process that constitutes the empirical contribution of this paper, and which reconstructs

the leveraging effects of the IAHRS on the domestic institutionalization of the truth principle. Section Four acknowledges relevant literature that adjudicates the crystallization of international law to the Interamerican System of Human Rights. Section Five shows the results drawn from interviews and documentary analysis. And finally, the last section presents pertinent conclusions.

Data for the process-tracing analysis was gathered from eleven semi-structured interviews (Table 1) with human rights advocates and prominent actors involved in the attempted implementation of transitional justice mechanisms in Mexico. These include former and present commissioners in Mexican truth commissions, directors of non-governmental human rights organizations, actors involved in cases and petitions before the IAHRS, and academic experts on human rights and transitional justice. In addition, a systematic analysis was performed of a range of relevant media sources.

TABLE 1

INTERVIEWS		
1	Pilar Noriega	<i>Commissioner of COMVERDAD.</i>
2	Jorge Peniche	<i>Executive Secretary of Transitional Justice Mexico (JTMX)</i>
3	Daniel Vázquez	<i>Human Rights specialist and scholar</i>
4	David Fernández	<i>Expert Commissioner for the “Comisión por el Acceso a la Verdad y el Esclarecimiento Histórico y Justicia a las Violaciones graves a los Derechos Humanos cometidos entre los años 1965 – 1990”.</i> <i>Former Director of “Centro de Derechos Humanos Miguel Agustín Pro Juarez”.</i>
5	Graciela Rodríguez	<i>Executive Director of “Comisión Mexicana de Defensa y Promoción de los Derechos Humanos”.</i>
6	Daniela Malpica	<i>Vicepresident of Transitional Justice Mexico (JTMX)</i>
7	Mariclaire Acosta	<i>Scholar, activist and expert on human rights and transitional justice.</i>

		<i>Founder of numerous civil society organizations for human rights.</i>
		<i>President of Transitional Justice Mexico (JTMX).</i>
8	José Antonio Guevara	<i>Head of the Unit for the Promotion and Defense of Human Rights of the Ministry of the Interior, from May 2009 to July 2010 (Period in which the IACtHR dictated a sentence against the Mexican state in the case of Rosendo Radilla Pacheco).</i>
9	Juan Carlos Arjona	<i>Expert on human rights and transitional justice.</i>
		<i>Primera visitadura – Comisión Nacional de Derechos Humanos</i>
10	Fabián Sánchez Matus	<i>Lawyer and litigant for the Rosendo Radilla vs. Mexico case.</i>
		<i>Former Director of the Comision Mexicana para la Promoción y la Defensa de Derechos Humanos.</i>
		<i>Founder of IDHEAS.</i>
11	Jacobo Dayán Askenazi	<i>Human Rights specialist and scholar, transitional justice activist.</i>

Source: Own Elaboration

SECTION II

Several authors have agreed on the necessity of transitional justice in Mexico given the massive legacy of human rights violations of authoritarianism. According to Mariclaire Acosta, mass human right violations “were originally planned and executed by security forces operating under the direct command of the President of the Republic and the highest-ranking officials in the successive PRI governments” (2006: 95). On the other hand, many more have made apparent the enormous failure in the efforts behind implementing a transitional justice process in the country.

Efforts to carry out a transitional justice processes in Mexico have been highly criticized for decades, in particular, the enormous failure that constituted the creation of the *Fiscalía Especial para Movimientos Sociales y Políticos del Pasado* (FEMOSPP),⁴ which ultimately affirmed the long-standing perspective of a culture of impunity in the country. What was in that moment a sight of optimism to clarify repressive events of the past and hold those responsible to justice soon became a representation of the erosion of Mexican institutions fueled by the persistence of a climate of impunity.

Treviño Rangel and Valdivia (2014) argue that the FEMOSPP ultimately became an institutional guarantee of protection of perpetrators, instead of an effective institution that promised due punishment (p. 33). Sylvia Karl (2014) posits a similar idea by that stating that a cultural of impunity had already granted *de facto* amnesties to those involved in the process. Gómez Ocantes (2020) takes a step further and points to the absence of pedagogical intervention and support for prosecutors as consequences on the limitations of the FEMOSPP.

A common sentiment of frustration has been implied in most academic studies on the matter. Perspectives that trace a connection between impunity and corruption to a successful implementation of a transitional justice process have not properly understood the importance of disaggregating the pillars in order to acknowledge the advances made.

⁴ “The FEMOSPP failed to deliver any positive results for the victims and was abolished in 2006. After four years of work, the final report of the team of investigators was handed over to Attorney Prieto and subsequently to President Fox. It was never officially authorized or published; a fact widely criticized by the academic experts who were the authors of the report and wanted to distribute to the Mexican public the “truth” about the dirty war”. (Karl, 2014: 736)

For example, Agüayo and Treviño (2006) establish that the lack of impact of transitional justice in the country is greatly due to a persistent culture of impunity. The erosion and trivialization of the culture of human rights and justice has been abused and emptied of political meaning (Agüayo & Treviño, 2006). On a similar note, Sylvia Karl (2014) denounces those discourses on global transitional justice processes implemented by the Mexican government as a way of legitimizing the power of political elites. Efforts were made without proper commitments to follow, and a discourse was established only to legitimize future actions by the government.

A document on advances of transitional justice processes in Mexico published by the International Center for Transitional Justice in 2020 states that there exists a necessity to define whether to use independent mechanisms or existing ones. The ineffectiveness of the efforts promoted so far seem to recommend the creation of new institutions (Hernández, Guadarrama & Correa, 2020: 9). The statement seems to elucidate a general mistrust of the possibilities of actions granted by existing institutions. Why trust the ones we have now when they have fulfilled expectations of justice?

Impunity is usually accompanied by a lack of political will to make matters better, and this concept is commonly referred to when debating around human right advances. This argument has also been a central element of discussion in the literature. According to Leyva (2018) there was no way to prosecute those responsible for crimes due to a serious *deficit* in the rule of law and democracy (pp. 304).

Along the same lines, a citizen proposal on the political construction of truth, justice, and reparation, published by the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (CMDPDH), states the following:

“A context of extreme violence and insecurity, as well as high rates of impunity and corruption in the country, require the application of a comprehensive policy of truth, justice, and reparation to victims of violence and human rights violations which generally results in the short, medium and long term. The growing number of victims demands it” (2019: 11).

An acknowledgment of the institutional, political, and social harms produced by impunity has been made apparent in the literature of transitional justice in Mexico. A lack of political will and a continuing ambiance of cultural impunity in governmental institutions seems to be the explanatory variable when it comes to describing transitional justice processes in the country.

