



Centro de Derechos Humanos  
**Fray Bartolomé de Las Casas, AC**

**AMADOR HERNANDEZ  
AND THE AUGUST CRISIS**





## THE CONFLICT AND THE GOVERNMENT'S STRATEGY

The *Law for Dialogue, Reconciliation and Dignified Peace in Chiapas*, approved in March of 1995, arose out of the public demand to resolve the conflict by peaceful means through dialogue and negotiations. Article One of this law establishes "*the juridical basis for dialogue and reconciliation so that a just, dignified and lasting solution to the armed conflict initiated on January 1<sup>st</sup>, 1994 in the state of Chiapas, be reached through an accord of concordance and pacification.*" And Article 2 specifies the basis on which such accords must be constructed: "*Attention to the causes that originated the conflict and promotion of solutions, reached through consensus, of a political, social, cultural and economic nature, within the law and through institutional channels.*"

It is within this legal framework that the COCOPA was created and the San Andrés dialogue process developed, culminating in the signing of the *San Andrés Accords* (the first of various pre-established tables for negotiation) on the 16<sup>th</sup> of February of 1996. Nonetheless, towards the end of this year, when the COCOPA presented to the negotiating parties a legal initiative regarding indigenous rights and culture, which crystallized in juridical language the *San Andres Accords*, the executive power, refused to accept it.

The Zapatista Army of National Liberation (EZLN) focused on creating autonomous municipalities based on the Indigenous Peoples' Rights established under the San Andres Accords and Convention 169 of the ILO (also signed and ratified by the Mexican government). The government on its part declared that the autonomous municipalities broke the state of law and order. It then used that argument to authorize a series of combined police-military and paramilitary operations against these municipalities between April and June of 1998. In all the operations, excessive force was used<sup>1</sup>. The bloodiest operation took place in June in communities of the municipality of El Bosque, resulting in 10 dead: 8 campesinos presumed to be Zapatistas, and 2 state police officers. In this like in other operations designed to *restore the state of law and order*, the authorities were responsible for many irregularities and the violation of human rights as well as constitutional guarantees. As a result the government received strong criticisms including those of Mary Robinson, the United Nations High Commissioner on Human Rights.

Today the legal framework continues to be that of the *Law for Dialogue, Reconciliation and Dignified Peace in Chiapas*. The federal government would risk its national as well as international credibility and legitimacy if it tried to resolve the conflict in a way that openly disregards this framework. The main factors are the year 2000 presidential succession, the full development of the current trade agreements with Europe, the country's international image. All this, along with a public demand to avoid a violent outcome, have obliged the government to develop a low intensity war based on the following points:

1. The political and counterinsurgent use of economic resources and social programs.
2. Publicity campaigns.



3. Increase in militarization.
4. Tolerance and support for paramilitary groups.

This strategy seeks to belittle and de-legitimize opposition movements and speculates on the probability of national and international public opinion getting tired of the issue and forgetting about injustices in Chiapas. The strategy is not new, but has been implemented from the beginning of the conflict and was fully developed in its four points when the federal government was forced to stop the 1995 military operations and participate in the San Andres Dialogues.

Militarization over the last 5 years has been like a *slow motion* offensive (see [map](#)). Development projects with military objectives, such as the road construction in the Lacandon Jungle between San Quintin and Amador Hernandez, did not begin this summer. How, then, do we interpret the current crisis that puts the peace process at risk and seems to drive us to new military confrontations between the two armies? To understand this we must examine the Mexican Army's offensives in the past few months and the EZLN's strategy in its search for a political solution.



## THE ZAPATISTA NATIONAL PLEBISCITE AND THE GOVERNMENT'S COUNTER ATTACK

The EZLN cannot let the conflict stagnate, as that would lead to a loss of public awareness and attention. Since its decision to participate in the first dialogues at the Cathedral in February of 1994, it has been clear that the EZLN is interested in finding a political solution. To raise awareness concerning the situation in Chiapas and gain recognition, the EZLN must take risks in its attempts to engage the public. In accordance with this logic it called for the **National Consulta (Plebiscite) for Indigenous People's Rights and an End to the War of Extermination**. The main objective was to engage the public in order to pressure the government to comply with the *San Andres Accords* and to stop military expansion into the Zapatista regions.

