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President Enrique Peña Nieto Grants Pardon to Teacher Wrongly Accused of Killing Seven Police Officers in 2000

by Carlos Navarro
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In the first test of a new law that expands the power of Mexico’s chief executive to grant pardons, President Enrique Peña Nieto ordered the release of Alberto Patiștán Gómez, a teacher accused of participating in the murder of seven police officers in El Bosque, Chiapas state, in 2000. Patiștán—a member of the Tzotzil community—claims he was wrongly accused of a crime that he did not commit. The teacher was charged with the murders based on testimony from a single witness, the son of El Bosque’s mayor, even though many other eyewitness accounts placed Patiștán far away from the scene.

The single eyewitness account from Rosemberg Gómez Pérez was sufficient for the courts to sentence Patiștán to 60 years in prison, which is the equivalent of a life sentence in Mexico. The conviction was suspicious because Gómez Pérez’s father, El Bosque Mayor Manuel Gómez Ruiz, had a vendetta against Patiștán for leading a campaign to try to remove the mayor from his post. The murders of the seven police officers occurred at a time of increased tensions in Chiapas following President Ernesto Zedillo’s decision to send troops and federal police to the area (SourceMex, May 24, 2000).

Many communities where federal troops and police were sent, including El Bosque, were governed by members of Zedillo’s Partido Revolucionario Institucional (PRI), which at that time was supporting paramilitary groups that clashed with supporters of the Ejército Zapatista de Liberación Nacional (EZLN). In his campaign to oust Gómez Ruiz, Patiștán had accused the mayor of authoritarian practices.

During his 13-year incarceration, Patiștán was moved around to several prisons in Chiapas and eventually ended up at a maximum-security facility in Guasave in Sinaloa state.

Patiștán’s case drew broad attention from human rights advocates in Mexico and overseas, who maintain that the teacher did not receive a fair hearing in the courts and was denied due process. "I set out to defend my people, to raise a hand in protest. And for that reason they sent me to jail," Patiștán said in an interview with the Mexico City daily newspaper La Jornada.

New law gives president broader pardon powers
The Patiștán case also attracted the attention of the Peña Nieto government, which put it at the top of its list of cases to consider under changes to the federal penal code (Código Penal Federal) that expands the power of the president to grant pardons. The changes allow the executive to order a reprieve in those cases where there are indications that the individual rights of a person sentenced to prison had been violated and that the individual does not represent "a danger" to public safety.

In explaining the government’s decision to grant Patiștán a pardon, Interior Secretary Miguel Ángel Osorio Chong said the case offered "evidence consistent with serious human rights violations, particularly of due process."
Chiapas Gov. Manuel Velasco Coello praised Peña Nieto for the decision to release Patishtán and agreed that the teacher should never have been sent to prison. "Without doubt, we are creating [a climate] of reconciliation after many years of injustice," said Coello, a member of the Partido Verde Ecologista de México (PVEM). "We now have to demonstrate that there will never be a repeat of a case in our country like the one of Patishtán."

Patishtán said he did not hold a grudge against the people that kept him in jail for 13 years. His only suggestion to Peña Nieto was that, as the country’s top authority, it was important that he "keep doing good."

Upon Patishtán's release, the Frente de Pueblos en Defensa de la Tierra (FPDT), which fights for land rights of campesinos, presented him with a machete, which they said represented a "symbol of the fight for the freedom of the people." The FPDT faced its own conflict with authorities in 2006 when several protestors in San Salvador Atenco, México state, were wrongly accused of kidnapping police officers (SourceMex, May 17, 2006. and July 7, 2010).

**Critics applaud release, decry broken legal system**

Human rights organizations applauded the decision to release Patishtán but also argued that the teacher should not have been sent to jail in the first place. Pedro Alfaro, a representative of the Chiapas-based Centro de Derechos Humanos Fray Bartolomé de las Casas (FRAYBA), said the organization has brought the case to the Inter-American Commission on Human Rights (IACHR) to demand that the Mexican government conduct an exhaustive investigation into the circumstances that led to the false arrest of Patishtán. In addition, FRAYBA is pushing for restitution and extended medical care for Patishtán, who is receiving treatment for a brain tumor.

Amnesty International (AI) agreed that the investigation should continue so that authorities can apprehend the individual or individuals who were actually responsible for the ambush of the seven police officers. "The true perpetrators of the assassinations remain unpunished, thus denying justice to the victims," said AI.

AI also pointed to the flaws in the Mexican judicial system, which offers scant protection to victims and suspects of crimes. Few cases are successfully investigated and prosecuted, while police are often accused of manufacturing evidence or extracting dubious confessions to gain convictions. AI said the courts did not allow Patishtán’s lawyers to appeal and to present evidence demonstrating his innocence.

The release brought similar mixed positions from the press. "The release in and of itself is a very positive development because it attempts to rectify a deep injustice committed against Patishtán and because it constitutes a display of political will … on the part of the powers that be," La Jornada said in an editorial.

"However, when viewed in a strictly legal context, the conditions under which the Tzotzil Indian was released demonstrate the inadequacies and decomposition of our country’s system of justice," added La Jornada. "It is puzzling that after 13 years, and after exhausting all legal recourses before our country’s judicial institutions—including the Suprema Corte de Justicia de la Nación (SCJN) —the pardon demonstrates that the state was left without legal recourse to recognize Patishtán’s innocence and to correct the irregularities of the system."
José Gil Olmos, a columnist for the weekly news magazine Proceso, offered a similar reaction, saying, "Freedom is something that we must always celebrate because it is an inalienable universal right. We must celebrate that someone like Alberto Patishtán is liberated after suffering the injustice of prison for many years even though his innocence was clearly evident."

"Nevertheless, we cannot celebrate that his release was the result of a political decision and that the PRI and Enrique Peña Nieto will try to pat themselves on the back following the pardon granted to the Chiapas teacher," added Gil Olmos.

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