Nevertheless, considerations on the role played by civil society have also been relevant in the literature. Constitutive factors of the literature that intend to explain why transitional processes have not worked in the country are limitations on the capabilities of strategic actions by organized civil society (González Ocantes, 2020), the absence of support from the government and from civil society to initiate processes of transitional justice (Acosta, 2016), and the imperative fragmentation that characterizes civil social movements of human rights in the country (Saffon and Gómez Pinilla, 2020). Authors argue that the situation illustrates a serious structural problem related to the dispersion and lack of articulation between many of the most important civil society organizations, victims, and survivors, both organized and unorganized.

Therefore, I argue that literature on Mexican transitional justice and its focus on explaining its failure from a perspective of institutional impunity and corruption is explained by its sole attention on the fulfillment of the justice pillar. A theoretical trade-off has been tacitly made in which justice has been strictly prioritized above the other pillars, concealing the advances made on the right to truth in the country.

It is worth mentioning that I acknowledge the importance of analyzing transitional justice matters from a tradeoff dynamic, one in which it is pertinent to ask which pillar would be best to fulfill in contexts with limited institutional capabilities. In many situations, the preferred answer would be the justice pillar. I also agree with Elizabeth Salmón (2015) when she states that “the historical truth achieved through a truth commission should not be understood as a substitute for the State’s duty to ensure the judicial determination of individual or State responsibilities” (pp. 296). Nevertheless, exploring advances in transitional justice matters from a disaggregated perspective allows us to think of differentiated levels of success and failure.

I argue that a growing and systematic culture of impunity in Mexico has not been able to fulfill the pillar of justice necessary in a traditional way of understanding transitional justice as a complete process. However, disaggregating the fulfillment of the pillars gives us room to recognize the advances made in the efforts made towards granting a right to truth –an analysis that has both practical and moral implications.

SECTION III

I hypothesize that the participation of civil society collectives at the IAHRS –composed of the Interamerican Commission of Human Rights (IACHR) and the Interamerican Court of Human Rights (I/A Court HR)– has had relevant implications for the advancement of the right to truth in Mexico and, in turn, for its institutionalization. The IAHRS, I argue, has worked to advance processes of truth and memory in Mexico.

The description of the theoretical level of hypothesis (Figure 1) clarifies the process undertaken by collectives in their participation at the IAHRS and the effect these have in the institutionalization of the right to truth, recognized as a pillar in processes of transitional justice.

By arranging and grasping important contributions of distinct theoretical perspectives of norm diffusion at an international and domestic level, I can theoretically support the outline of a causal process between the internalization of norms, participation by organized civil society at the IAHRS, and the institutionalization of the truth pillar.

The role played by civil society in the promotion of human rights has been widely studied and empirically demonstrated by numerous authors (Finnemore and Sikkink, 1998; Risse, Ropp and Sikkink, 1999; Lutz & Sikkink, 2001; Lebovic and Voeten, 2009; Goel and Tripathi, 2018). “Constructivists have engaged with the idea of individuals and communities or various types as actors and agents that play different roles in the overall norm change process” (Romanuk & Grice, 2018).

Efforts directed at understanding the degree of international norms and internalization of these by states have been fundamentally dominated by two distinctive perspectives: neoliberal institutionalism and regime theory (Checkel, 1997). These branches outline a preponderate debate concerning the constraining or constitutive faculties of international norms across States.

Studies focused on norm diffusion have been strictly related to actions deployed by transnational organizations in a globalized world and the importance of human rights treaties at an international level which has ultimately had important effects on the diffusion of human rights norms across States, and the implementation of these by domestic agents.

A classical study by Katherine Sikkink (1998) acknowledges the importance of norm cascades on accountability for past human rights violations. The author argues that “a new trend

in world politics towards accountability for past human rights violations is taking place simultaneously in international courts, foreign courts, and domestic courts of the country in which the human rights violations occurred” (Sikkink & Kim, 2013: 270). The author demonstrates that the relationship between the effectiveness of criminal accountability is strictly related to a *norm cascade*⁵ grounded in notions of justice.

A common criticism of theories of norm cascade has to do with neglected questions regarding how norms reach the domestic arena. According to Jeffrey T. Checkel, how we comprehend how norms impact certain agents goes beyond a declaration of “superiority of one method over the other, but to develop scope conditions that provide insights regarding when one logic or the other will obtain” (Checkel, 1997: 475). This is precisely what is intended in this section.

Comprehending diffusion entails how norms in the international system have constitutive effects at a domestic level (Checkel, 1999)⁶. Cortell and Davis Jr (2000) posit something similar by establishing that international norm has proved to have important effects on State behavior as a consequence of political processes happening in the domestic realm (pp. 85).

The theoretical insights developed for the process-tracing methodology outlined in this thesis must be accompanied by theoretical comprehensions that take a step further from norm diffusion across states and at an international level, an inward approximation of State relations, or to be more precise, on how international norms are internalized by States.⁷

A conceptual distinction is needed to comprehend the degree of constraining effects of norm diffusion and a differentiation between *norm empowerment* and *norm compliance*. Par Engstrom (2019), for example, recognizes the limitations posed by compliance perspectives on international human rights (pp. 4)

Checkel (1999), on the one hand, focuses on comprehending norm empowerment as the effect on a *logic of appropriates* by the interaction of global norms with agents, a logic of values and interests that underlies the interaction. On the other hand, Cortell and Davis (2000) posit

⁵ Socialization is the dominant mechanism of a norm cascade –the mechanism through which norm leaders persuade others to adhere (Sikkink & Finnemore, 1998: 902).

⁶ A process denominated by Checkel as *empowerment* (1997: 476).

⁷ According to Beth Simmons, external enforcement mechanisms fall short when it comes to human right treaties; given peers cannot act as reliable enforcers and therefore states have incentives to ignore violation of treaties, “the real politics of change is likely to occur at the domestic level” (2009: 126).

the fundamentality of international norms on the promotion of social and political factors⁸ that attain a status of *ought* in the domestic political arena (pp. 68). Beth Simmons (2009) establishes the preponderance of human rights treaties⁹ as catalysts of individual empowerment that would have not attained the same level of empowerment in the absence of these norms. The process outlined in this paper is therefore conceptualized from a *norm empowerment* perspective, which makes norm compliance a non-necessary condition in the internalization of norms at a domestic level.

