

November 30, 2006

## **Mexican Court Orders Ex-President Tried in '68 Student Massacre**

By James C. McKinley Jr.

MEXICO CITY — An appeals court on Wednesday cleared the way for the arrest and trial of former President Luis Echeverría on genocide charges in connection with the massacre of student protesters in 1968.

The court reversed earlier rulings that the statute of limitations had long since run out, saying it had two days to go.

The ruling is the final twist in a long battle by the administration of President Vicente Fox to charge and try Mr. Echeverría, who is 84 and in poor health, for his role in the deaths and disappearances of hundreds of students, leftist dissidents and guerrillas in the late 1960s and early 1970s, a period known in Mexico as “the dirty war.”

The decision was a victory for Mr. Fox, who leaves office on Friday. He staked part of his political legacy on holding government officials responsible for past atrocities instead of forming a truth commission with no ability to charge people with crimes.

Mr. Echeverría was the interior minister in October 1968 when dozens of student protesters were killed by the military at a pro-democracy rally in the Tlaletolco housing development. Then he served as president from 1970 through 1976, at the height of Mexico’s crackdown on leftists, in which more than 500 dissidents disappeared.

The former president has strongly denied breaking any laws during his time in public office. Regarding the 1968 massacre, he has maintained that he was not in a position to control the officers who carried out the attack.

From the start, Ignacio Carrillo Prieto, the special prosecutor appointed to look into the dirty war, has pursued genocide charges under Mexican law in an effort to hold military and government officials responsible for the student massacre in 1968 and another in 1971. Some critics have said that to try to apply the genocide law to students as a group is a far-fetched legal approach that is bound to fail.

That criticism seemed to have been borne out last year when a lower court judge threw out the genocide charges against Mr. Echeverría, ruling that Mexico’s 30-year statute of limitations for mass murder had run out and that students could not be defined as a unified group under the genocide law.

Now, three appeals later, a tribunal has said the statute of limitations does not end until Friday, giving Mr. Carrillo Prieto’s office a last chance to put Mr. Echeverría on trial.

Responding to the court decision, Mr. Echeverría's lawyer, Juan Velázquez, said he doubted that the charge would hold up under the scrutiny of a trial judge.

"This ruling is good for us," Mr. Velázquez said, "because it gives me the chance to show there was no genocide, which I have never before had. Although I would not have wanted this, and of course I am shocked, it's rather ironic that at bottom the ruling benefits us."

Most earlier lower court rulings concluded that the statute of limitations on the genocide charge had run out, since Mr. Echeverría stepped down as interior minister in November 1969. But prosecutors argued that he enjoyed immunity from prosecution until he left the presidency on Dec. 1, 1976 — exactly three decades ago on Friday — and so the legal clock should not have started until then.

On June 28 a lower court judge ruled against the former president, and he was placed under house arrest while awaiting trial, which in Mexico is a closed procedure without a jury. An appeals court judge reversed that decision a week later, ruling for various reasons that the clock had run out in November 2005.

On Wednesday, the chief judge of an appeals panel, Ricardo Paredes Calderón, announced the panel's decision to let the trial go ahead, so long as Mr. Echeverría was formally charged before Friday.

Copyright 2006  
The New York Times Company