

# Government Creates and Administers Conflicts for Territorial Control in Chiapas

## Special Report



San Cristóbal de Las Casas, Chiapas, March 3<sup>rd</sup>, 2011

## Introduction

In Chiapas, ecotourism projects constitute one of the richest veins of wealth for private investment. Some of these projects' plans have not yet been finalized due to popular resistance and mobilization on the part of local communities in the defense of their natural resources and for the conservation of their territory; among the most important projects, in the Agua Azul region alone, are the following:

- The construction of the San Cristóbal de Las Casas – Palenque highway, which also includes plans for a hydroelectric dam on the Agua Azul, Tulijá, and Bascán rivers, stripping the local communities of their most important natural resources.
- Another is the so-called Palenque Integrally Planned Center [*Centro Integralmente Planeado – Palenque* in Spanish, or CIPP] which the government claims will “contribute to improving the standard of living for the regional population, generating important economic revenue and new jobs.”

Both projects, according to what has been documented, have tried to appropriate the territory belonging to the San Sebastián Bachajón *ejido* [communally-held land], using different strategies, such as forced evictions, co-optation and pressure to sign development “agreements” and “projects,” police and military occupation of the region, criminalization of human rights defenders, and prosecution of rights defense work.

In this context, the events of last February 2, 2011 in the Agua Azul region<sup>1</sup> of the San Sebastian Bachajón *ejido*, in the municipality of Chilón, in which Mr. Marcos García Moreno lost his life, Mr. Tomás Pérez Deara was wounded, and an additional 117 individuals were arrested - of which 10 still remain imprisoned – represent the operation of yet another strategy, this one planned from the offices of the Secretary General of the State Government of Chiapas.

The current crisis in the San Sebastián Bachajón *ejido* is the product of a strategy in which the necessary conditions were created to pit organizations in this region against each other, and reflects a well-known set of plans that are part of counterinsurgency strategies developed since 1994. What is at stake in this conflict is not control of a tollbooth at the entry of the Agua Azul Waterfalls, but rather how to avoid the empowerment of the region's indigenous communities in exercising their rights to decide what they need as communities and how they can take care of, protect, and defend their territories.

In the application of this strategy, various actors have played a role in the design and operation of each stage and as such, this Human Rights Center (Frayba) has obtained testimonies which reveal that the Secretary General for the Government of the State of Chiapas, Noé Castañón León, participated in the design of the plan which, briefly, aimed to create confrontations among actors in the region, including the criminalization of adherents to The Other Campaign [*La Otra Campaña* in Spanish, an alternative political and socioeconomic campaign, based on the EZLN's Sixth Declaration, released in 2005], the intervention of police agents, institutional negotiations, and the surrender of the Agua Azul tollbooth in order to carry on with the implementation of the CIPP<sup>2</sup>.

The CIPP has been drawn up as part of the National Fund for Tourism Development's 2007 – 2012

<sup>1</sup> See the public denouncement of the San Sebastián Bachajón *ejidatarios*, adherents to The Other Campaign, available in Spanish online at: <http://chiapasdenuncia.blogspot.com/2011/02/oficialistas-despojan-caseta-de-agua.html>

<sup>2</sup> Available in Spanish at: <http://www.slideshare.net/pliegoelbuenas/100217-informe-bolom-ajaw-anexo-1-1-1-3218096> ; <http://www.comunicacion.chiapas.gob.mx/documento.php?id=20080114103653>

strategies, and was given renewed focus after a visit by President Felipe Calderón Hinojosa this past February 1<sup>st</sup>, when he travelled the 2011 Tourist Routes of the State of Chiapas<sup>3</sup>.

Additionally, the background events denounced by the San Sebastián Bachajón *ejidatarios* [communal landholders, members of the *ejido*] and adherents to The Other Campaign, confirm that the strategy to ensure this territorial displacement included the involvement of public officials at various levels of government, the same officials who carried out diverse responsibilities upon involving the San Sebastián Bachajón *ejidatarios* and other Agua Azul inhabitants to create the conditions necessary that would permit the administration of the gravel bank and the entry tollbooth to the Agua Azul facilities as necessary steps towards the ultimate economic and political control of the region.

On top of this, the state government broke with a community dialogue and agreement process which the conflicting sides had been carrying out since 2010, with the goal that the very inhabitants of the area would be the same ones to administer and preserve the natural resources that they have inherited from their ancestors.

As part of the monitoring and documentation work that Frayba carries out with respect to the Rights of Indigenous Communities in this region, we share the following information and assessments which lay bare the territorial displacement strategy set in motion from various offices of the State Government, all for the purpose of implementing “development” strategies driven by the Federal Government.



