

Dialogue between experts

Participation of civil society in the face of kidnapping

Maria Isabel Miranda de Wallace is a pedagogue and Mexican social activist, president of the civil association, "Alto al Secuestro" (Stop Kidnapping), winner of the National Award for Human Rights in 2010. She was the candidate of the Partido Acción Nacional (National Action Party) for the head of the Federal District

Interview: María Isabel Miranda de Wallace

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The interview begins with a warm salutation

Dr. Aída Valero: What difficulties did you face in the search for your son and why did you have to take on the arduous task of carrying out the investigation of this regrettable deed?

Isabel Miranda: Because the system doesn't work, because there is incongruence in the system between the need of the victim in the face of a crime and what those in the government or institutional scheme have. But above all in Mexico there is no capability to investigate, no preparation for confronting a crisis in the face of an event like a kidnapping or high impact crimes and besides all this they do not have the tools, techniques and material nor the human resources necessary. There is no capacity installed in the Attorney General's offices to respond to crimes. They only count on flagrancy which is what they usually use to bring a person to trial, but there is no capacity of investiga-

tion, there is no technical or human capacity and besides, then I always say, and I say it consciously and seriously, what I don't understand is why they are surprised that I went out to look for my son when for me this is normal, the abnormal would have been that nothing happened and I just stayed at home crying and praying to God that he would return. Well, as the saying goes, "help yourself and I will help you." So for me I have so much love for my son that at that moment the most important thing was to find him. I didn't know what I would face nor how I would confront it. I had no idea. I'm trained as a teacher.

Dr. Aída Valero: Yes, a teacher

Isabel Miranda: That's right and I have made many studies on human development and psychology. So of course the world of cops and robbers and public prosecutors and all was completely and absolutely foreign to me. Moreover I did not realize that that is where I would find

the most entrenched machismo, because that is why police walk the way they do, sticking out their chests (they carry out this action of walking with their chest stuck up) and the badge and pistol and look at people in general as diminished, but women they annul. So to open a path in a world like this of course was very difficult and confronting and if I had not had the spiritual formation and character I have, well I probably would have quit after the first attempt. So that is why I set off to find my son.

Dr. Aída Valero: When did you decide to form this organization, a while later or immediately?

Isabel Miranda: No, it was a long time later, I think about a year, a year and a half later. I did it voluntarily, involuntarily because many people sought me out and looked for me, like journalist who were in touch with me. Many journalists gave my number to people who called the papers or television programs because they wanted to get in touch with me, because then, I mean, maybe you don't remember, but in 2005, for example in Coahuila and Tamaulipas they captured carloads of whole families on the highways, human trafficking proliferated much more and kidnappings were rampant. There was a great need for someone who had done what I did to shed some light on others and give them feedback on what they could do to find their relatives. Then there were so many people who came to me that I ended up forming the foundation and I did it first with my family; my brothers helped me, my nephews and that is how we started to help people, until I little by little realized

that I too had to study this and I began studying the matter of police... I went to the Department of Justice of the United States to understand how police control worked, the matter of prosecutors and then, well, I for my case had to carry out, unfortunately, an extradition in the case of Brenda Quevedo Cruz and learn how the American system worked... anyway, I learned about all these matters and looked for people who could help me, very professional people from academia, from criminal science, associations of PhDs in law, to have, well, precisely all of the elements and tools necessary for decision making.

Dr. Aída Valero: Well, that was our next question. What actions did you have to carry out in order to form your organization? Today, what are the structure and objective of your institution?

Isabel Miranda: Look, the structure we have is that we work with many people, volunteers, academics, professionals we give us their work because they know that we give our own work to people in need and we also have assistants who help us and a team which I pay for directly from my own pocket. I pay people who work for me and that is the structure we work with. We are very, very efficient and very effective, precisely because we don't have resources from within nor outside Mexico to help us achieve our objectives. And what is our objective? It is undoubtedly, first, to give victims visibility and help them understand that no system is perfect, but above all if they do not take the victims as the center of the problem. Why would we need police if there are no victims? Why would we need public prosecutors if there were

no victims? Why would we need the Judicial Branch if there were no victims? The matter is that victims only appear on a theoretical level, from the constitution to the smallest laws, but are never the real motor of processes. What's more, there are no mechanisms for attending to victims. So our project is to try to give victims a voice, peel away all of the bureaucracy that exists for attending to victims, making this a country that is more conscious, also its inhabitants more conscious and sharing so that those who are victims of crimes, and it is very different to be a victim of the system than having been victims of crime, because they are re-victimized constantly. So our function is to make a better Mexico, making the problem of victims more visible, empowering and changing the conditions of victims so they end up being survivors.

Dr. Aída Valero: In this case, I have heard you say that there is no real figure between what the police or system have registered as the number of victims and other statistics which you give. How do you get this information? From those who seek you out?

