

AMNESTY INTERNATIONAL

Public Statement

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Mexico: Amnesty International statement on Supreme Court ruling

Amnesty International believes that ruling by the Mexican Supreme Court (SCJN) with regard to the 1971 student massacre represents only a small step forward in the search for justice in Mexico. While, on the one hand, it allows the criminal proceedings for genocide to continue against a former President and another former senior government official, it also allows nine other co-defendants to escape justice.

The organization believes that the SCJN ruling shows that the progress made by Mexico in fighting impunity is clearly insufficient. Amnesty International is also extremely concerned at the Supreme Court's contention that international human rights treaties signed by Mexico are limited in their effect.

In the case of former President Luis Echeverría Álvarez and former Interior Minister Mario Moya, both of whom are accused of genocide, the Supreme Court took the view that the statute of limitation on the offence had not yet expired. It argued that there had been an interruption in the time period allowed for prosecution when the two accused were in government and had constitutional immunity preventing them from being tried in connection with the 1971 student massacre.

However, following this line of argument, the Supreme Court decided that for the other nine co-defendants who did not have immunity, the statute of limitation on the offence of genocide had expired and that they therefore could not be brought before the courts.

Amnesty International regrets the fact that the SCJN did not establish that, in compliance with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, statutory limitations do not apply to genocide. People allegedly responsible for extremely serious international crimes have been allowed to escape justice by means of artifice. In disregarding the State's duty to ensure that the victims and their relatives obtain justice and truth, the Supreme Court ruling fails to comply with international commitments that have been accepted by Mexico.

The technical decision by the SCJN with regard to immunity fails to acknowledge the political reality of Mexico during that authoritarian period when human rights violations were systematic, thus making it impossible for those responsible for serious abuses, such as the 1971 massacre, among others, to be investigated and brought to trial.

Amnesty International believes that the Mexican authorities, whichever branch of government they belong to, must resolutely assume their responsibilities under international law by complying fully with their obligations and ensuring that international commitments made freely and voluntarily by Mexico are not

evaded.

Background information

Mexico ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity on 15 March 2002. Article 1 of the Convention states that no statutory limitation shall apply to the war crimes and crimes against humanity listed, which include genocide, irrespective of the date of their commission.

The Convention clearly has retrospective effect and the interpretative declaration made by Mexico at the time of ratification stating that it only considered the convention applicable from that date onwards should not be taken into account by the country's courts because it is not, properly speaking, an interpretative declaration but a covert reservation to the letter and spirit of the Convention that is incompatible with its object and purpose. As such, the declaration should be seen as null and void and lacking any kind of legal effect. The same can be said with regard to the Inter-American Convention on Forced Disappearance of Persons and the declaration made by Mexico along the same lines at the time of ratification.

Public Document

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