The existence of international norms has been proven to have significant effects at a domestic level. I argue that both the creation of the IAHRS and the ratification of the American Convention of Human Rights by the Mexican state in 1989 allowed a process of identification by civil society –recognized in this context as *norm entrepreneurs*–, of elements of transitional justice in previous recommendations and proceedings dictated by the IACtHR.

Once these elements are identified and recognized, conscious of the possibilities granted by participating at the IAHRS, civil society decides to take their cases to the IACHR, in search of proceedings that can enable processes of transitional justice in their communities. Comprehension of one's own rights is accomplished by a logic of appropriateness granted by international norm –a process of internalization is taking place.

This first step is supported by what has been advanced by Checkel (1999), who provides evidence on the effects of diffusion in contexts where a *cultural match*¹⁰ exists between a systemic norm and a target country. In other words, where it resonates with historically constructed domestic norms” (pp. 87). Acharya (2004) posits similarly states that central to norm dynamics is the contestation between emerging transnational norms and preexisting regional normative and social orders (pp. 241).

⁸ Factors outlined by the authors: national political rhetoric, the material interests of domestic actors, domestic political institutions, and socializing forces – these are understood as the differentiating factors that can explain variation across states on norm salience: why some international norms resonate in the domestic political discourse while others do not-. (Cortell and David, 2000: 68).

⁹ In the human rights area, intergovernmental agreements are designed to give individuals rights largely to be guaranteed and respected by their governments. Treaties of this kind have a potentially dramatic impact on the relationship between citizens and their government, creating a huge pool of potential beneficiaries if the treaty is given effect (2009: 126).

¹⁰ “A situation where the prescriptions embodied in an international norm are convergent with domestic norms, as reflected in discourse, the legal system (constitutions, judicial codes, laws), and bureaucratic agencies (organizational ethos and administrative agencies) (Checkel, 1998: 4).

Once participation by civil society at the IAHRS has taken place, recommendations and proceedings by the IACtHR are *localized* by civil society in their own communities, to advance legal mobilizations and social pressure from below. This step of the process can be supported by theories drawn from Beth Simmons (2009) and Amitav Acharya (2004) on how international norm diffusion reaches local levels, and communities in particular.

Localization implies components of framing in order to build congruence between transnational norms and local beliefs and practices which could result in the incorporation of international to local norms. The active construction of foreign ideas by local actors, through discourse, framing, grafting and cultural selection, allows establishing logical relationships between previous and emergent norms (Acharya, 2004: 241).¹¹

For example, work carried out by Abel Barrera Hernández – activist, founder of *Centro de Derechos Humanos de la Montaña de Tlachinollan* and present commissioner of the COVEH– illustrates the manner in which localization took place in Guerrero. His nongovernmental social society organization has been of central importance to cases taken to the IAHRS (Annex 3). He has done prominent work with victims of the dirty war and found a way to echo and leverage international norms to carry out transitional justice processes in his community Atoyac, Guerrero.

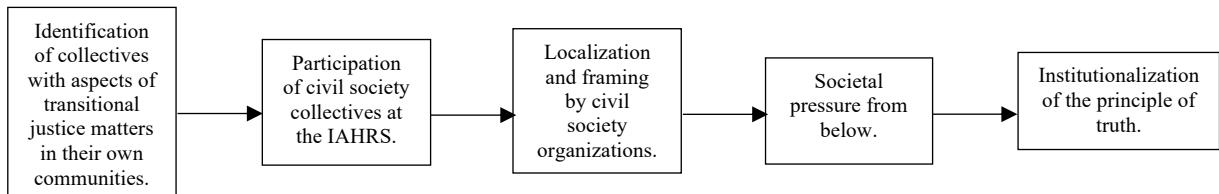
Simmons (2009) recognizes the importance of framing to increase value on the security of a successful policy change. A ratification frames the issue itself in terms of rights, she acknowledges. International norms may contain persuasive information and ideas, which in turn could influence the values and beliefs of the public, and these could be done by dynamics of interpretation of interests and identities.¹²

Therefore, a process of framing –attained by the possibility of identification through cultural matches– is strictly necessary to advance to the next step of the process: mobilize legally and push for societal pressure to political elites as a final phase before institutionalization.

¹¹ Localization is also conceptually related to *grafting*, described as a strategy employed by norm entrepreneurs to institutionalize a new norm by associating it with a preexisting norm in the same issue area (pp. 244).

¹² “Legal mobilization is the term sociologists and other scholars have given to the act of invoking legal norms to regulate behavior. The law is mobilized whenever a desire or want is translated into a demand as an assertion of one’s right”. (Zemans 1983:700 in: Simmons, 2009: 139).

FIGURE 1



Source: Own Elaboration

Simmons (2009) poses three explanatory mechanisms; treaties as agenda-setting influences at a legislative level; treaties as leverage of litigation which could later inspire rule revision and mobilize political movements; and lastly, the strategic use of treaties as a tool to support political mobilization (pp. 123). I use these three mechanisms already theorized and demonstrated to explain the causal process between participation, localization, and societal pressure from below. Specifically, ways in which litigation and the mobilization of political movements has created an effect on institutionalization.

Societal pressure is logically linked with political mobilization, given it is through the deployment of social mobilization¹³ that grieved social groups accomplish the force necessary to gain attention from political elites. Societal interest groups have frequently appealed to international norms to advance their own interests at a domestic level. Such appeals influence national and policy choices in domestic debates through which norms become incorporated. (Cortell and David, 1996).

Nevertheless, the extent to which societal pressures can achieve their objectives depend on domestic structure, which assumes a variation on the degree of constraints imposed on organized civil society to advance (Checkel, 1999). I argue that the transition to democracy in 2000 in the country propitiated a domestic structure that allowed pressure on elites and elite learning. Therefore, a perspective on how the domestic structure has implications for norm diffusion helps understand the advances made by the societal pressure from below that was taking place. This explanation acknowledges that “domestic norms shaping the preferences of agents predict the degree to which international norms resonate and have a constitutive effect,

¹³ According to Kieran McEvoy & Lorna McGregor (2008): “... it is frequently victims and survivor groups, community and civil society organizations, human rights non-governmental organizations, church bodies and others that have been the engines of change” (pp. 3).

while domestic structure identifies these key agents and how they will vary cross-nationally” (Checkel, 1999: pp. 84).

SECTION IV

Numerous authors have acknowledged the crystallization of international law by governmental organizations, both at an international and a regional level. This is also true for how the IAHRS has come to grasp and acknowledge transitional justice principles. Just a glance at sentences dictated by the IACtHR gives us a bright clue to the clear pathway taken by the IAHRS in considering issues of justice, truth, reparation, and guarantees of no repetition. Therefore, the following Section outlines some important theoretical contributions in this matter in order to advance the argument of the article.

