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Raul Salinas de Gortari Gains Partial Victories in Swiss, Mexican Courts

by LADB Staff

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In mid-July, Raul Salinas de Gortari gained partial victories in Mexican and Swiss courts related to his murder and money-laundering convictions. Salinas, in custody in a Mexican federal prison, has been accused in Switzerland of laundering drug profits and in Mexico of masterminding the assassination of Jose Francisco Ruiz Massieu, a former secretary-general of the governing Partido Revolucionario Institucional (PRI). Salinas is the brother of former president Carlos Salinas de Gortari.

Swiss ruling overturns seizure of Salinas funds

In a ruling published July 15, Switzerland's highest court overturned a decision by Swiss Attorney General Carla del Ponte to confiscate more than US\$114.4 million from accounts Salinas had opened in Switzerland and in Swiss branch banks in other European cities. The Swiss government seized the funds in October 1998, following a three-year investigation that showed Salinas used the Swiss accounts to deposit payments obtained from drug traffickers (see SourceMex, 1998-10-28).

The court decision said Swiss prosecutors overstepped their authority when they confiscated Salinas' money. It said only individual states within Switzerland had jurisdiction in the case. The ruling, however, allowed authorities to keep Salinas' accounts in Zurich, Geneva, and London frozen pending an investigation into whether the funds came from drug smugglers who allegedly paid protection money during Carlos Salinas' term in office in 1988-1994.

Mexican appeals court cuts Salinas sentence in half

In a ruling handed down only a day after the Swiss court decision, a Court of Appeals in Mexico state reduced Raul Salinas' sentence in the Ruiz Massieu case to 27 1/2 years from 50 years, which is considered a life sentence in Mexico. Appeals Court Judge Tomas Hernandez Franco said he agreed with Salinas' lawyers that their client had neither premeditated the crime nor acted treacherously. The judge also based his decision on doubts about the credibility of Fernando Rodriguez Gonzalez, a main prosecution witness. Judge Hernandez Franco did not, however, throw out the court's January decision that Raul Salinas was the "intellectual co-author" of Ruiz Massieu's assassination (see SourceMex, 1999-01-27).

Under Mexican law, a lack of motive cannot be used as a basis for acquittal in a homicide case. However, a judge can use that argument to lessen the sentence. Judge Hernandez's decision raised some questions about the independence of Mexico's court system. There was some speculation that Carlos Salinas, who visited Mexico in June to attend his son's college graduation, worked behind the scenes to reduce his brother's sentence.

Carlos Salinas went into a self-imposed exile in Dublin, Ireland, in March 1995, less than four months after leaving office. He is widely blamed for creating the conditions that led to the

devaluation of the peso in 1994 and the ensuing economic crisis. "This gives the impression that...justice has been manipulated for political ends," said Luis Felipe Bravo Mena, president of the center-right Partido Accion Nacional (PAN). Pablo Gomez, interim president of the center-left Partido de la Revolucion Democratica (PRD), expressed a similar sentiment. "I think our justice system remains very vulnerable," said Gomez. "How is it possible that a single magistrate could resolve that appeal?" Other legal experts agreed with the opposition politicians. "This is certainly another embarrassment to the Mexican judicial system, which bows to the whims of the executive branch," former federal prosecutor Maria Teresa Jardi told The Dallas Morning News.

Meanwhile, a cartoon in the daily newspaper Reforma portrayed Carlos Salinas sitting at his laptop in Ireland, saying, "It worked! Another visit and they'll cut it to four years!" Salinas family expects Raul to be released from jail soon The cartoon perhaps was prophetic. In a statement issued through their lawyers, the Salinas family expressed confidence that Raul Salinas would be released from jail at the beginning of the next presidential administration in December 2000. Sources close to the family said Salinas' lawyers were not satisfied with the reduction in the sentence and will move that all charges against Raul Salinas to be dropped.

"It's encouraging, but it's not enough," Salinas attorney Eduardo Luengo Creel said in an interview with The Los Angeles Times. "We are convinced the Supreme Court will absolve him." But the Procuraduria General de la Republica (PGR) downplayed Judge Hernandez's ruling. The judge "found sufficient proof to sustain the guilt of Raul Salinas," the PGR said in a statement. Attorney General Jorge Madrazo Cuellar pledged to continue building a case against Raul Salinas for illicit enrichment and drug trafficking. Still, prosecutors have already lost three other cases against Raul Salinas regarding tax evasion, embezzlement, and money laundering. (Sources: Novedades, 07/15/99; Associated Press, San Antonio Express- News, 07/16/99; Reuters, 07/16/99, 07/17/99; Los Angeles Times, The New York Times, The Dallas Morning News, The Miami Herald, 07/17/99; Proceso, 07/18/99; El Economista, La Jornada, 07/19/99; El Universal, 07/19/99, 07/20/99; Excelsior, 07/21/99, 07/23/99; Notimex, 07/27/99)

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