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ACTION WHA-00

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 FM AMEMBASSY MEXICO
 TO SECSTATE WASHDC 8857
 INFO ALL US CONSULATES IN MEXICO COLLECTIVE

RELEASED IN FULL

UNCLAS MEXICO 005740

E.O. 12958: N/A
 TAGS: KJUS, MX, PGOV, PHUM
 SUBJECT: NO ARREST WARRANT FOR ECHEVERRIA...FOR NOW

REF: A. 02 MEXICO 0098
 B. 03 MEXICO 3506

1. SUMMARY. On Saturday, a Mexican judge denied special prosecutor Ignacio Carrillo Prieto's request to issue an arrest warrant for ex-President Luis Echeverria and other former government officials accused of abuses during Mexico's "dirty war." Carrillo Prieto said he will appeal the decision to the Supreme Court within three days. Disappointed human rights activists hope the Supreme Court will reverse the decision while some members of the political class, mainly from the PRI, are fighting on behalf of Echeverria using the argument that it is time to leave the past behind and move forward. End summary.

2. Ignacio Carrillo Prieto Carrillo was appointed Special Prosecutor by the Fox administration to investigate government abuses committed during Mexico's "dirty war," including but not limited to the massacre of activists by security forces in 1971. After announcing his intention to prosecute ex-President Luis Echeverria for genocide and abuse of authority some weeks back, Prieto finally presented a his case to a judge on July 23. On July 24, however, the judge refused to issue an arrest warrant against Echeverria. In his decision, the judge wrote that Mexico's 30 year statute of limitations precluded prosecution of Echeverria and others for crimes committed in 1971. Carrillo believes the judge erred and is arguing that the dirty war continued until at least 1982, which will be the basis for his appeal.

THE POLITICAL BATTLE

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3. This case involves political as well as judicial battles. The main one is between President Fox and the PRI. While Fox himself has lately taken a "hands-off" approach, stating only that he promised to create Carrillo's commission (FEMOSPP) and not prosecutions, other members of his administration have been more aggressive. Chief among these is Santiago Creel, Fox's interior minister and possible PAN presidential candidate in 2006. In response to PRI objections, Creel has said "past crimes cannot be negotiated."

4. The PRI, on the other hand, hopes that Echeverria will be left alone and the dirty war considered a closed chapter in Mexican history. Mexico's former presidents have been protected from prosecution and the PRI is no doubt worried about setting a new precedent. Another concern is of a possible domino effect. Should Echeverria or other former senior government officials face the possibility of jail, they could begin to implicate their then-colleagues, many of whom are still active in politics, to save themselves: something the PRI desperately wants to avoid.

NOT THE LAST WORD

5. This is not the last we will hear of this case. There is significant pressure from human rights groups to press the case and Carrillo has already indicated he will file an appeal with the Supreme Court within the three-day deadline for doing so. Much will depend on the legal interpretation of the statute of limitations and whether or not genocide is the proper crime with which to charge Echeverria and his cohorts.

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Garza

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