The character of *subsidiarity*¹⁴ (Contesse 2016; Jachtenfus and Krisch 2016) performed by international and regional human rights courts has crystallized the principles of transitional justice in ways in which reliance solely on domestic policymaking would probably not have allowed. According to Jessica Almqvist and Carlos Espósito (2013):

“The international institutional advances over the last 20 years bear witness to a growing international conviction that grave crime cannot go unpunished and that courts have a crucial role to play in times of transition, including in conflict situations, and to the establishment of the basic conditions for lasting peace in a given country or region” (pp. 2).

Authors have even considered the IAHRS one of the most progressive jurisprudences in the world regarding accountability, remedies, and due process (*Victims Unsilenced*, 2007:1). According to Engstrom, the IAHRS continues to shape the regional human rights agenda, as it provides legal, institutional, and political tools in efforts to address the region’s myriad pressing human rights issues (Engstrom, 2019: 1-2). The author adds that “the IAHRS matters even in ways that are not captured through an examination of the impact of individual rulings and decisions” (pp. 5).

Both the aforementioned and the following make reference to the importance of distinguishing between empowerment and compliance. Engstrom, Low, Vera, Boti Bernardi, Martínez Barahona and Gutiérrez (2019) manage to demonstrate that the reach of impact of the

¹⁴ This concept refers to its role as an institution of last recurrence given the lack of compliance and reparation measures guaranteed and formulated by States in the region responsible for the human rights violations in the first place.

IAHRS transcend traditional compliance perspectives and provoke important, and positive, domestic human rights changes (pp. 3).

The IAHRS has been considered as the main source of authority for human rights in the Americas (Contesse, 2016). With this, they are an important influence in the advancement of pillars of transitional justice; the jurisprudence of the institutions considers attending matters of the right to truth, the invalidity of amnesty laws, incompetence of military courts over civilians, and the prohibition of a legal requirement to exercise journalism (Mesquita Ceia, 2015: 475).

According to López-Acosta and Espitia-Murcia (2017: 13), the considerations of the IACtHR are of great importance in this matter, since it is the only regional human rights court that has analyzed the conventionality of transitional justice mechanisms, such as amnesties and pardons, truth commissions and administrative reparation mechanisms, in contexts of transitions from dictatorship to democracy and from armed conflict to peace.

The importance of the IAHRS as a mechanism forwarding pedagogical interventions to advance transitional justice matters has been also made evident by Ezequiel González Ocantes (2020).¹⁵ The IAHRS was able to work as a leverage in shifting legal visions inside judicial institutions to prosecute human right violators in countries where the law was too formalistic to consider such situations.

According to González Ocantes: “In addition to reshaping judicial actors, cognitive maps and awareness of certain enabling legal doctrines and instruments, this transformation modified their understanding of their professional mission as it relates to the ways they ought to conduct their duties and interpret the law in human rights cases” (2020: 7). Therefore, the author’s argument underlines an understanding of institutional transformation through behavioral change enabled by the deployment of teaching and learning capacities from non-governmental organizations and international instances that allowed the diffusion of international norms to be accepted and complied with.

In matters of impunity, the case of *Barrios Altos vs. Perú* was an unresented ruling: “The Interamerican Court of Human Rights (IACtHR/The Court) has been a global leader in the

¹⁵ González Ocantes establishes that the appropriation of norms concerning transitional justice was initiated after the intervention of human rights activists, “... [which] implemented pedagogical interventions and personnel changing strategies... reshaping court’s political will to become involved in struggles over transitional justice and diffused the technical capabilities that made that involvement possible” (2016: 29).

fight against impunity. Since its 2003 ruling, *Barrios Altos v. Perú*, the Court has made it clear that states must hold perpetrators of human rights abuses to account" (Hillebrecht, 2019: 273). Many authors have argued that this ruling functioned to open a door for matters of transitional justice. The importance of the ruling in this country functioned as leverage, once again, to attain matters of transitional justice in other dimensions.

The actions performed by the IAHRS have also been of great importance in Mexico. According to María del Mar Monroy García and Fabián Sánchez Matus (2007), the Interamerican Commission on Human Rights has become an extremely relevant institution for Mexico. Despite the few resolutions established, in comparison to the rest of the countries in the region, it has provided positive standards that should be considered for the improvement of the situation of human rights in the country (pp. 31).

SECTION V

I argue that the IAHRS has had important effects of leverage on the institutionalization of the right to truth in Mexico. Work done by organized civil society at the IAHRS has functioned as leverage in order to overcome bureaucratic and jurisdictional resistances that made truth unattainable for victims.

Identification of the importance of establishing transitional justice processes had already been made tangible in the early nineties; both social and political efforts were directed at establishing commissions of truth regarding political violence against a student rally in Tlatelolco, in Mexico City.

Allier Montañez and Mejía (2020) state that the creation of the *Commission of Truth*, promoted by the *Comité Nacional a 25 años del 68*, was a consequence of a social demand that seeks to clarify the political violence perpetrated against student-led political mobilizations. Nonetheless, searching for the past remained a challenge at that time. Four years later after the presentation of the first report of truth by the *Comité Nacional a 25 años del 68*, a heated debate took place in Congress which placed the political discussion regarding truth commissions into focus once again (pp. 30)

A second truth commission was then institutionalized, the *Comisión Especial Investigadora de los Sucesos del 68* (*Diario de los debates*, 1997), approved by the majority in Congress. Efforts by Pablo Gómez (politician from *Partido de la Revolución Democrática*, PRD), and ex-member of the student movement and former political prisoner, was a key actor in the institutionalization of this commission (Allier Montañez & Mejía, 2020).

Deputy members insisted on the necessity of clarifying the past in order to transition to democracy (2020: 31). However, once put into practice, the efforts were not productive enough to satisfy elements of truth and justice,¹⁶ and even though challenges in the formation of both commissions had an impact on the demand to learn the past, the final document was never circulated or made accessible to the public (2020: 42-43).

However, among other notable futures, the commissions sought, for the first time, to collect information on student-led mobilization in other sections of the country, which became

¹⁶ Unlike the mandate of other truth commissions, this one did not focus on collecting testimonies from victims or generating a historical narrative about what had happened; the objective was focused on gathering information from the authorities that had participated in the event (Allier Montañez & Mejía, 2020: 53).

primordial to the study of trajectories of these mobilizations and their consequences, at a local level. In addition, it was made possible for institutions and archives to open their doors. In other words, the greatest achievement of these efforts of truth commissions was to open spaces in the public debate on past violence, access to archives, government participation, and the need to clarify the past (2020: 28). I suggest that the lack of success resulting from these intentions, although a step in the right direction and evidence that a necessity of a right to truth was already a demand from activists, could mean that only truth-elucidation initiative somehow backed by IAHRS have been successful in Mexico.

