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Federal Court Upholds Ruling Exonerating Ex-president Luis Echeverria From Genocide Charges In 1968 Massacre

by LADB Staff

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A federal court has upheld a 2007 ruling from a lower court that exempted former President Luis Echeverria Alvarez from charges of genocide in the infamous massacre of student protestors in Mexico City in 1968. Echeverria, who served as president from 1970 to 1976, was interior secretary at the time of the incident, commonly known as the Tlatelolco massacre because of where it occurred. The court's decision elicited strong protests from human rights advocates and relatives of victims, who have long been trying to bring Echeverria to justice.

In handing down its decision, the federal court (Quinto Tribunal Colegiado en Materia Penal del Primer Circuito) ratified a ruling from another federal court (Tercer Tribunal Unitario en Materia Penal), which had thrown out a 2006 decision reinstating genocide charges against Echeverria. In the 2006 decision, the court (Segundo Tribunal Unitario) ruled that Echeverria could be prosecuted for genocide and ordered that the ex-president be held under house arrest (SourceMex, December 13, 2006). That ruling was an anomaly, as Mexican courts have tended to throw out genocide charges against Echeverria, as was the case with an earlier decision in 2006 (SourceMex, July 19, 2006).

In a 2005 case, Mexico's high court (Suprema Corte de Justicia de la Nacion, SCJN) ruled that Echeverria could not be tried for a separate student massacre in 1971, known as the Jueves de Corpus incident (SourceMex, June 19, 2002), because a statute of limitations had expired in 1985 (SourceMex, March 02, 2005). Decision likely to be final verdict by Mexican judicial system The recent decision issued by a panel comprising Magistrates Rosa Guadalupe Malvina Carmona Roig, Manuel Barcena Villanueva, and Maria Eugenia Martinez Cardiel in March 2009 acknowledged that genocide occurred at the Plaza de las Tres Culturas in the Tlatelolco section of Mexico City.

In the incident, police and soldiers opened fire on thousands of unarmed student demonstrators. By government accounts, about 30 demonstrators were killed, but other sources put the death toll at 200 to 300. But the jurists also agreed with the 2007 ruling from Magistrate Jesus Luna Altamirano that there was no evidence that Echeverria participated in the massacre, and, therefore, genocide charges against him were not applicable. Still, documents obtained under a new openness law enacted during former President Vicente Fox's administration confirmed that Echeverria and other members of the administration of then President Gustavo Diaz Ordaz (1964-1970) incited the violence, which eventually led to the massacres (SourceMex, October 08, 2003).

Luna Altamirano issued his decision after reviewing a massive document by Ignacio Carrillo Prieto, the former federal prosecutor in charge of investigating the government's dirty war against leftists in the 1960s, 1970s, and 1980s. Carrillo Prieto's office, the Fiscalia Especial para Movimientos Sociales y Politicos del Pasado (FEMOSPP), operated only for a few years and was shut down in 2006 (SourceMex, April 26, 2006). Carrillo's office was slow in releasing data from its investigation, but the results became widely available through the Internet (SourceMex, March 08, 2006).

The latest ruling means that the former president, who is in ill health, is now free from house arrest. "In my opinion, this is the most important legal decision in Mexican history," said Echeverria's attorney Juan Velasquez. The decision seems to exhaust all recourse in the Mexican courts for human rights advocates to bring genocide charges against the former president. Human rights advocates vow to bring case to international courts The decision elicited strong protests from human rights advocates, who suggested that failing to punish the former president would only encourage impunity. Groups such as the Hijos por la Identidad y la Justicia contra el Olvido y el Silencio (HIJOS), Komite Eureka, and Komite 68 made their displeasure known by organizing a series of demonstrations in front of the SCJN building. "This ruling in favor of Echeverría is an insult to the intelligence and sentiments of thousands of Mexicans," said Sen. Rosario Ibarra, a member of the Partido del Trabajo (PT) and one of the founders of Komite Eureka. "That is why we no longer have any confidence in the justice system." Some human rights advocates have vowed to bring the case to international courts. "We are going to bring this case to international tribunals," said Raul Alvarez Garin, a member of Komite 68 comprising former student leaders at the time of the massacre.

Alvarez Garin and fellow Komite 68 member Felix Hernandez Gamundi accused Magistrate Luna, who issued the 2007 decision, of corruption and questioned whether he was an impartial jurist. They urged the Mexican courts to follow the example of Peru, where a judge recently sentenced former President Alberto Fujimori to 25 years in jail for promoting human rights abuses by ordering the massacre of civilians in the 1990s. The Mexico City daily newspaper La Jornada also alluded to the Peruvian court's decision. "The ruling by the Peruvian justice system has major historic significance for the Andean country and for Latin America. For the first time, an ex-president in the region has been brought to justice for crimes against humanity and declared guilty," the newspaper said in an editorial. "In contrast, impunity prevails in Mexico."

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