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## **Ex-President Luis Echeverria Alvarez Escapes Genocide Charges Again**

*by LADB Staff*

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A special prosecutor appointed to investigate crimes committed during the government's dirty war against leftists in the 1960s and 1970s failed in his last-ditch efforts to bring former President Luis Echeverria to trial for the infamous Tlatelolco student massacre in Mexico City on Oct. 2, 1968. On July 8, Federal Judge Ranulfo Castillo Mendoza cleared Echeverria of genocide charges, leaving the government with almost no options for bringing the ex-president to trial on genocide charges. Echeverria, who was interior secretary during the administration of former President Gustavo Diaz Ordaz (1964-1970), had control of the security forces and police accused of carrying out the Tlatelolco massacre.

Echeverria succeeded Diaz Ordaz as president, serving from 1970 until 1976. The government estimates that a few dozen demonstrators died in clashes between students and police at Tlatelolco, but witnesses and human rights activists put the number of deaths closer to 300. An investigation by the special prosecutor's office (Fiscalia Especial para Movimientos Sociales y Politicos del Pasado, FEMOSPP) confirmed that the government had a role in the Tlatelolco repression (see SourceMex, 2003-10-08).

The ex-president escaped prosecution, however, because the statute of limitations had expired, Judge Castillo ruled. This is the second time that FEMOSPP director Ignacio Carrillo Prieto's efforts to bring Echeverria to trial on genocide charges have been thwarted by a ruling that the statute of limitations had expired. The Mexican courts previously cleared Echeverria on charges of genocide in connection with the Jueves de Corpus massacre in 1971, where an elite police unit conducted a violent crackdown on student demonstrators (see SourceMex, 2005-03-02, 2005-06-22 and 2005-08-03).

The recent ruling is also the second time Judge Castillo has ruled in favor of Echeverria. In the previous instance, in September 2005, the judge refused to even consider the case, saying that the statute of limitations had expired. Carrillo Prieto then brought the case to an appeals court, which, in a surprising ruling on June 30, overturned Castillo's decision and ordered that the ex-president face the genocide charges. Judge again rules statute of limitations had expired In early July, the case was returned to Castillo's court. The judge then agreed to allow Echeverria to be placed under house arrest rather than be taken into custody. The judge said he made this decision because of Echeverria's poor health.

The ex-president was also allowed to present written testimony rather than appear in court. In his defense, Echeverria argued that the genocide charges were not applicable because the deaths in the Tlatelolco incident were not premeditated but were the result of clashes between students and police. "The deaths that occurred as a result of the violence in 1968 were caused by a confrontation and not by any state policy of extermination," the former president declared in a written statement.

Echeverria also used the same defense as he used in the Jueves de Corpus case, that he could not be charged with genocide because the statute of limitations had expired. "There is absolutely no proof that I was the author of or took part in any crime related to the incidents of Oct. 2, 1968," the ex-president said in written testimony. "Furthermore, even if some type of evidence were provided, the statute of limitations has expired."

In the end, Judge Castillo cleared Echeverria, but the ruling did not determine whether he was guilty of genocide. Instead, the decision was based solely on a determination that the statute of limitations had expired.

### *Special prosecutor files appeal*

As expected, the FEMOSPP moved to appeal Castillo's decision on the grounds that the 30-year statute of limitations should not be applied from the time of the incident but rather from the time when Echeverria left office on Dec. 1, 1976. This would mean that the ex-president could still be prosecuted through Dec. 1, 2006, said the FEMOSPP. Echeverria's legal representatives said, however, that Carrillo and the FEMOSPP were grasping at straws. "I have no doubt that the appeal is just a formalism for the final failure," said the ex-president's lead attorney Juan Velasquez.

Also working against Carrillo is the decision by the Procuraduria General de la Republica (PGR) to eliminate the FEMOSPP later this year and transfer its functions to other departments in the attorney general's office (see SourceMex, 2006-04-26) Representatives of the Comite de Victimas del 68, made up of victims who survived the massacre and relatives of those who were killed, said they would bring the case to the Inter-American Court of Human Rights (IACHR). "[Judge Castillo's] decision is a miscarriage of justice," Raul Alvarez Garin, a member of the organization, said in a radio interview.

### *Court also clears former director of secret police*

The FEMOSPP had another judicial setback during the same week that the Echeverria decision was announced. On July 10, a federal judge in Mexico state cleared Luis de la Barreda Moreno, a former director of the disbanded secret police (Direccion Federal de Seguridad, DFS), of any crimes related to the death of Jose Ignacio Olivares Torres in September 1974. Olivares Torres, a leader of the Liga Comunista 23 de Septiembre in Jalisco state, was assassinated in Guadalajara. His body, bearing signs of torture, was found abandoned on a city street.

The FEMOSPP attempted to link the death to the DFS and brought charges against de la Barreda. Federal Judge Jorge Dionisio Guzman Gonzalez, who heads Naucalpan district in Mexico state, ruled, however, that there was no evidence that de la Barreda had any direct role in Olivares' death. The verdict is the latest case in which de la Barreda has been exonerated of allegations of human rights violations during the 1970s.

Other cases include the kidnapping of Ignacio Salas Obregon and the disappearance of six members of the Brigada Campesina de los Lacandones in 1974, the kidnapping of Jose de Jesus Corral Garcia in Puebla in 1976, and the disappearance of Jose Barron Caldera in 1978. Salas Obregon, Corral Garcia, and Barron Caldera were all associated with the Liga Comunista 23 de Septiembre. In all cases, which were presented by the FEMOSPP, various judges said they found no evidence that de

la Barreda had any direct role in the murders or kidnappings. (Sources: The Herald-Mexico City, Excelsior, El Financiero, 07/06/06; Reuters, 07/05/06, 07/08/06; Associated Press, 07/08/06; Milenio Diario, 07/05/06, 07/06/06, 07/09/06; Spanish news service EFE, 07/08/06, 07/09/06; El Universal, 07/05/06, 07/10/06; La Jornada, 07/05-08/06, 07/10/06, 07/11/06; Reforma, 07/05/06, 07/06/06, 07/09/06, 07/10/06, 07/12/06; La Cronica de Hoy, 07/05/06, 07/10/06, 07/13/06)

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