Demands for the institutionalization of this first truth commission were based on remains of the first efforts achieved in the report carried out by the *Comité Nacional a 25 años del 68*. An understanding of preexisting social orders, the ratification of the American Convention on Human Rights and an identification of the necessity to establish a right to truth, allows me to believe that recognition of transitional justice processes and the fundamentality's of international norms as leverage were already taking place by the end of the nineties. According to Allier Montañez and Mejia: many understood that the Commission would not have very extensive legal or criminal scope but would only focus on finding political leaders responsible for the violation (2020: 35).

By 1994, the importance of matching international norms and setting them at a domestic level was already taking place. The *Centro de Derechos Humanos Miguel Agustín Pro Juárez* (Centro Pro),¹⁷ grew exponentially both in size and capability. David Fernández Dávalos, former director of Centro Pro and present commissioner of the COVEH, attributes this to two prominent factors: developing litigation and accompaniment skills which they did not have, with the formation of strong groups, coordinated by Victor Brenes; and second, the formation of international teams organized and promoted by Australian aid worker, Gerry Fox. “With this work, we began to document and investigate on cases that we presented to the IAHRS”, states the interviewee.¹⁸

In late 1999 and early 2000, when human rights situations in Mexico were regularly denounced at the United Nations, former director, of the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (CMDPDH), Fabián Sánchez Matus, and a representative

¹⁷ The organization has accompanied legal cases and presented petitions at the IAHRS on human rights violations (Annex 3).

¹⁸ (David Fernández Dávalos, Interview, 21st of February 2022).

of the *Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a Derechos Humanos en México* (AFADEM),¹⁹ met in Geneva and decided to start working together. CMDPDH could work as a legal advocate accompaniment for the cases that were being investigated by AGADEM. From that moment, connections between CMDPDH and AFADEM started growing closer and closer and plans to start working especially with cases in Atoyac de Álvarez started to materialize.²⁰ This situation makes important references to processes of recognition and identification of possibilities of international norms that could work to initiate processes of transitional justice in their own communities.

Nevertheless, Sánchez Matus recounts that what really made the organizations choose the *Rosendo Radilla vs. Mexico*²¹ case was evidence found at the General National Archive (*Archivo General Nacional, AGN*), which pointed to the fact that Radilla Pacheco had been indeed detained by the army. Potential also arose from leadership embodied by Tita Radilla inside of AFADEM.²² Evidence was then presented to the Prosecutor's Office, at the FEMOSPP and as a final subsidiary resource, to the IAHCR.²³

These examples make it clear that a norm diffusion and internalization of transitional norms was taking place. *Norm entrepreneurs* were identifying specific norms that could advance transitional justice matters in their communities and working through and with advocacy networks to participate at the IAHRS. According to Fabián Sánchez Matus, the situation of disappearances of political violence that had occurred in Mexico had to be brought to the IAHRS.

Sánchez Matus states that: “The idea was that *Rosendo Radilla* could trigger an entire process of truth, memory, and reparation. If you look closely at the sentence, there is something there that shows up regarding those processes. Unfortunately, it does not contain it explicitly, or at least the case was not constructed under that logic when it reached the IACtHR”.²⁴

¹⁹ CMDPDDH and AFADEM were the two civil society organizations that referred the petitions of the Rosendo Radilla vs. the Mexican state case to the IACtHR.

²⁰ (Fabián Sánchez Matus, Interview, 18th of March 2022).

²¹ “On November 23, 2009, the Inter-American Court of Human Rights condemned Mexico for the forced disappearance of Rosendo Radilla Pacheco, which took place in 1974 in the city of Atoyac de Álvarez (Guerrero State) and established a number of obligations to which the Mexican State had to adhere. For the first time, a Court decision considered the judiciary responsible for human rights violation”. (Boti Bernardi, 2015: 11).

²² Daughter of Rosendo Radilla, founder of AFADEM, and human rights activist.

²³ (Fabián Sánchez Matus, Interview, 18th of March 2022).

²⁴ (Fabián Sánchez Matus, Interview, 18th of March 2022).

An interview with José Antonio Guevara –former Head of the Unit for the Promotion and Defense of Human Rights of the Ministry of the Interior during the time that the IACtHR dictated the sentence against the Mexican state in the case of Rosendo Radilla Pacheco– demonstrates that organized civil society were the only interested on future consequences of the sentence. Guevara narrates how, during the debates on how to proceed with the case presented at the IACtHR, he kept thinking: “This is the way out; we are going to take advantage of the Radilla case to begin to make reparations to all the victims of the *dirty war*. And there were claims out there from differentiated groups of victims, obviously AFADEM (...). They were knocking on doors for reparation programs to be made for them.”²⁵

Despite the previous affirmations on the lack of matters of transitional justice approached in the sentence dictated on *Rosendo Radilla vs. the Mexican state*, I argue that this particular case at the IAHRS functioned as leverage for norm entrepreneurs that would later on work for localization processes that would impulse societal pressure from below.

Boti Bernardi establishes that the judicial decision 912/2010²⁶ (*Expediente Varios 912/2010*), in the National Supreme Court of Justice (SCJN) changed the country’s constitutional control model and restricted the use of military jurisdiction (2015:3), I argue that, in addition, human rights were unequivocally understood from a different perspective from this moment onwards.

Jorge Peniche, current director of *Justicia Transicional MX*, recognizes this opportunity: “Radilla Pacheco opens up and exemplary moment, a pedagogical one, on the use of international standards [...] The case sends a message against impunity, brings about certain criteria, generates modifications to the military code, the Court become more liberal and open to international standards.”²⁷

Therefore, obvious advances were made in human rights matters in the first decade of the 21st century, a consequence of foreign norms incorporated into local norms. A diffusion of norms took place that would later leverage triggering opportunities that would constitute truth

²⁵ (José Antonio Guevara, Interview, 16th of March 2022).

²⁶ This file determined what were the specific obligations that corresponded to the Judicial Authority and the manner they to be implemented, established in the sentence issued by the IACtHR in the case of Rosendo Radilla (<https://www2.scjn.gob.mx/AsuntosRelevantes/pagina/SeguimientoAsuntosRelevantesPub.aspx?ID=121589&SeguimientoID=225>)

²⁷ (Jorge Peniche, interview, 11th of February 2022).

commissions. Actions derived from the obligatory nature of the judgement were then carried out.

