

10-20-2004

## SCJN to Rule Whether Ex-President Echeverria Can Be Tried for 1971 Massacre

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/sourcemex>

---

### Recommended Citation

LADB Staff. "SCJN to Rule Whether Ex-President Echeverria Can Be Tried for 1971 Massacre." (2004).  
<https://digitalrepository.unm.edu/sourcemex/4794>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in SourceMex by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

## **SCJN to Rule Whether Ex-President Echeverria Can Be Tried for 1971 Massacre**

by LADB Staff

Category/Department: Mexico

Published: 2004-10-20

In a far-reaching decision, Mexico's highest court (Suprema Corte de Justicia de la Nacion, SCJN) has agreed to hear arguments on whether former President Luis Echeverria Alvarez (1970-1976) and other officials can be tried for their role in the massacre of dozens of students in 1971.

The decision was announced in early October by a four-member panel of SCJN justices, which had been assigned to review the matter. Echeverria and the other officials are accused of having ordered an elite police unit known as the Halcones, or Falcons, to violently repress student demonstrators in Mexico City in June 1971 (see SourceMex, 2002-06-19). The incident is commonly known as the Jueves de Corpus massacre because it occurred on the Roman Catholic feast day of Corpus Christi.

### ***SCJN ruling overrides decision by lower court***

The SCJN's decision to hear the case overrides a ruling by a district court in July of this year, which refused to issue an arrest warrant against Echeverria and other officials because the statute of limitations had expired. The request for the arrests had been presented by special prosecutor Ignacio Carrillo Prieto, who heads the Fiscalia Especial para Movimientos Sociales y Politicos del Pasado (FEMOSPP).

The role of the special prosecutor is to investigate and prosecute crimes related to the government's dirty war against leftists in the 1960s, 1970s, and 1980s. Carrillo said his two-year investigation indicated that dozens of students died when attacked by pro-government thugs, but Echeverria's defense lawyer Juan Velazquez claimed only about 11 were killed. In addition to the charges against Echeverria, Carrillo had brought charges of genocide against former interior secretary Mario Moya Palencia, ex-attorney general Jose Antonio Gonzalez, and two former directors of the now disbanded Direccion Federal de Seguridad (DFS), Luis de la Barrera and Miguel Nazar Haro. Nazar was taken into custody in February 2004 (see SourceMex, 2004-02-25).

Through the courts, de la Barrera has successfully fought government efforts to bring him into custody, but authorities are expected to pursue other avenues to detain the former DFS official. The district court's decision to decline to issue an arrest warrant for Echeverria and the other officials temporarily set back Carrillo's efforts. But Carrillo's boss, Attorney General Rafael Macedo de la Concha, immediately appealed the lower court's decision to the SCJN. In the appeal, Macedo argued that Mexico's statute of limitations was not valid because Mexico has signed treaties that place no time limitation on prosecuting genocide.

The SCJN expressed support for Carrillo's argument at that time, although a final decision was not issued then. "Mexico must abide by its international commitments," Justice Jose Ramon Cossio Diaz said at that time. In October, the SCJN announced its decision to bypass the statute of limitations.

This ruling is consistent with a previous decision in 2003, in which justices said the statute of limitations does not apply to political kidnappings known as "disappearances," because they are ongoing crimes (see SourceMex, 2003-11-12). The court's latest decision also referred to the Jueves de Corpus cases' relevance to Mexico's interests. "[There is] a national interest in resolving the possible responsibility for events of the past that profoundly affected the country's political life," Justice Jose de Jesus Gudino Pelayo wrote in agreeing to hear the case on whether Echeverria and others could be brought to trial.

The court's decision pleased FEMOSPP officials, who viewed the ruling as an encouraging sign. "We are elated over the Supreme Court decision, even though the case will take months to analyze and be voted upon," said FEMOSPP spokesperson Eduardo Maldonado.

### *Truth commission had been option*

President Vicente Fox's administration had been prepared to take other actions in case the SCJN had turned down Carrillo's appeal. In early September, Fox told reporters that contingency plans included the creation of a truth commission to launch a full-scale investigation of atrocities committed during the Jueves de Corpus incident. "If the court does not get to the bottom of the matter, I would convene those civic groups working with the special prosecutor, which have a full understanding of the case, to emit their own verdict, a historic verdict in the form of a truth commission," Fox said on the eve of his annual State of the Nation address. "It would not be a judicial body, but a citizen's group that would conduct a trial and make clear for history who was responsible."

Attorney General Macedo credited the work conducted by Carrillo's office for laying the groundwork that would have justified a truth commission. "The work of the investigation has done much to uncover the historical truth," he said. "This serves as a foundation on which future [nonjudicial] actions can be based." The former governing Partido Revolucionario Institucional (PRI) had no comment on the latest SCJN ruling. But, in the past, many party leaders and some members had pledged to ensure that Echeverria got a fair trial. In addition, some PRI officials had accused Fox of using the Echeverria prosecution for political purposes (see SourceMex, 2004-07-21).

Carrillo said he is prepared to charge another 30 former officials with genocide, officials whom he has linked to about 200 deaths and disappearances in the dirty war. "This war is long and complicated, but we have to go forward," the special prosecutor said. (Sources: The Washington Post, 09/02/04; Notimex, 09/07/04, 10/13/04; Spanish news service EFE, 10/13/04; The Herald-Mexico City, 09/01/04, 09/03/04, 10/14/04; El Universal, 09/03/04, 10/14/04; United Press International, Knight-Ridder Newswires, El Financiero, 10/14/04; La Jornada, 09/09/04, 09/10/04, 10/12/04, 10/14/04, 10/18/04, 10/19/04)

-- End --