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Perspective from the Left: Party of the Democratic Revolution (“PRD”)

SAMUEL IGNACIO DEL VILLAR KRETCHMAR*

Professor Benson, thank you very much for this kind invitation. I would also like to thank Loyola Law School of Los Angeles for this opportunity to present the views of my party regarding the development of Mexico’s political life and the protection of political rights. I want to summarize two pending cases we have submitted to the Inter-American Commission on Human Rights regarding elections in the States of Guerrero and Michoacán. I will focus on the underlying infrastructure of those elections and how the voter registration lists serve as the basis for those fraudulent elections.

I. THE FIRST CASE BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS: THE ELECTIONS IN THE STATE OF GUERRERO

The first case stems from municipal elections held in the State of Guerrero on December 3, 1989. Under the immediate authority of Governor Francisco Rismachev, the Mexican Government put a massive electoral fraud into effect. The PRD proved that it won forty-five out of seventy-five municipalities in the State of Guerrero; nonetheless, the Party of the Institutional Revolution (“PRI”) candidates received the positions. The people were denied their chosen government, and a spurious one was imposed upon them. The PRD proved, both to the State Electoral Commission and to the State Electoral Tribunal, that twenty different incidents of official fraud had occurred.

The Mexican Government perpetrated these fraudulent incidents through mechanisms such as not correctly locating the polling places, not delivering electoral ballots, destroying or altering

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tally sheets, and altering the results of the various polling places. These improprieties resulted in the imposition of the PRI government in approximately sixty to seventy percent of the municipalities in Guerrero.

The PRD not only substantiated these violations with official documentation, it also proved that the Mexican Government embezzled ninety-three billion pesos, or about thirty million U.S. dollars, from the Secretary of Finance in Guerrero. The money was to support the kind of activities described by Cynthia Anderson-Barker that took place in Michoacán.¹ Also, in the official documentation, the Mexican Government delivered hundreds of millions of pesos to people in places such as McAllen, Texas, and to a majority of correspondents from the Mexican national press covering the elections in the state. The Mexican Government also gave hundreds of millions of pesos to the Governor for his personal use. Cumulatively, this information not only reveals a pattern of corruption that occurs during elections, but is also endemic to the way Mexico is governed.

Based on this fraud, and as an act of last constitutional resort, the PRD made an official impeachment request to the Federal Congress for the Governor of Guerrero and for the removal of his criminal immunity. The Federal Congress, which consists primarily of PRI members, obstructed and dismissed the PRD request. Subsequently, the Mexican Government repressed civic resistance of the people of Guerrero. The people resisted because they wanted to prevent the arbitrary imposition of this municipal government. On February 27, 1990, there were two major civic marches—one in Acapulco and one in Zihuatanejo. Although the local authorities acknowledged the marchers' rights to protect their electoral vote, both the local secret service and the state police violently disbanded these marches. On March 6, 1990, people blockading seventeen municipalities in order to protect their votes were violently dislodged by the local authorities. As a result of this repression, approximately twenty-nine to thirty-five people were killed, eight people "disappeared," seven were imprisoned, fifty were injured,

1. See Cynthia Anderson-Barker, *Election Fraud in Mexico: A Case Study of Elections in the State of Michoacán on July 12, 1992*, *supra*, this volume. Anderson-Barker's section entitled, "Use of State Resources To Influence Voters," outlines the official party's use of government funds to gain political support from the people of Mexico.

and twenty-two arrest orders were issued against the leadership of the PRD in Guerrero.

Having exhausted all the domestic resources in Mexico to protect the rights both of the people and of the party, the PRD submitted a complaint on April 3, 1990, to the Inter-American Commission on Human Rights. The Mexican Government replied with an absurd argument on August 15, 1990. The Government argued that it did not recognize or acknowledge any obligation to submit to the jurisdiction of the Commission to review this type of political violation. This response is a monument to legal absurdity and shameful in all respects. During the period the PRD was responding to the Mexican Government, eleven people were killed.

Along with documentation, the PRD supported its claims with evidence generated by America's Watch. This may have been the first report on Mexico by America's Watch. This work was very useful in proving the PRD's complaints. The main problem with proceedings in the Inter-American Commission, however, is that they are too slow. The events complained of took place three years ago, yet the PRD expects the case will not be resolved until March of 1993.