According to Guevara, once it was time to execute the sentence, meetings were held with Tita Radilla and her lawyers from CMDPDH. Meetings were also moved to Acapulco in order to advance compliance. Efforts were made to expand the payment to the whole family, the recognition of them as victims –even those that were not included in the sentence– was fundamental for the transitional justice process that was taking place. Even though efforts were not always carried out in the expected manner, acknowledgement of responsibility and public apologies were finally made at the Museum of Memory and Tolerance in the presence of the Ministry of Interior and Tita Radilla.²⁸ It is important to acknowledge Tita's preponderant involvement and center of action throughout the whole process in the execution of the sentence, the measures of compliance, and the social mobilizations on the situation.

Consequences of the Rosendo Radilla as leverage on the right to truth were also materialized on the final report of the COMVERDAD. According to Elizabeth Salmón:

“A manifestation of the powerful link between truth commissions and the Interamerican jurisprudence is manifested in the use, by the formed, of the judgments of the IACtHR. The judgements of the Court constitute a great legal tool for the analysis of truth commission since they provide content to the international obligations of States around human rights matters. The increased use of the judgments of the IACtHR, not only in the judicial sphere but also by the commissions, reflects the legitimacy that the international body possesses”. (2015:310).

Remarks on the relation between truth commissions and the IAHRS were made evident in the concluding statements of the final report by the COMVERDAD, affirming that the sentence *Rosendo Radilla vs. Mexico* is a reference to those violations cataloged as crimes against humanity during the *dirty war* in Guerrero. In addition, the ruling also contributed to the adequate classification of the crime of forced disappearance and opened up opportunities for transparency in which victims can demand copies of the preliminary investigations/folders of research (*A dónde van los desaparecidos*, 2021), advancing matters of the right to truth in contexts where justice might be unattainable.

²⁸ (José Antonio Guevara, interview, 16th of March 2022).

The fulfillment of the partial compliance of the IACtHR sentence,²⁹ as well as Tita Radilla's permanent and systematic involvement in the follow-up of the resolutions and actions of social mobilization demanding truth and justice, is fundamental for the comprehension of societal pressure from below and the creation of the COVEH; this will also contribute to the comprehension of the functioned of leverage played by the IAHRS in respect to the right to truth.

Rosendo Radilla's disappearance and the exhaustive number of victims of forced disappearances, forced displacement, and arbitrary executions, were not the only manifestations of generalized and systemic violation of human rights that merit a transitional justice process. The disappearance of 43 students in Ayotzinapa, Guerrero, in October of 2012, reflects an exemplary case of the internalization of norms by society, a demand by collectives and organized civil society to comply with measures of transitional justice, and the involvement of the IAHRS in domestic human rights matters.

A consensus was formed between the Mexican state –the agreement was signed by the Undersecretary for HR of the Ministry of the Interior; deputy attorney for HR, Crime Prevention and Community Services; and deputy secretary for Multilateral Affairs for HR– a group of representatives of the family of the students, and the IAHRS. The objective was to create an instance that would elaborate an official version of the historical truth and a mechanism that could open lines of investigation to determine criminal responsibilities, as well as implementing new technologies (OEA, 2019). Even though the mandate is focused on delivering truth as criminal evidence, I argue that until now, the reports elaborated by the GIEI³⁰ have done more to elucidate truth, and with it, comply with the right to truth, than determining criminal responsibilities that could lead to trials or judicial processes.

According to Daniel Vázquez, academic and human rights specialist, the creation of the GIEI is a representation of an already implemented form of a transitional justice mechanism; one focused on attending matters of impunity. Vázquez suggests that, even though it can be quite distinguishable from *the Comisión Internacional contra la Impunidad en Guatemala*

²⁹ The resolutions dictated in the sentence have not been complied with in their totality. According to the CMDPDH the following obligations by the state have not been fulfilled or only done so partially: identification and sanction of the people responsible for the forced disappearance of Rosendo Radilla (not accomplished); search for the missing body (partially accomplished); reforms to the judicial military code (partially accomplished); reforms to the Federal Penal Code (partially accomplished).

³⁰ There have been, until now, three different reports elaborated by the GIEI.

(CICIG), they pertain to the same family of impunity mechanisms. One might be anchored to the United Nations High Commissioner for HR, the other, to the IHARS. But he proposes, “they ultimately belong to the same family of international mechanisms.”³¹

A social demand from below instigated the institutionalization of a mechanism that could provide the truth in a situation in which political elites could not. In other words, pressure from society for a specific mechanism that could provide a historical truth denotes an understanding of the importance of the right to truth. In addition, the State's willingness to participate in a consensus that could bring historical truth also affirms that societal pressure was ample enough to create political actions that institutionalized such a right.

Tita Radilla's involvement in social mobilization as a human rights advocate is worthy of admiration, her leadership in AFADEM has resonated extensively in Guerrero and can also exemplify the extension of social mobilization as a condition prior to the institutionalization of the truth pillar.

In the final report by the COMVERDAD, seven testimonies, concerning disappearances, mentioned joining search parties with Tita Radilla and helping AFADEM in their efforts to find their close ones and the truth regarding the whereabouts of the victims. Testimony #197 states the following:

“... Maurilio Castro Castillo from San Juan de la Flores, on June 18, 1974, he went down to Atoyac to do some shopping and some judicial officers arrested him, threw him into a covered Jeep, and took him, prisoner. We looked in the barracks and they were told that there was no one there with that name, they went to Tecpan and we didn't find it either, we looked for it in Mexico, later we organized ourselves with Mrs. Tita Radilla, there they supported us with advice to declare and we are still fighting...” (Informe de la Comisión de la Verdad del Estado de Guerrero, 2014).

AFADEM, accompanied by Tita Radilla's leadership, has been a central actor in the diffusion and internalization of norms regarding transitional justice, in Mexico.