Photo: Natural Resources in the region / Frayba File

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<sup>3</sup> News article about the implementation of the CIPP, available online in Spanish at:  
<http://www.cnnexpansion.com/obras/pulso-de-la-construccion/chiapas-se-perfila-como-el-nuevo-cancun>  
<http://www.comunicacion.chiapas.gob.mx/documento.php?id=20080114103653>

## The Government of Chiapas, Architect of the Agua Azul Conflict

Since the month of March 2010, officials from the office of the Secretary General of the Government of Chiapas - among them the Secretary General himself, Noé Castañón León – public officials, political operatives, police chiefs, and “officialists” [*ejidatarios* loyal to the government and partisan politics] held a series of meetings in which they designed the operation of this plan for control of the Agua Azul territory.

According to the testimonies of different eyewitnesses – whose identities we keep confidential due to risks to their life and personal safety – the plan was developed on the grounds of land management, then it was agreed to “take” the toll booth and gravel bank, so as to prepare a “war between indigenous people” that would allow the state government and other institutions to control the region.

Even though this Human Rights Center has had this information since October of 2010, it was not made public out of respect for the dialogue process that the involved parties had been carrying out in order to come to a community agreement, a process to which various human rights organizations were witness.

These testimonies make the following substantial revelations:

- **March, 2010:** “A group of 15 *ejidatarios*, represented by Carmen Aguilar Gómez (Sr.), appeared at one in the afternoon in the Tuxtla Gutiérrez offices of the Secretary of Government in a meeting with Noé Castañón; The first point of that meeting was about the purchase of land, and with respect to this the answer they received from Noé Castañón was that they had 20 million pesos with which to buy land, which was going to be given to them via services, and that since a handful of them had lawsuits against them, the lawsuits would be thrown out. (...) They were told to look for people in the area who had deeds. **They were told that from that point on they would be safe, because the state was after those in The Other Campaign for being criminals that the Fray Bartolomé [de Las Casas Human Rights Center] is protecting.** Gladis, an attorney, arrived to tell them that all of their lawsuits would be stopped.”
- “For the following meeting to negotiate the land, the appointment was for 7:00 at night in the government offices in Tuxtla once again with Noé Castañón, Alejandro Constantino (at that time Sub-Secretary for Operación Selva [Operation Jungle]), Ledín Nucamendi (at that time a representative from the Government of Chilón), the attorney Gladis (legal advisor to the Secretary of Government), among others. **There, Castañón told them that it would be good to do something because the state government has proposals that would make use of the gravel bank and the tollbooth for the Agua Azul project** (...) If you all want to, we'll try to find a way to do it. Government representative Ledín suggested that we had to wait to see who ends up as the new commissioner for San Sebastián, and from there we'd move (...) and when they get there, they'd know that we're going to break them with the new commissioner. Noé Castañón heard this and said, that's what we want (...) because they had projects for a cinderblock factory and many plans for Agua Azul and that they would be included. Constantino mentioned that they had to plan everything out well, but to wait for the new commissioner to be named.”
- **April, 2010:** “The following meeting took place days after Francisco Guzmán was named as the official San Sebastián Ejido Commissioner. He was called to the Government Offices of Chilón, as was Carmen Aguilar (Sr.). Present as well were Government representative Ledín Nucamendi and the new Subsecretary of the Operation Jungle Region, the attorney Yari. Representative Nucamendi introduced them by telling Francisco that, as the new Commissioner, he wanted to introduce him to Carmen Aguilar, and **that together they would**

**try to find a way to bring down The Other Campaign.** He also told Francisco Guzmán that they needed to start to communicate with Mexico City, with the federal government, as Commissioner, asking for their intervention to take back the tollbooth and the gravel bank, and that they had to communicate with various government departments (...) additionally, for this it was necessary to find an organization, since without one it wasn't going to work. **The plan was to make organizations come into conflict so that the government could intervene and take over the tollbooth.**"

• **April, 2010:** "Two days later, they met with Noé Castañón in Tuxtla, as they had agreed. Noé Castañón told them that the next thing they would do is **find out how many people The Other Campaign had in each Center**, in Sac'jun Center, in Ch'ich Center, and in Bachajón Center. The Secretary of Government asked them if they agreed to take back the tollbooth and begin acquiring the machinery for the (gravel) bank and other projects for Agua Azul, because they're going to build hotels and they're going to be able to work there with their families, they're not going to have to go somewhere else like Cancun. He asked those present if they were in agreement with all of these projects and they answered yes. He told them at that point to go do their research and meet with the government representative."