Since the filing of this complaint, and as a result of the Federal Congress' breach of its constitutional duty to investigate these cases, the Mexican human rights organization Miguel Agustín Pro reports that fifty-five people have been killed. The PRD has proven that the Government is responsible and would like to see the Governor of Guerrero dismissed through an impeachment process similar to that of the United States. The Governor's criminal immunity should be removed so that he can be held responsible for these killings, robberies, and arbitrary detentions.

This government inaction affected both political and civil violence. The local authorities do not enforce the law, do not provide security, and do not protect the citizens. The PRD views the government in Guerrero as unconstitutional. A group of criminals rule the State of Guerrero; the most dramatic evidence of this is the recent killing of twenty-four people in the state.

The Salinas Government acknowledged the incapacity of the Governor of Guerrero to deal with this lawlessness and general insecurity by sending a team of thirteen federal attorneys, or *ministerios publicos*, to take over the investigation from the local authorities.

Furthermore, on Sunday, February 21, 1993, Guerrero will again have the Governor's election. Two days ago, the brother of one of the PRD's most distinguished mayors in the state, Pedro Urioste, was killed in a clear effort to intimidate voters and to provoke an atmosphere of violence. As a result of this violence, new impeachment procedures were established in the Federal Congress, asking that Congress restore the rule of law in the state. The procedures are also to establish minimum guarantees that this election might not result in general violence. The PRD would like to avoid the tragic consequences that have been seen during the previous year, or even worse, a level of violence unprecedented in recent times.

The National Commission of Human Rights in Mexico has also documented the responsibility and the complicity of the local government in at least four political homicides.

II. THE SECOND CASE BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS: THE ELECTIONS IN THE STATE OF MICHOACAN

The second case has three parts. Initially, the case started with a complaint that the PRD made to the Inter-American Commission of Human Rights, asserting, and perhaps proving, that the 1991 federal voter registration list was fraudulent. If proven, the elections for the Federal Congress in that year would also be considered fraudulent. The second part of the complaint was added after the 1992 elections in Michoacán because those elections were based upon the same voter registration list compiled in 1991. The third part challenged the legislative adjustments made to the Federal Code of Electoral Institutions and Procedures ("COFIPE"), empowering the Federal Government to compile another voter registration list for the 1994 federal election. I will not go into detail on the technicalities of this complaint; however, I will discuss a few points.

A. The 1991 Voter Registration List

First, the PRD proved, with little difficulty, that fifteen percent of the citizens with the right to vote at the federal level had been excluded from the 1991 voter registration list. The second fraudulent aspect of the voter registration list is much more difficult to prove. The Government also invents citizens or includes

people who have died in the voter registration list. However, unless a national survey is done house-by-house and the list is checked against the actual voters, it is impossible to prove that those voters are non-existent. The magnitude of the number of citizens included in the voter registration list would preclude having "authentic, effective and free elections." Fifteen percent of invented names would represent around six million votes nationally; this is a major difference that could substantially alter the results of an election.

Another point that the PRD made before the Commission was that there are no remedies to protect the rights of the people—specifically, the political rights of the citizens. How did the PRD establish that there are no remedies? All the formal remedies included in the law were exhausted, first, at the administrative level in the Federal Electoral Institute ("IFE"), or *Instituto Federal Electoral*, and second, at the jurisdictional level in the *Tribunal Federal Electoral*. Both levels declared in writing that they did not have jurisdiction to issue remedies. This evidence proves that there is no judicial protection for these rights.

B. *The Elections of the State of Michoacán*

The Michoacán case typifies the circumstances under which elections are held in Mexico. Let me point out the significance of this change in 1991. Prior to 1991, fraud was committed or the election-rigging occurred through the practices described in the State of Guerrero. Since 1991, fraud has been carried out by the manipulation of the voter list. This manipulation is done by assigning additional invented voters to particular districts and by removing or preventing the vote of potential opposition voters.

In Michoacán, the PRD was able to do a more detailed survey. The PRD conducted a house-by-house survey in four of the electoral districts. In order to do the survey, the PRD had to convert the voter registration list into a domicile, or address, voter registration list.

The PRD had to convert the survey in Houston, Texas, because the Federal Government would only provide it with the normal alphabetical registration list. As a result of the survey, the PRD made the inference that approximately 250,000 voters had been excluded from the voter registration list in Michoacán and

another 250,000 invented voters were included. Therefore, approximately 500,000 votes were altered in the State of Michoacán.

Although the PRD applied for domestic administrative and formal judicial remedies for these situations, all of its complaints were arbitrarily dismissed. The main complaint was the unconstitutional agreement between the IFE and the local electoral authority to remove minimum legislative guarantees for placing independent authorities in the voting places. The electoral laws of the State of Michoacán recognize elections as valid, even though polling in 50% of the ballots in the polling places may be null and void.