Another example of consequences of societal pressure from below can be made apparent by the creation of the COMVERDAD. Many years before it was created, in 2012, there had been important attempts from civil society to promote a truth commission on the dirty war in Guerrero. Zeferino Torreblanca, former governor of Guerrero, had been largely supported by

³¹ (Daniel Vázquez, Interview, 11th of February 2022).

civil society because he had made important promises on creating a truth commission that would finally bring truth to the community. However, hopes were not fulfilled, and it was not until Ángel Aguirre Rivero came to power, the next governor, that the idea of a truth commission was set during his campaign. Efforts are recognized to Faustino Soto, deputy of Congress, who finally proposed the law that institutionalized the commission.³²

Law 932 establishes that Faustino Soto Ramos, in the expository part of his initiative to create the truth commission states the following:

“That on November 23, 2009, the IACtHR issued a judgment in the case of Radilla Pacheco vs. Mexico [...] The Court concluded that the State is responsible for the violation of the rights to personal liberty, personal integrity, recognition of legal personality and life of Mr. Rosendo Radilla Pacheco, by virtue of the disappearance of which he is a victim, carried out by military agents. In this sense, the State has the duty to guarantee rights through the prevention and diligent investigation of forced disappearance.”³³

The aforementioned demonstrates the fluid relationship between truth commissions and the IAHRS that has been previously recognized by Salmón (2015). The deputy’s reference to the sentence dictated on the Rosendo Radilla case also makes evident the leverage character of the IAHRS to institutionalize the right to truth.

Law 932 was published in the Official Journal of the Federation (*Diario Oficial de la Federación, DOF*) on the 20th of March 2012, acknowledging and legally binding the commission’s work regarding historical truth on the matter. Not only did the legal character of the commission reflect the success of societal pressure from below, but it also indicated a practice of internalization of norms carried out by society, in which, a demand for a truth commission became strong enough to orientate political decisions in electoral campaigns. According to Pilar Noriega: the creation of the commission was pushed mainly by groups of family members of victims, victims, survivors, advocates of HR, activists and people interested in the matter.³⁴

Pilar Noriega, former commissioner of the COMVERDAD, suggests that an element of approval recognized by society was fundamental for the tasks of the commission to be carried out in the communities. “We consider that our political will, our decisiveness, but particularly

³² (Pilar Noriega, Interview, 10th of February 2022).

³³ Law 932 (20 of March 2012)

³⁴ (Pilar Noriega, Interview, 10th of February 2022).

the faith we were able to obtain from civil society, in Guerrero –from those that were related with victims, maybe even with some still disappeared– was what made possible what we achieved.”³⁵

This narration recognizes important elements of *localization* and *norm internalization*. The community was set out to do what they possibly could to gain truth and to search for the victims. Noriega recounts on the efforts carried out by certain sectors of organized civil society in rural areas, in which the team of commissioners was frequently supported with transport by people from the communities to access remote and stranded sections of Guerrero, where common transport vehicles could probably not reach or would be dangerous to do so. Support and approval were central elements of success for the commission, and those were habilitated by the extent of internationalization of norms and possibly efforts of framing by norm entrepreneurs.

There are two other indicative characteristics inside the final report that merit attention when demonstrating how the IAHRS has been used as leverage. The report systematically references denouncements made by Cançado Trindade, former judge of the IACtHR, when signaling generalized and systematical human rights violations perpetrated by the state during the *dirty war*. The document uses legally binding resolutions from the IAHRS to report the historical truth, an example of this is the following:

“Any claim by the Mexican State to exclude its responsibility for serious violations of rights during the Dirty War implies that a self-amnesty is granted, which must be analyzed under the criteria of the Inter-American Court of Human Rights, and especially of the former judge of the Inter-American Court of Human Rights, Cançado Trindade” (Informe de la Comisión de la Verdad del Estado de Guerrero, 2014).

In addition, the report suggests the extent to which thematic hearings at the IACHR with the COMVERDAD opened opportunities for transparency of archives that could’ve possibly remained closed and therefore, hampered efforts to clarify the truth. “On March 24, 2014, three days before the hearing at the IACHR and the trip of the commissioners, the attorney general office (*Procuraduría General de la Repùblica*), agreed to lift the restriction and reserves so the commission could review the documentation needed” (Informe de la Comisión de la Verdad del

³⁵ (Pilar Noriega, Interview, 10th of February 2022).

Estado de Guerrero, 2014: p. 78). In this sense, the IAHRS provided leverage to civil society organization by helping to remove obstacles to access archives that contained important reports that could elucidate the truth.

The work done by COMVERDAD clearly reflects the creation of a mechanism directed at achieving the right to truth, institutionalized by efforts accomplished by norm entrepreneurs and societal pressure. The comprehension of the need of a transitional justice process accompanied the internalization of norms that were fundamental to mobilize and pressure from below, and the IAHRS functioned as a leverage mechanism through norm empowerment, localization, and articulation.

The second institutionalized mechanism that is worth mentioning is the COVEH, an institution engaged in attending historical truth on events that took place during the dirty war. This commission was created by presidential in October of 2021, and a result of negotiations between the Mexican President, Andrés Manuel López Obrador; the Undersecretary for Human Rights, Alejandro Encinas; the Office in Mexico of the United Nations High Commissioner for Human Rights, and representatives of victims of the *dirty war*.

The commission was a result of struggles and efforts of different groups of people: former militants, family members of victims, and victims themselves who have mobilized for the past 40 years.³⁶

Tita Radilla acted as a representative of victims of the *dirty war* in the negotiations for the creation of this new commission, which makes her, once again, a central actor in the advancement of transitional justice processes. According to a press release:

“The daughter of Rosendo Radilla Pacheco, a social leader who disappear during the so-called *dirty war*, trusts that the Truth Commission of that period, whose creation was announced by the president a few days ago, will find out what happened to her disappeared relative, but also trigger other processes of truth, justice, and reparation for the victims of past and current disappearances” (*A dónde van los desaparecidos*, 2021).

I argue that Tita Radilla’s involvement in the formation of the most recent commission, COVEH, demonstrates a section of the causal process inferred in the present article; that the sentence dictated by IACtHR on *Rosendo Radilla*, functioned as leverage to localize and

³⁶ (David Fernández Dávalos, Interview, 21st of February 2022).

mobilize societal pressure from below, which ultimately led to political elite learning, which made the creation of truth commissions possible. Therefore, Tita has been a central actor in the logic of appropriateness that underlies the diffusion of international norms to domestic laws.

A process of identification, participation, localization and societal pressure was outlined in the section above; using explicit examples of the ways in which thoughts, movements and actions were conducted in order to establish institutions directed at fulfilling the right to truth. Important steps in the right direction of accomplishing of at least one pillar of a transitional justice process has been proved with this analysis.

SECTION VI: CONCLUSIONS

The dissertation begins by reviewing relevant literature on transitional justice processes in Mexico, which, I find, attributes the generalized sentiment of failure to the rampant impunity and corruption of institutions. Section Three presents the paper's theory and hypotheses, for which I draw on several accounts of international norm diffusion. This Sections outlines the tracing process that constitutes the empirical contribution of this paper, and which reconstructs the leveraging effects of the IAHRS on the domestic institutionalization of the truth principle. Section Four acknowledges relevant literature that adjudicates the crystallization of international law to the Interamerican System of Human Rights. Section Five shows the results drawn from interviews and documentary analysis.