Isabel Miranda: Look, the matter of this country, what is happening is that there is a sub-registration of all crimes, specifically when speaking of kidnapping which is what we deal with. We have access to all preliminary investigations because we, in this case I, belong to the CONASE, which is the Anti-Kidnapping Coordination. So we are in contact with all of the attorney generals, also the police. We have the names of victims, preliminary investigations, dates of events. What we see is that many of these kidnappings are registered as willful deprivation of the



María Isabel Miranda de Wallace
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victim's liberty, and not as kidnappings, when they are kidnappings. Article 19 of the Constitution is very clear [when talking about] what kinds of crimes should be punished and the perpetrator brought before a judge, and what they do here is dissimulate in order to have sub-registry. So our sources are the official ones, these being preliminary investigations, the Federal Police, local police, attorney general's offices and we have much more detailed information than even the authorities themselves at times.

Dr. Aída Valero: It's like you said, "the problem is that there is a sub-registry and victims do not denounce"

Isabel Miranda: This is the black figure of unreported crimes.

Dr. Aída Valero: Yes, we see that in some communities where the head of a

family, a son are taken away and there are no elements to denounce it. They are so scared many times because, on the other hand (this is not within my line of questions) but, what link is there between organized crime and kidnapping?

Isabel Miranda: Many ties. Nowadays there are many, but 15 years ago the link of cartels with kidnappings was non-existent. Only those who sold drugs were kidnapped. Not today, today the opposite is true: 60% of all kidnappings are linked to the Zetas or some cartel or criminal cell who, among other activities, carry out kidnappings.

Dr. Aída Valero: Isabel, what about the problem of secondary victims, that is, when the family or people close to the victim and I don't know why there is no psychological, emotional and at times economic attention for families? From your point of view what needs to be done for secondary victims?

Isabel Miranda: What happens is that in this country there are no programs for integral attention for victims. They don't exist, not even the Executive Committee for Attention to victims has these services. Whenever a crime is committed, the direct victim may suffer its impact, but whenever there are social effects, it is not only the family but even friends and classmates who suffer. In Bari, for example, when delinquents are caught they have to pay a fine to the city because they affect and create psychosis within the population. We do not have this situation, not even for the closest indirect victims of crimes, that is, for parents, siblings, children, spouses, there is no mechanism which can take care

of them. Something which is very different is all there is nowadays that the Law of Victims includes a lawyer, an advisor, a victimization lawyer. A victimization lawyer is the one who should provide integral attention, seeing that the victim receives psychological attention, food, housing and all that. We don't have all that here. The nearest thing was "Pro-victim" in the time of Felipe Calderón, when it came into being. There were agreements with Infonavit so that victims who were displaced could have an apartment or small house and the rent they were charged was minimum with an option to buy. Victims were given psychological attention and there were at least 40 psychologists giving direct attention to victims. There were about 12 branches within the Republic, above all in places with the greatest impact from violence. So, what should be done? Well, make a plan or an integral program which really includes all economic, psychological, health-related and legal help for victims.

Dr. Aída Valero: Today, with how many organizations of civil society and how many government institutions does your organization have ties?

Isabel Miranda: We have ties with all organizations of civil society who work with matters of security, practically all of them. And with which government institutions? With all of the institutions I have mentioned, such as public prosecutors, we are in touch with all of them in one way or another, limited because we do not have anything to do with the internal working of prosecutor's offices, only with the processes which are not doing their jobs in attending to victims of crime. For example,

we are working on making lawyers of victimization mandatory in the states and for there also to be attention to victims and that they are trained to treat certain crimes. Because that is another problem. For example, with respect to kidnappings, almost all women are raped and when they declare at the Public Prosecutor's office to a man, they do not have the confidence to tell what happened to them.

Dr. Aída Valero: Of course, the aspect of gender is also present there. Well, they had asked me, what do you think about the justice system in Mexico today? And I told them inoperative.

Isabel Miranda: But I want to tell you something. The risk is that the new system is going to fail because we do not have police who are properly trained; they do not want to invest in police so that they have schedules. You cannot ask someone to be sane and respect human rights when his rights are not respected by your institution and when he does not have work hours which allow him time for healthy recreation. This all causes an emotional and mental imbalance for police. Today our police are not paid enough, they are not well paid, trained nor do they really have a sense of life of being a policeman, like you are an academic and you like academic research, well for you it is the sense of life, they do not find a sense of life. They see it as a little job until they get something better, in the best of cases. In the worst, they see it as a way to do business, then the risk, the great risk which we have is that the judicial reform is implemented deficiently and that adds to the chaos of impunity and besides serious problems in matters of torture. This and that processes

may be stopped because of jurisprudence handed down by the Supreme Court. So we have a very complicated future also. We are not doing the right things.

Dr. Aída Valero: Could you tell us, thanks to your work, what impact has it had on modifying some aspect of Human Rights or laws?