After the election, the PRD challenged the official results in 45% of the voting places. According to the local election code, if the precinct votes are challenged, the votes of both parties must be challenged. The authorities must be asked to declare null and void not only the votes of the other party, but also the votes of your own party.

Even after the authorities declared 45% of the electoral polling places null and void, the difference between the official results and the new results still gave the PRD a margin that would achieve electoral triumph under the law. If the PRD would have been able to cancel only the fraudulent votes of the PRI, the PRI would have received 175,000 votes and the PRD would have had around 300,000 votes. Yet, the PRD had to annul around 100,000 of its own votes because of the electoral requirements; this effectively gave it 200,000 votes.

C. Legislative Changes in the COFIPE and Other Improprieties

1. COFIPE

Last year, through various surveys, the PRD discovered problems with the 1991 registration list. The mechanics of the fraud were revealed, and secret elements of the 1991 voter registration list appeared. The Government then decided to create another voter registration list under the pretext that it was necessary to have one's photograph on the electoral credential. Thus, the Government created a new 1994 federal voter registration list.

The Government is presently compiling a new voter registration list that will be delivered on July 17, 1994. The elections will be held on August 6, so no one will be able to verify and check the accuracy of that voter registration list.

Under the COFIPE, citizens have the right to receive their electoral credential. That right and the Government's obligation to deliver the credential were the bases of our challenge to the 1991 voter registration list. With the recent changes in the COFIPE, citizens lost the right to have their electoral credential delivered to them. The citizen now has the obligation to obtain his credential from the Government, and the Government no longer has the obligation to deliver the credential to the citizen. Consequently, if somebody complains that he has not received his credential, the Government could argue that it is because the citizen did not perform his duty.

Furthermore, the Government was granted absolute power to determine the places where the credentials would be issued. Theoretically, or "legally," if the government says that it will only deliver electoral credentials in the center of Mexico City, citizens will have to go to the center of Mexico City to pick up their credentials. That action would be legal and citizens would not have a legal mechanism to challenge that decision. Of course, the Government will allocate the credentials in areas where they have tight control and will not give credentials where opposition is significant. This ultimately means that the 1994 elections have already been decided.

2. The Head of the IFE

The last assertion in the PRD's petition before the Inter-American Commission is that the head of the IFE, the man in charge of compiling the federal voter registration list, is also the official PRI candidate for Governor in the State of Mexico. The PRD hopes to bring to the Inter-American Commission, as final proof of fraud, all electoral credentials signed by this official and the PRI propaganda along with them. The PRD believes that this is sufficient evidence to establish that the IFE, the electoral authority, is controlled by the PRI. Together with increasing awareness of the fraudulent situation by citizen organizations, this should significantly aggravate the constitutional crisis that Mexico has lived under since the fraudulent imposition of the Salinas Government in 1988. At this point, it would not be difficult to prove beforehand that the 1994 elections will be fraudulent.

III. CONCLUSION: DEMOCRATIC TRANSITION IN MEXICO?

In San Luís Potosi, a major development has occurred. On April 13, 1993, there will be an election in San Luís Potosi, and, for the first time, an independent citizen has been appointed supervising authority of the voter registration list. It is likely that, by the middle of March, he will declare that the voter registration list does not permit authentic elections. The PRD does not know what steps it will take at that point.

For the first time, Mexico has an official who may expose the truth, and that truth will become the official truth. This is what the citizenry independently said in Michoacán, but now, it will be an authority saying that the Government cannot proceed with an election. This may forecast what could happen in 1994.

That is the real significance of the PRD's cases before the Inter-American Commission on Human Rights. The evidence that they submit to the Commission will preclude the conclusion that there are conditions for authentic elections in 1994. Further, the PRD will show that the voter registration list is a fraud and that the electoral authority is not reliable.

What the PRD expects is that the recommendations of the Inter-American Commission will increasingly awaken the kind of consciousness it is trying to develop. The first political priority for the citizen organizations, political parties, and the Government is the establishment of conditions for authentic elections in Mexico. Further, the PRD expects that the increasing support of independent organizations, citizen organizations, or human rights organizations towards a recommendation of this kind will develop the political core for establishing conditions in Mexico for a transition to democracy. The PRD does not see how the conditions for authentic elections can be established in Mexico without independent reviews, such as the one from the Inter-American Commission on Human Rights.