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Court Reinstates Genocide Charges Against Ex-President Echeverria

by LADB Staff

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The on-again, off-again effort to bring former President Luis Echeverria to trial for his role in the violent repression of dissidents in the late 1960s and early 1970s is back on track. In late November, a federal court (Segundo Tribunal Unitario) in Mexico City reinstated an arrest warrant for Echeverria on charges of genocide involving student demonstrators in the infamous Tlatelolco incident in 1968. As interior secretary during the administration of then President Gustavo Diaz Ordaz (1964-1970), Echeverria had control of the security forces and police accused of carrying out the Tlatelolco massacre.

Echeverria, who went on to serve as president from 1970 to 1976, has also been accused of responsibility for the repression of student demonstrators in Mexico City in 1971, in an incident known as Jueves de Corpus. Survivors and relatives of victims of that massacre also pushed for the courts to prosecute Echeverria and his interior secretary Mario Moya Palencia on genocide charges (see SourceMex, 2002-06-19).

The order by Judge Ricardo Paredes Calderon to reinstate the genocide charges against Echeverria for the Tlatelolco incident overrides a decision by Federal Judge Ranulfo Castillo Mendoza in July. At that time, Castillo said that charges could not be brought against the ex-president because the 30-year statute of limitations had expired (see SourceMex, 2006-07-19).

Statute of limitations begins at end of presidency

In agreeing to reinstate the arrest order, Judge Paredes Calderon accepted arguments from prosecutors that Echeverria was essentially protected from prosecution until he left office on Dec. 1, 1976, and that the statute of limitations should be calculated from that date.

The decision on the Tlatelolco case is compatible with a 2005 decision handed down by Mexico's highest court (Suprema Corte de Justicia de la Nacion, SCJN), which ruled that the statute of limitations for Echeverria and Moya Palencia did not apply until they left office (see SourceMex, 2005-06-22). Federal Judge Antonia Herlinda Velasco Villavicencio refused to accept genocide charges against the ex-president and the former interior minister in the Jueves de Corpus case on the grounds that genocide would be difficult to prove (see SourceMex, 2005-08-03).

Moya Palencia's death in October of this year left many questions unanswered about the government's role in Jueves de Corpus incident (see SourceMex, 2006-10-18). In contrast to Judge Velasco's ruling on the applicability of genocide charges in the Jueves de Corpus case, Judge Paredes said there was sufficient evidence to warrant an investigation into whether genocide occurred in the Tlatelolco incident, including examining the coordinated manner in which the army and federal police acted against students.

Several reports have been published confirming the government's role in ordering the massacre (see SourceMex, 2002-02-06). Despite the decision to reinstate the arrest order, it is unlikely that Echeverria, who is 84, will be sent to prison because of his extremely poor health. Paredes took these factors into account when issuing his decision and invoked a 2004 law that allows judges to grant house arrest for suspects who are 70 or older and in poor health.

The ex-president's poor health forced authorities to postpone a formal booking, which would include taking his photographs and fingerprinting him. If the case does come to trial, the proceedings would be held at Echeverria's home, said his lead attorney Juan Velasquez. Velasquez, who will be devising a legal strategy for the case along with fellow attorney Eraclio Bonilla, said the court's decision caused a "great deal of mortification" to the ex-president.

The opposition Partido Revolucionario Institucional (PRI), which held the presidency during the Diaz Ordaz and the Echeverria governments, also questioned the court's decision to reinstate the case against Echeverria. "This is regrettable," said PRI secretary general Rosario Green. "This has become a question of politics, not justice."

Still, Velasquez said the silver lining in the decision is that the ex-president's legal team will now be able to prove once and for all that there was no genocide. "I have said this from the beginning, the ex-president did not commit this crime," said Velasquez. "It is lunacy to accuse him [of this]." Special prosecutor releases final report on dirty war The court's decision came just weeks after special prosecutor Ignacio Carrillo issued his final report on the government's dirty war against leftists in the 1960s, 1970s, and 1980s.

The report, presented to Attorney General Daniel Cabeza de Vaca on Nov. 18, was Carrillo's final act as head of the Fiscalía Especial para Movimientos Sociales y Políticos del Pasado (FEMOSPP). In April of this year, the Procuraduría General de la República (PGR) announced its decision to phase out the FEMOSPP and transfer its duties to other units of the federal prosecutor's office (see SourceMex, 2006-04-26).

Carrillo's report, which is independent from the federal court's decision to reinstate the arrest order for Echeverria, accused dozens of officials of systematic violations of human rights during the federal government's dirty war against leftists. The report implicated three presidents: Echeverria, Diaz Ordaz, and Jose Lopez Portillo (1976-1982), also a member of the PRI.

The FEMOSPP report, based partly on declassified Mexican military documents, said an authoritarian government committed "crimes against humanity" that resulted in "massacres, forced disappearances, systematic torture, and genocide to try to destroy a sector of society that it considered ideologically to be its enemy."

The FEMOSPP investigated several officials but was never able to successfully prosecute any of them. Among the officials who were exonerated was Luis de la Barrera, director of the disbanded secret police (Dirección Federal de Seguridad, DFS), who was accused of using torture on suspects (see SourceMex, 2006-07-19). The report also included a list of hundreds of victims of government repression during the 1960s, 1970s, and 1980s.

The FEMOSPP's lack of results prompted several human rights advocates to question whether the Fox administration had actually intended to seek justice for the crimes committed during the dirty war. At the start of his administration, Fox had pledged to aggressively investigate and prosecute human rights abuses. But his administration fell short in many areas related to human rights.

A report published in November of this year criticized the Fox government's poor record in combating torture (see SourceMex, 2006-11-15). "The Fox government declared a de facto amnesty for the crimes of the past," said human rights advocate Sergio Aguayo Quezada, who is a political analyst at Colegio de Mexico (COLMEX). "There was no justice, no reparations to the victims, and we still don't know the full truth."

Carrillo defended the work done by his office, saying that the FEMOSPP report provides the basis to uncover the truth, to provide compensation to families of victims, and wherever possible to prosecute government officials responsible for atrocities. "This was not about the behavior of certain individuals," Carrillo said. "It was the consequence of an authorized plan to do away with political dissidents." (Sources: Associated Press, 11/18/06, 11/29/06; Spanish news service EFE, 11/29/06; Reforma, 11/19/06, 11/30/06; Excelsior, El Universal, Diario Transicion, Los Angeles Times, La Cronica de Hoy, 11/30/06; Agencia de noticias Proceso, 11/29/06, 12/04/06; Milenio Diario, 11/30/06, 12/07/06; Notimex, 11/17/06, 11/29/06, 12/11/06, 12/12/06; La Jornada, 11/18/06, 11/19/06, 11/22/06, 11/30/06, 12/01/06, 12/05/06, 12/07/06, 12/11/06, 12/12/06)

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