A month after the *Consulta* ended, the state government took the initiative and presented a *remunicipalization* law to the State Congress on April <sup>23</sup>rd. What the law tries to do is to regain and/or strengthen political control. This would be achieved in two ways: First, by creating new municipalities in places where the zapatistas had created *autonomous municipalities*, thus reestablishing government allies in power. Second, by creating new municipalities in places already controlled by the government in order to channel economic resources to its collaborators more effectively. This complements a law proposed in February that would disarm and grant amnesty to armed civilian groups. As a publicity campaign, the remunicipalization law tries to better the government's national and international image regarding its non-compliance of the San Andres Accords.

As a complement to these legislative initiatives and as part of the psychological war against the Zapatista support bases, the government staged EZLN desertions. These desertions were televised and in some presentations the governor participated by delivering materials, promising livestock, economic support, and development projects while the supposed deserters handed over weapons and ski masks. The government's farce exaggerated the Zapatista desertions, ignoring those of the Mexican Army<sup>2</sup>. Months after the interior ministry declared that the EZLN only had five hundred constituents, the state government announced that more than fifteen thousand deserted.

In the majority of cases the deserters were PRI militants. The desertions allowed the state government to implement its amnesty and disarmament law, though it was never approved on a federal level. This law did not include the EZLN, which fell under the provisions of the COCOPA Law. The net outcome would be then, not the disarming of the EZLN, but the amnesty of paramilitary and other armed civilians who, did not even had to admit to being so, but could go through the procedure *acting* as zapatista deserters.

In this way, the desertions turned into a master use of economic resources along with a publicity campaign (characteristics 1 and 2 of counterinsurgency war tactics) and reinforced the process of paramilitarization (characteristic 4). Exchanges of weapons for economic



resources were destined only to those loyal to the PRI. As a result, tension increased and further divided the communities where such staged desertions took place. The strategy is to use economic resources to generate tension that would overflow and turn into a violent confrontation. This happened in Chenalhó and in the Ch'ol region where the paramilitary group *Peace and Justice (Paz y Justicia)* operates. In this way, the opposition is worn down, military expansion is justified, and economic investment in the region is increased. This is advertised through a publicity campaign, and the cycle begins again<sup>3</sup>.

If this paramilitary and economic based strategy is meant to destroy the social bases of the governmental opposition, it also has adverse effects within pro-government indigenous organizations. At present, in the Ch'ol region, the Peace and Justice paramilitary group's support bases accuse their leaders of withholding the economic resources given to them by the state. As a result, the group has divided and clashes between members have resulted in casualties<sup>4</sup>.



**"BRAVO, THIS IS HOW THE GOVERNMENT SHOWS ITS WILLINGNESS TO DIALOGUE<sup>5</sup>"**

To back up the publicity campaign, and to reinforce the psychological hit against the Zapatista support bases, the government implemented a police operation on the 7<sup>th</sup> of April of 1999 (the eve of the anniversary of the Taniperla attack and the anniversary of Zapata's death). Hundreds of state policemen, along with PRI militants, took over San Andres Larrainzar, capital of the autonomous municipality of San Andres Sakamchen de Los Pobres, where the dialogues and the accords took place. This was a symbolic action where, for one day, a minority group that supports the state government took control of a municipality that is by majority Zapatista. The following day, thousands of Zapatista sympathizers peacefully took back the municipal capital<sup>6</sup>.

Although the Zapatistas rapidly recovered San Andres, the action was far from being a failure for the government. The introduction of a remunicipalization law and the police operation in San Andres closed political spaces opened by the *Consulta*. Instead of focusing on organizing follow-up to the *Consulta*, the Zapatista sympathizers of the Altos region wore themselves down keeping a permanent guard in San Andres, so as not to lose the symbol of the Accords.

With the *desertions* and the taking of San Andres, the government tried to convince the public that the Zapatistas were a thing of the past, and that it was not necessary to maintain



dialogue or fulfill the accords. At the same time these actions distracted public attention from the military advances that were taking place in the valleys of Ocosingo.

The autonomous municipalities denounced the deserters as paramilitaries of the group *Indigenous Anti-Zapatista Revolutionary Movement* (MIRA). To reaffirm their presence, they set up roadblocks in the valleys of the Lacandon Jungle with the intent to stop the delivery of economic aid promised to the so-called deserters. The state took advantage of this, installing new military camps such as those in Nazareth and La Trinidad.