This article was able to identify a causal process between participation at the IAHRS and the institutionalization of the right to truth in Mexico. Therefore, acknowledging the leveraging use of the IAHRS to overcome jurisdictional resistances to attain transitional justice processes in the country. The present paper has demonstrated a causal relationship between the identification of norms by leaders of civil society organizations that acted and litigated the *Rosendo Radilla vs. Mexico* case at the IAHRS; that the participation of these organizations and the consequences brought on the advancement of human rights perspectives in the country; that the localization of those norms in communities which had suffered extreme levels of violence during the *dirty war*, Guerrero specifically; and that the internalization of those norms is evident through the degree of mobilization and pressure from below exercised and lobbied by these collectives so a process of elite learning could give room for mechanisms that guarantee the right to truth.

Data for the process-tracing analysis was gathered from eleven semi-structured interviews with human rights advocates and prominent actors involved in the attempted implementation of transitional justice mechanisms in Mexico. In addition, a systematic analysis was performed of a range of relevant media sources and reports from previous truth commissions.

The dissertation acknowledges the importance of comprehending transitional justice from a disaggregated perspective of the pillars, which ultimately allows us to understand advances made in the matter in a different way from what has been understood until this

moment. There have been important efforts to get to the truth and socialize it. The culture of impunity that continues to permeate governmental institutions in the country has failed enormously in bringing those responsible for systemic and generalized human rights violations to justice. However, efforts made on the socialization of an international norm that captures and influences processes of transitional justice, need to be mentioned.

The present paper does not mention and analyze other mechanisms of the principle of truth that have been implemented in Mexico (Annex 1). The consequences of the foundation of the truth commissions are also important opportunities for future research. The COVEH has only been working for less than a year, and it is up to activists, political elites, academia, and civil society organizations, to understand the consequences and implications of the efforts carried out by those in charge of the commission.

Demonstrating that advances have been made on certain pillars also has important moral and practical implications. It needs to be stated that this thesis does not intend to portray a perspective of the pillars of transitional justice in terms of trade-offs; rather, its intention is to make clear that in certain contexts, some principles can be carried out in a better and more advanced manner than other pillars. Therefore, I acknowledge there is still room for improvement, and we need to establish mechanisms that guarantee justice, reparation, and non-repetition as well. Nevertheless, the mechanism of the IAHRS continues to prove its importance over the years, and it is in our interest to continue a dialogue with it in order to advance matters of transitional justice that may attain more than one pillar.

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ANNEXES

ANNEX 1: TABLE 2

MECHANISMS FOR THE RIGHT TO TRUTH IMPLEMENTED IN MEXICO		
1	Comisión de la Verdad	1993
2	Comisión Especial Investigadora de los Sucesos del 68	1997
3	Fiscalía Especial para Movimientos Sociales y Políticos del Pasado (FEMOSPP)	2002 - 2007
4	Comisión de la Verdad para la investigación de las violaciones a los derechos humanos durante la guerra sucia de los años sesenta y setenta del Estado de Guerrero.	2012 - 2014
5	Grupo Interdisciplinario de Expertos Independientes	2014
6	Comisión para la Verdad y Acceso a la Justicia en el Caso Ayotzinapa	2018
7	Comisión por el Acceso a la Verdad, el Esclarecimiento Histórico y Justicia a las Violaciones graves a los Derechos Humanos cometidos entre los años 1965 – 1990.	2021 - 2024

Source: Own Elaboration

ANNEX 2: TABLE 3

CASES REFERRED TO THE IACtHR VS. THE MEXICAN STATE WITH SENTENCES		
	CASE	DATE OF SENTENCE
1	<i>Alfonso Martín Campo del Dodd vs. México</i>	2004
2	<i>González y otras (Campo Algodonero) vs. México</i>	2009
3	<i>Castañeda Gutman vs. México</i>	2008
4	<i>Rosendo Radilla Pacheco vs. México</i>	2009
5	<i>Valentina Rosendo Cantú y otra vs. México</i>	2010
6	<i>Cabrera García y Montiel Flores vs. México</i>	2010
7	<i>Fernández Ortega y otros vs. México</i>	2010
8	<i>García Cruz y Sánchez Silvestre vs. México</i>	2013
9	<i>Alvarado Espinoza vs. México</i>	2018
10	<i>Mujeres Víctimas de Tortura Sexual en Atenco vs. México</i>	2018
11	<i>Mirey Tuerba Arciniega y otros vs. México</i>	2018
12	<i>Digna Ochoa y Plácido vs. México</i>	2021

Source: Own Elaboration

ANNEX 3: TABLE 4

CIVIL SOCIETY WITH REFERRED CASES TO THE IAHRS³⁷	
1	<i>Valentina Rosendo Cantú y otra vs. México.</i>
	<i>Fernández Ortega y otros vs. México</i>
2	<i>Valentina Rosendo Cantú y otra vs. México.</i>
	<i>Fernández Ortega y otros vs. México</i>
3	<i>Valentina Rosendo Cantú y otra vs. México.</i>
	<i>Digna Ochoa y Plácido vs. México</i>
	<i>Fernández Ortega y otros vs. México</i>
	<i>Selvas Gómez y otras vs. México (Mujeres de Atenco).</i>
4	<i>Digna Ochoa y Plácido vs. México</i>
5	<i>González y otras (Campo Algodonero) vs. México</i>
6	<i>González y otras (Campo Algodonero) vs. México</i>
7	<i>González y otras (Campo Algodonero) vs. México</i>
8	<i>Alvarado Espinoza y otros vs. México</i>
9	<i>Alvarado Espinoza y otros vs. México</i>
10	<i>Alvarado Espinoza y otros vs. México</i>
11	<i>Alvarado Espinoza y otros vs. México</i>
12	<i>Selvas Gómez y otras vs. México (Mujeres de Atenco).</i>
13	<i>Rosendo Radilla vs. México</i>

³⁷ Even though the cases presented to the IACtHR can only be brought by the IACHR, the petitions presented to the Inter-American Commission of Human Right can be done by any individual or civil society organizations.

14	<i>Rosendo Radilla vs. México</i>	Asociación de Familiares de Detenidos-Desaparecidos y Víctimas de Violaciones a los Derechos
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Source: Own Elaboration