Isabel Miranda: On many aspects. We are the creators of the Anti-kidnapping Law. "Stop Kidnapping" shared it with other organization, they joined our effort, but it was "Stop Kidnapping" who made the law. Also in the law of victims, not this law that they published, in the real version they should have published. And we are now working on another law for victims. We are also working on the Anti-money laundering law, on the action of protection (amparo) and the judicial reform. Right now we are working on the law of implementations and sanctions which is now in the Senate. We have some participation and say in practically all of the laws which have to do with the Penal code.

Dr. Aída Valero: You must be very satisfied with your work

Isabel Miranda: Well I don't know if it's really satisfaction, it is a great responsibility, because believe me dealing with so many interests is not easy. For example, lawyers want us to make it easy to get delinquents off the hook and what we want is for the blanket to cover everyone. That is to say, we want to preserve the rights of the accused because we do not know at what moment we may be on their side due to injustice, but we also want the

victims to not have to pay the price of a deficient system.

Dr. Aída Valero: Recently we learned that in the case of Mr. Martí, the policeman has been let free (Isabel responds immediately, "That was unfair."), the other case was Florence Cassez...

Isabel Miranda: Oh no, of course, Florence Cassez, that was undoubtedly a political determination between presidents. I never understood the relevance a kidnapper could have for France, but at the end of the day it left criteria which is going to do a lot of harm to Mexicans [Dr. Aída: "It does, doesn't it?"] and nowadays we're still paying for it.

Dr. Aída Valero: I think that the visit of the President of France to a certain extent was to pave the way for the case of Arturo Montiel related to the custody of his children, to negotiate a bit so the mother could see them, and in the case of Florence Cassez to have a kidnapper exonerated due to a mistake in the process.

Isabel Miranda: It really wasn't even an error in the process. Look, those who know about law know that the file did not have enough to free her, ever. The proof that they said was contaminated should have been annulled and the rest of the proof evaluated, but they did not do this. The way they did it was more comfortable and more brilliant for the ministers who asked for it, definitive freedom.

Dr. Aída Valero: I know that only victims of kidnapping seek you out and not victims of other kinds of crimes.

Isabel Miranda: No, sometimes we have defended special cases, such as the case of Martín del Campo Dodd, accused of killing the parents of three girls. They wanted to defend the case, but basically we defend victims of kidnapping.

Dr. Aída Valero: with respect to Human Rights, there are times when there is a problem of people who are institutionalized in some prison and argue that their Human Rights are being violated. At times these rights have been safeguarded, but in detriment to society in the sense that we know that they are criminals. We know that they have committed illicit acts with violence, but on one hand the Human Rights Commission defends them. I think there is a fissure, the dilemma is to what point should the Human Rights of the accused by respected because they argue that they are being violated. But on the other hand we know that they are people who have violated in a terrible way the rights of third parties.

Isabel Miranda: I think this is really a false argument. Human Rights are very clear. In the case of the victim they have some Human Rights and in the case of the accused these Human Rights are different? There is only one universal right, which is freedom, life. In this case my stand is that if in the face of the fact that someone violated the human rights of another person, killed him or taken away his freedom, if in this case they committed some violation of your human rights in the process, this should not be the excuse for your obtaining your freedom. The person who violated you should be punished and

he should make up for the harm he caused you, but never via freedom, because this does not free you of your responsibility, that's why I say it is a false argument. Today what are most of the accused trying to do? They are using torture as a strategy of defense. Today we have close to three thousand prisoners seeking the use of the Istanbul Protocol. There are no specialists in Mexico who can do this, not even specialist in the matter. And what is it they are going to do? They are going to collapse the system. So this a situation that the Supreme Court should take up and not promote impunity because, even if it is true that no one is in favor of torture, torture should not exist and never give a pretext for anything. But when you have a good investigation, you do not need to beat anyone. So here in Mexico there is no investigation, but I repeat: even in the worst of cases, when someone tortures, let that someone be sanctioned but never grant impunity to the criminal and much less leave the victim empty handed. That is my stand on the matter.

Dr. Aída Valero: Is there anything you would like to add to our interview?

Isabel Miranda: I think that something that we as Mexicans should do, all of us, is become involved in the issue of justice and legality because this affects all of us, directly or indirectly as a nation, as a person and as a society. I think that Mexicans stop at criticism; we criticize a lot, but act very little. So I wish that people would become more involved in these matters.

Dr. Aída Valero: Fine, because I believe that in our country there is impunity, there is illegality and there is corruption. A few years ago we carried out an investigation in Ixtapalapa, Gustavo A. Madero and Cuauhtémoc, which were the delegations with the highest incidence of crime, and the truth is that people were angry; many said that they denounced and nothing happened (Isabel at the same time: "And nothing happened!") or the prosecutor's office were corrupt.

Dr. Aída Valero: thank you very much for having given us this interview that without a doubt gives an account of the importance of committed participation with victims, especially in cases of kidnapping.