The military infrastructure masks government spending as development projects that would benefit the indigenous communities. The same strategy helped the Mexican Army in its campaign in the state of Guerrero against the Lucio Cabañas<sup>7</sup> guerrilla group. The road construction obeys military and not community needs such as access to the market to sell their products. The alleged ecological actions, such as the reforestation of the Montes Azules<sup>8</sup> contrast with the construction of military roads that will also be used to extract mahogany and other precious woods, as it has been done in the past.

The EZLN needed to call national and international attention to the advances of the war. To allow an increase in military presence of 8 thousand troops and the continuation of the road construction without response would only facilitate the harassment and extermination of its support bases. Because of the lack of civilian mobilization after the *Consulta* and the government's strategy to negate the existence or legitimacy of the Zapatistas, the EZLN needed to take action.

Conditions were in their favor, as August is in full rainy season. A modern and motorized Mexican Army loses its advantage in the mud lakes and cloud curtains. For this reason, militarization and the road construction to Amador Hernandez was met by an EZLN protest. This was the opportune moment to call for civil mobilization without the risk of a military repression.





## AMADOR HERNÁNDEZ

Amador Hernandez is a community located in the municipality of Ocosingo, 35 km southeast of Taniperla and 15 km northeast of San Quintin, the most important military headquarters in the Lacandon Jungle. Adjacent to the Biosphere Reserve of Montes Azules, Amador Hernandez is one of the doors to this region rich in natural resources such as petroleum, precious woods and biodiversity, and. The Biosphere Reserve is also an important refuge for the Zapatista communities that fled during the military operation of 1995.

In the humid afternoon of August 14<sup>th</sup>, the third day of the **National Encounter in Defense of Cultural Heritage (Patrimony<sup>9</sup>)**, held in La Realidad, Subcomandante Marcos informed participants that hundreds of heavily armed Mexican Army soldiers had invaded the community of Amador Hernandez. The official version offered by General Fermin Rivas Garcia, commander of Military Zone 39 in Ocosingo, and Governor Roberto Albores Guillen, was that 400 soldiers were transferred to that community to protect the personal security of topographers that were harassed and obstructed in their work by Zapatista sympathizers.

In the weeks that followed the military operation there was great tension in the Lacandon Jungle and throughout the State of Chiapas. Community protests were dispersed with tear gas and there were physical encounters between the Zapatista women and the line of military police that tried to resist their unarmed but determined onslaught.

This extreme tension was augmented by military incursions in other communities, and also by Governor Roberto Albores Guillen's declarations, instilling a campaign against those who questioned State politics and denounced human rights violations. "Chiapas problems shall be solved by the people of Chiapas" was among such declarations. He also labeled indiscriminately all opposition as *meddlesome intruders, provocateurs, pseudo-students, zapatistas, guerrillas, and foreigners*, creating a lynch-mob effect whose results were not long to appear.

On August 19<sup>th</sup>, three members of the Human Rights Center *Fray Bartolome de Las Casas* were held hostage by a group of PRI sympathizers in Taniperla. The members of the Center were there to conduct an investigation on the arbitrary arrest of three people from the community of Viejo Velasco Suarez, and the disappearance of one of them. They were threatened with the governor's discourse, "you are foreigners and that come to take progress away," even though all three were Mexican. They were told that only the municipal authorities of Ocosingo could grant permission to move through the area, and if they came back without permission, they would have to pay the consequences. Finally, they were told they had thirty minutes to leave, or their vehicle would be burnt.

Three days later, three human rights observers were detained at a roadblock set illegally by one hundred fifty PRI sympathizers from Nuevo Momon, municipality of Las Margaritas. One of them, a woman doctor belonging to the organization Enlace Civil, AC., was sexually



molested. This happened within 50 meters of the military camp. Both the victims in Taniperla as well as in Nuevo Momon had passed through a military checkpoint minutes before the aggressions.

