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R 132301Z JAN 05
 FM AMEMBASSY MEXICO
 TO SECSTATE WASHDC 0469
 INFO ALL US CONSULATES IN MEXICO COLLECTIVE

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B1, 1.4(B), 1.4(D)

C O N F I D E N T I A L MEXICO 000294

E.O. 12958: DECL: 01/05/2015
 TAGS: PGOV, PHUM, MX
 SUBJECT: SPECIAL PROSECUTOR MAKES HEADLINES BUT LIMITED
 PROGRESS IN UNRAVELLING PAST HUMAN RIGHTS CRIMES

Classified By: POL Leslie Bassett for Reasons 1.4 (b,d)

1. (C) Summary: The PGR's Special Prosecutor investigating past human rights crimes has made headlines by charging former President Echeverria with genocide and helping two siblings reunite. Other achievements include a landmark Supreme Court ruling in November 2003, eight arrest warrants, and one detention.

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[Redacted] Special Prosecutor Ignacio Carrillo tranquilly recites the challenges his staff faces: organizing thousands of pages of declassified Mexican National Archives material, locating people who were last seen thirty years ago, persuading reluctant witnesses to testify. He claims that as early as February 2004, the Supreme Court could issue a ruling, possibly based in part on declassified USG documents, that indeed the 1971 "Corpus Cristi" killings constitute genocide, permitting Echeverria's prosecution to go forward. End Summary

2. (U) The most recent headline-making news highlighting the crimes of the past focused on the multi-year effort of Aleida Gallangos to locate her brother, separated from her when their parents were killed in a government operation against members of the September 23 Communist League in 1975. She finally located him in December 2004, in Washington DC, a discovery the Special Prosecutor's office, in a

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hastily-called press conference January 4, tried to take credit for. But while the office did provide some financial support, in separate interviews Gallangos claimed they initially refused to help her, and she was forced to do most of the research on her own. Her complaints track with observations of the International Center for Transitional Justice (ICTJ), which noted in a June 2004 evaluation of the Special Prosecutor's Office that its 160 staff were overly-focused on administrative tasks, unresponsive to victim concerns, and ill-equipped to address issues of reconciliation outside the judicial process.

3. (C) Judicial progress itself has been slow. In the three years since Carrillo was appointed, warrants have been issued for less than a dozen suspects -- and only one has been detained. A single landmark decision by the Supreme Court in November 2003 re-defined the statute of limitations for illegal deprivation of liberty, which leaves open the prospect for prosecutions in cases that, until that time, would have been summarily dismissed by courts. As a result the single prosecution the Special Prosecutor has brought before the courts -- that of former security official Miguel Nazar for the disappearance of Jesus Piedra Ibarra -- can slowly proceed toward trial. A second, controversial effort to charge former President Luis Echeverria with genocide stalled in July 2004 when a lower court ruled the charge of genocide was not sustained by the facts of the crimes presented. Carrillo appealed to the Supreme Court, which agreed in October 2004 to accept the case. [REDACTED]

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[REDACTED] said that the fact of genocide lies not in the number of people killed, but in the state's concerted effort to eliminate a specific group of individuals. Legal experts suggest this is the case Carrillo has put forward, using in part declassified U.S. government documents collected by the NGO National Security Archives.

[REDACTED] press reports in January suggested the court was leaning against his arguments. If he wins, [REDACTED] he will move forward with additional subpoenas for 30 other former government officials including former generals.

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4. (C) Carrillo, a precise academic very conscious of process and protocol, is clearly most impassioned by the prospect of establishing legal precedents for Mexico and the international community [REDACTED]

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[REDACTED] Carrillo can cite to the page how many documents his office has reviewed (over 132,000), how many

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press interviews have been granted, and how many letters of request have been sent. While his office includes a victims assistance unit, it has not succeeded in reaching out to the affected families. Experts estimate there may be as many as 532 disappeared from the 1970's -- Carrillo's office has marginally helped in the location of exactly 2 of them. While Carrillo's staff estimates their case load represents as many as 3000 killed, only one trial is actually underway for a single murder. Carrillo promises more will happen once the Supreme Court rules -- but if it rules against him his legal avenues will be dramatically circumscribed.

5. (C) Comment: Both America's Watch and the International Center for Transitional Justice (ICTJ) have reviewed the Special Prosecutor's operation. Both found it overly focused on administrative tasks and processes, and somewhat closed to

victim outreach. America's Watch concluded in 2003 there was a lack of political will manifested in the way the office was staffed and funded -- but by 2004 the office size had increased to 160 people, larger than most international investigative efforts. The ICTJ concluded that President Fox's political will is not in question, but the structure and purpose of the Special Prosecutor's office may leave it ill-equipped to respond to the need for closure by families. Although it may succeed in establishing a new legal precedent for what constitutes genocide, it may not have the evidence needed to prove the charges. [REDACTED]

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Garza

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