

# Connecticut Law Tribune

July 19, 2013

An ALM Publication

## Suit Against Ex-Mexican President Dismissed

By CHRISTIAN NOLAN

It's been a good month for Yale professor and former president of Mexico Ernesto Zedillo.

The Elders, a group of human rights activists founded by Nelson Mandela and which includes as members former United Nations Secretary-General Kofi Annan and former President Jimmy Carter invited Zedillo to join their small but prestigious group.

And late last week, U.S. District Court Judge Michael Shea dismissed a federal lawsuit filed in Connecticut that had accused Zedillo of covering up a massacre of 45 civilians in the village of Acteal in 1997 while he was president of Mexico.

"He is very happy to have this calumnious lawsuit dismissed," said Zedillo's lawyer, Jonathan M. Freiman, of Wiggin and Dana's New Haven office. "His reputation as a human rights leader is well-established. This lawsuit has been an insulting and false sideshow."

Freiman had filed a motion to dismiss the lawsuit on the grounds that a former head of state is immune from lawsuits for actions taken in his official capacity. Shea dismissed the lawsuit on those grounds.

The U.S. State Department had submitted a letter to the court asking it to grant Zedillo immunity in the case. Since it is common for the State Department to make such requests and for courts to grant them, many legal experts correctly predicted the suit would be dismissed.

But plaintiffs' lawyers thought there was a chance that Judge Shea would not grant the State Department's request after a trial court in Mexico earlier this spring invalidated a letter requesting immunity sent last year by the Mexican ambassador to the U.S. to then-Secretary of State Hillary Clinton. The court ruled that it lacked at least one critical signature and overall authorization by other Mexican government leaders.



Ernesto Zedillo

However, a Mexican appellate court has since overturned that decision. Freiman explained that the Mexican appellate court said it did not need to decide the merits of that challenge because the U.S. State Department made its decision without relying solely on the Mexican ambassador's letter.

Another challenge has been filed in the Mexican court and plaintiffs' lawyers again asked Judge Shea to hold off on a ruling until the case plays itself out there. Shea, following a 15 minute recess at the hearing July 18, granted the motion to dismiss.

One of the plaintiffs' lawyers, Matthew Dallas Gordon, of West Hartford, said: "We are analyzing all options available to our clients in light of the district court's ruling, and will take action accordingly."

### Violent Conflicts

Zedillo, the current director of Yale University's Center for the Study of Globalization, served as president of Mexico from 1994 until 2000.

During his presidency, there was a series of violent conflicts in the Mexican state of Chiapas. They involved the leftist Zapatista movement, which demanded more rights for Mexican Indians living in the region. In 1997,

paramilitary soldiers with alleged government ties attacked Roman Catholic activists, who sympathized with the rebels, during a prayer meeting. The assailants killed 45 people over several hours, including children as young as two months old.

Though Zedillo denounced the attackers as criminals and urged government and human rights officials to investigate, he was sued in a Connecticut federal court in September 2011 by survivors of the massacre and widows and children of some of the victims. The plaintiffs, four women and six men, filed the suit anonymously to protect themselves from possible retaliation.

The complaint alleged that Zedillo's administration had ended peace talks with the Zapatistas and had launched a plan to arm and train local militias to do combat with the rebels. The lawsuit also claims Zedillo was aware of the massacre plans and kept them secret, in the process breaking international human rights laws under the Geneva Conventions, as well as Mexican common laws.

The complaint further alleges that Zedillo later conspired with Jorge Madrazo Cuellar, Mexico's solicitor general and attorney general, to cover up the president's role in the attacks. As part of that cover-up, about 128 people from the area near Acteal were rounded up and arrested, the plaintiffs claim.

In October 2007, 34 people were convicted of various crimes, including homicide and aggravated battery, and many were sentenced to 26 years in prison. In August 2009, however, the Mexican Supreme Court overturned 20 of those convictions due to prosecutorial misconduct, and ordered the prisoners released after 11 years.

Zedillo has repeatedly denied the allegations, according to Freiman. "This case will leave no mark on history," said Freiman.