On August 25<sup>th</sup>, 30 kilometers away, in San Jose Nueva Esperanza, municipality of Las Margaritas, the Mexican Army, led by General Pedro Cervantes Aguirre, the Secretary of Defense's brother, shot at Tojolabal people that were protesting the military patrols near their community. This confrontation resulted in three arrests and two unarmed indigenous people wounded. The Mexican Army, argued that the protesters had thrown rocks and sticks at them, and that the shots were only to disperse the mob



## A STEP TOWARDS THE CONFLICT IN CHIAPAS A STEP TOWARDS THE ELECTORAL CAMPAIGN

In May of 1999, the Minister of the Interior, Francisco Labastida Ochoa, declared his candidacy to the presidency and was replaced by Diodoro Carrasco Altamirano, exgovernor of Oaxaca. The new Minister of the Interior stated that he would present a proposal to restart the dialogue process. The 7<sup>th</sup> of September of this year, Carrasco presented his *Open Letter to the EZLN*, titled, **One Step Towards Resolution to the Conflict in Chiapas**.

Carrasco's proposal lacks too much to be a real step towards resolving the conflict. Nonetheless, it is a radical change in the government's previous attitude. Although the government keeps the door to dialogue closed, it is worth a try to see if we can open it a crack.

The most notable detail of the proposal is that a year after the mediation in the San Andres Dialogues disintegrated<sup>10</sup>, the government recognizes that in order to "guarantee the efficacy of the dialogue... it agrees to the establishment of a new mediation body". However, the government has not proposed a mechanism that would ensure impartiality and the "capacity to convoke, facilitate, and make decisions" within the still nonexistent mediation body.



In the proposal the government solicits the senate to "determine the mechanism for which the mandating commissions integrate into their analysis other legislation and information regarding human rights and indigenous culture, in light of the San Andres Accords". It also "convokes the EZLN to materialize a program calendar for the compliance of the rest of the agreements of San Andres". In this way the government admits implicitly, if not explicitly, that it has not fulfilled the accords. The senate, of course, is predominantly PRI and would not be a just and impartial judge to evaluate "other legislation and information... in light of the San Andres Accords".

The proposal's deficiencies are obvious. Besides those already mentioned, it does not include the increase in militarization, nor does it mention paramilitarization, human rights violations or the impunity with which they are carried out. The proposal does not present a real mechanism to relieve tension around the situation or provide a climate for dialogue. If this is not done first, the EZLN will not agree to return to the dialogue table, fearing another betrayal such as the one on February 9<sup>th</sup>, 1995. The proposal looks more like an electoral campaign than a real step towards resolution of the conflict. But now that the government is "in agreement with a new mediation body", how can the new mediation be just and impartial? The government now "convokes... for the compliance" of the San Andres Accords and asks the senate to "determine this mechanism". What can civil society and human rights defenders do to punish



the government for its noncompliance of the San Andres Accords and have an impartial party, rather than the senate, "determine this mechanism"?

