

8 February 2002

AI Index AMR 41/008/2002 - News Service Nr. 25

Mexico: General Gallardo free at last, but justice still elusive

General Gallardo's long overdue release is a welcome step but fails to address the flagrant abuse of the judicial system which led to his detention and conviction, Amnesty International said today.

On 7 February General Gallardo, a prisoner of conscience detained for over eight years, was released after President Fox ordered that his sentence be reduced to time served. Amnesty International welcomes this long overdue move to end the detention of General Gallardo and comply with one of the key recommendations of Inter-American Commission on Human Rights (IACHR) on the case.

"However, this stopped short of full justice," Amnesty International said. "Now that General Gallardo is free, his name must be cleared and the remaining IACHR recommendations implemented -- in particular that those responsible for his judicial persecution be brought to justice."

"President Fox has taken a number of positive steps in recent months to release prisoners of conscience, but the real challenge for the administration is to tackle the root causes that allowed the misuse of the judicial system to detain and convict social activists or critics," the organization added.

The organization added that the President's decision to implicitly acknowledge the injustice suffered by General Gallardo and other former 'prisoners of conscience' -- including peasant environmental activists Rodolfo Montiel and Teodoro Cabrera, released in November 2001-- will only have lasting meaning if independent and thorough investigations are carried out into how the judicial system was abused in their cases.

"If the authorities fail to confront these central issues, victims will continue to be guilty in the eyes of the law for crimes they did not commit, and will be

denied real justice and full reparations," Amnesty International stressed. "Not only should the individual convictions be overturned and those responsible brought to justice," the organization continued, "lasting reform must be carried out in the judicial system to ensure that such incidents cannot be repeated."

"The case of General Gallardo offers the Mexican authorities an ideal opportunity to review and reform the role and functioning of military justice and its relation to the civilian courts in order that Mexico meets its international human rights obligations," Amnesty International said. "If these profound changes are not set in motion, then President Fox's decision will have achieved little lasting impact and will have failed to strengthened the rule of law and human rights in Mexico."

Background

General José Francisco Gallardo Rodríguez was detained in 1993 after criticizing human rights violations by the Mexican armed forces and for proposing the creation of a military human rights ombudsman to investigate such abuses. While initial charges of defaming the armed forces were thrown out, the military courts opened multiple cases against him for acts of fraud and embezzlement dating back over many years. In 1994 Amnesty International adopted General Gallardo as a prisoner of conscience. In 1996 the Inter-American Commission on Human Rights issued recommendations to the Mexican authorities including calling for Gallardo's immediate release, for those responsible for his persecution to be investigated and punished and for him to receive compensation. The Mexican authorities refused to implement the recommendations and in 1998 a military court convicted him of embezzlement and fraud and sentenced him to 28 years in prison.

\ENDS

public document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>