
Dr. Alvarez Machaín Case

Thornburgh's kidnapers knew it was wrong man

by Andrea Olivieri

The U.S. Justice Department knew as early as April 1992 that Mexican doctor Humberto Alvarez Machaín, who was snatched from his Guadalajara medical office in 1990 and put on trial in a federal court in Los Angeles for the torture/murder of Drug Enforcement Administration agent Enrique Camarena, was the wrong man.

Presiding Judge Edward Rafeedie made the sensational revelation on Dec. 16, just two days after acquitting Dr. Alvarez of all charges because the prosecution's case against Alvarez had been cut from "whole cloth, the wildest speculation."

Trial proceedings until the Dec. 14 directed acquittal by the judge were nearly identical to the prosecution tactics used to railroad Panama's Gen. Manuel Antonio Noriega into a life sentence: Nearly all the "evidence" presented against Dr. Alvarez was from the paid testimony of drug traffickers or corrupt police officers running scared from their former drug cartel bosses. As the Mexican authorities asked at the time, how can one produce justice "based on criminal acts such as kidnappings and buying witnesses"?

In his Dec. 16 statement, Judge Rafeedie charged that the prosecution's suppression of the exculpatory evidence, based on FBI interviews with an informant dating back to April 1992, "raises the ugly thought in the court's mind whether this would have surfaced at all," had he not acquitted Dr. Alvarez. The FBI information revealed that another doctor, and not Alvarez, had been involved in administering drugs to keep victim Camarena alive under torture.

Supreme Court was wrong, too

Not only were the human rights of a Mexican citizen violated by a conspiracy of the most powerful law enforcement apparatus in the world, but the entire incident was a gross violation of international law and of the principle of sovereignty. Specifically, the Alvarez kidnaping was used to win ratification by the U.S. Supreme Court of the Bush administration's so-called Thornburgh Doctrine (named after former Attorney General Richard Thornburgh), which claims that the United States has the right to invade any foreign nation, in order to kidnap or assassinate any foreign

citizen accused of running afoul of U.S. laws.

This "doctrine" was first employed against General Noriega in December 1989, in a military invasion which claimed the lives of thousands of innocent Panamanians and wreaked untold havoc on that nation. But the doctrine was only formally turned into law in June 1992, with a Supreme Court decision on the legality of the Alvarez Machaín kidnaping following a challenge from Judge Rafeedie.

Since then, it has been followed by an "economic corollary" known as the Torricelli Corollary, which authorizes the U.S. government to take economic reprisals against any states which "lend assistance" to Cuba while maintaining trade relations with the United States. (Ironically, the State Department has been secretly dealing with the Castro regime while taking this public hardline stance.)

The Torricelli Corollary, like the Thornburgh Doctrine which preceded it, is another extension of the concept of "limited sovereignty" being imposed on developing nations today as part of Washington's imperialist "new world order."

For the most part, all the major U.S. media have blacked out Judge Rafeedie's revelation, but Mexicans are bristling with indignation over the U.S. Justice Department's abuse of international law and national sovereignty issues. The Mexican attorney general's office had issued a statement at the outset of the so-called Camarena trial, denouncing it as "illegal from the start" because it was "in flagrant violation of international law."

Now, that office has formally requested the extradition to Mexico of the two Los Angeles-based DEA agents who had ordered Dr. Alvarez's kidnaping, and who had been attending his trial regularly.

Mexican Foreign Minister Fernando Solana has pointed out that while Dr. Alvarez is now free (despite initial attempts by the desperate U.S. prosecutors to turn the acquitted doctor over to the immigration service as an "illegal"), global efforts to condemn the Thornburgh Doctrine must continue. The newspaper *La Jornada* emphasized that as long as the U.S. Supreme Court decision legitimizing the doctrine remains in force, other incidents like the Alvarez case could still occur.

Don't hold your breath for Clinton

Those who are hoping that the end of George Bush's bully-boy regime and the inauguration of a new liberal administration in Washington will bring an end to such imperialist adventures, may be disappointed. Mexican newspapers have already observed that President-elect Bill Clinton, while claiming that the Supreme Court decision ratifying the Alvarez Machaín kidnaping had gone "too far and should be revised," nonetheless refused to rule out exercising the "right" of the United States to enter the territory of another nation in cases where "the other government had deliberately refused to honor an extradition treaty, or had refused to move a finger to try to carry out the law."