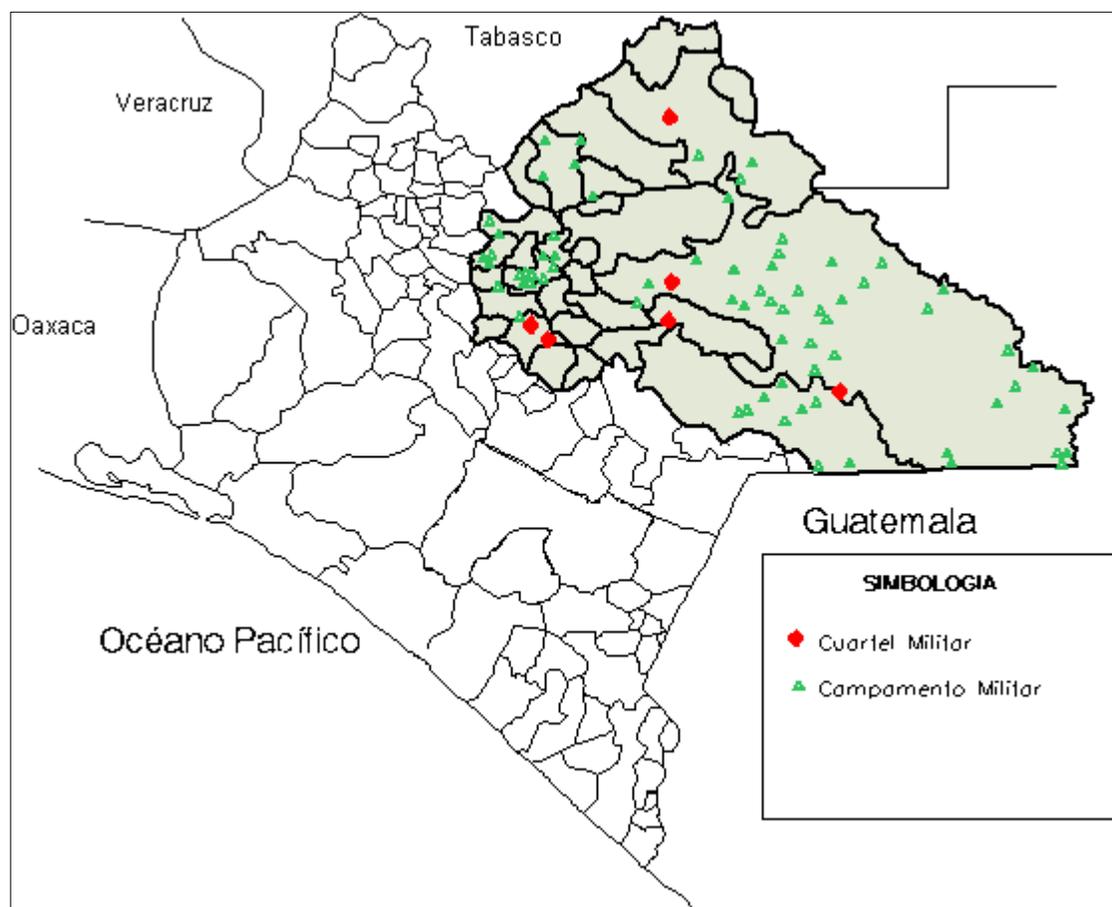
A few months ago, a number of federal governmental officials argued, without proof, that the San Andres Accords put national unity at risk and would drive the country into balkanization. It is not, however, legitimate autonomy for the indigenous population that would drive Mexico into balkanization. What leads to tragedies such as the recent situations in Kosovo and East Timor is exacerbation to a point of violence, regionalist sentiments, hate and the intolerance of those who are different. The prolegomenon of ethnic cleansing campaigns like Milosevich's are not local and international demands for human rights, but rather discourses like that of Albores, that anyone who is not from Chiapas should leave the state. The prolegomenon is the formation, training, and protection of paramilitary groups, as well as the tolerance of intolerance and impunity. There is much to do so that the August crisis does not become another step into the conflict, but rather a step towards its resolution.





## Campamentos militares en los Altos y Selva

Agosto de 1999





## NOTAS RELACIONADAS

1. More than a thousand armed military and police personnel participated in each of the operations in Taniperla, Amparo Aguatinta and El Bosque, in order to detain between ten to fifty people.
2. The ex-captain of the Mexican Army, Jesús Valles, deserted and was granted political asylum by the United States for not wanting to obey his superiors and follow orders to kill anyone in suspicion of belonging to the EZLN. (El Universal April 18th, 1999). On December of 1998 in Mexico City, members of the Mexican Army, many of them officials, marched in protest of the treatment they received calling themselves the Patriotic Commando for Public Consciousness.
3. The federal government announced recently a large investment plan for the Valley regions in Chiapas, where there is a strong Zapatista presence. The state government declared that it would use force, if necessary, to deliver this economic aid to the communities (La Jornada April 8th, 1999).
4. Since June of this year, three people have died in the municipality of Tila, two in El Limar and one in Miguel Aleman.
5. The Bishop of San Cristobal and ex mediator of the conflict, Samuel Ruiz, expressed himself sarcastically when he heard of the military operation (La Jornada April 8th, 1999).
6. Astounding how a group of unarmed people could have recuperated the municipal capital without any casualties. The state police are used to being backed up by the Mexican Army and all they usually have to do is arrest 50 unarmed indigenous people (like the operations mentioned in footnote 1). The 300 policemen were not used to dealing with so many people.
7. Carlos Montemayor, author of Guerra en el Paraiso, 1991, describes this strategy well. It is interesting that the current Secretary of Defense (General Enrique Cervantes Aguirre) was assigned to the military station of Chilpancingo during this campaign.
8. The Mexican Army justified the introduction of five thousand troops in July claiming they were there to reforest the biosphere.
9. The Encounter was organized to confront the government's proposal to privatize national monuments.
10. The National Commission for Inter-mediation (CONAI) dissolved the 7th of June of 1998. The government immediately celebrated the possibilities of direct dialogue with the EZLN, and said that we were getting closer to peace. This was noted three days after with the police-military attack in the municipality of El Bosque where ten people died.