• **October 8<sup>th</sup>, 2010:** "There was another meeting in the Government Offices of Chilón, where Francisco Guzmán (Official Commissioner), Carmen Aguilar (Sr.), and 5 representatives were present. There they were asked about their research into how many people The Other Campaign had, to which Francisco Guzmán answered that they looked into it and that it didn't have any people (...) The Government Delegate had identified Juan Vázquez (secretary, member of The Other Campaign), Juan García (Security Council, member of The Other Campaign), and Domingo de Paraíso (from the Promotion Commission of The Other Campaign), and that they were the principal individuals that they were watching (...) Finally the Delegate informed them that **the land purchases couldn't happen this year because all the available resources had to go to the [natural] disasters, and that it would be left pending for the following year 2011.**"

• **October 26<sup>th</sup>, 2010:** "Carmen Aguilar Gómez (Sr.) appeared at the Chilón Government Offices with Francisco Guzmán, and they said that **they're planning a date for the action against the tollbooth and the gravel bank.**"

• **November 8<sup>th</sup>, 2010:** "They went to Tuxtla to an audience that was going to be at noon with the Secretary of Government, Noé Castañón, and the attorney Gladys, legal advisor (...) present were Francisco Guzmán, Commissioner, Carmen Aguilar (Sr.), representative for the land purchase. At about 7 at night a meeting began with the Subsecretary of Government in which the first point they had was the analysis of The Other Campaign to find out how many there are in each Center (...) Afterwards, **Noé Castañón asked if the majority there were in agreement to take back the tollbooth**, and they said yes even if they had to give their lives."

• **November 17<sup>th</sup>, 2010:** "After finishing the **community dialogue** meeting between the two groups (ejidatarios adherents to The Other Campaign and the officialists), the Government Delegate asked Francisco Guzmán (Official Commissioner) to his office, where his political operative and Carmen Aguilar Gómez (Sr.) were also waiting. At that point Francisco told them, at about 7 that night, that he's not going to make it because he's tired, and that they should find a new time for the next day."

• **November 18<sup>th</sup>, 2010:** "The meeting was at about one in the afternoon, Francisco Guzmán and two police commandants were there, one from Jotolá and another commandant from Yajalón named Octavio Nuñez. When they got there they started talking, Ledín (Nucamendi, Government Delegate at that time) started asking if there is any good news from the toll booth and the gravel bank, and Francisco Guzmán said that there wasn't anything, that the people

from *The Other Campaign* don't want to give it up (...) that **they're going to call an assembly of the ejido to see what they're going to do** with Juan Vázquez who's in Bachajón Center itself.

Then Ledín told him that there is good news, since they issued an arrest warrant against Juan Vázquez, Domingo, and Juan García for the crimes of slander and defamation, assault, and possession of high-caliber arms, saying that **if the leaders fall, they'll give in**. That's why he said he called the (police) commandants so that they could hear what it is they're going to do (...) He asked the commandants if they were in agreement, and they said "at your orders chief, whatever you say." Francisco Guzmán said that he knows what cars they drive in (...) there they gave him the telephone number of the local (police) commandant so that they could call 9196740866, which is the number of Octavio Núñez, Yajalón Commandant (...) that number is to report if they see him anywhere and tell the precinct, **since when they detain him they'll start the dialogue, and if there's no detainee nothing else can be done**, and from that point is when the dialogue will be started (...) they agreed to set a new date to go speak with Noé Castañón."

The testimonies presented above are just one part of the documented and corroborated accounts that defend the position of this Human Rights Center; in different accounts it is revealed that while the *ejidatarios* were carrying out the dialogue to come to a community agreement, State Government officials were designing and carrying out the eviction from the toll booth, the police intervention, the detention of the *ejidatarios* who are adherents to *The Other Campaign*, the offer of an "institutional dialogue table," the administration of the resources of the Agua Azul area by the state government, and the reactivation of promised ecotourism projects with private investments.



Photo:

Government Dialogue Table / Icoso

## Official responsibility for territorial dispossession

The events beginning on February 2<sup>nd</sup>, 2011 have their origins in the facts outlined above<sup>4</sup>. On that day, in the San Sebastián *ejido*, at 6:30 a.m., a group of approximately 60 individuals unexpectedly entered the Agua Azul toll booth, in which the *ejidatarios* oversaw entry to the waterfalls, **adherents to The Other Campaign were beaten and evicted by the group of “officialists”** who were led by Carmen Aguilar Gómez (Sr.), Carmen Aguilar Gómez (Jr.), Juan López Gómez, Juan Álvaro Moreno, Manuel Jiménez Moreno, Juan Jiménez García, Miguel Ruiz Hernández, Jesús Ruiz Hernández, Manuel Deara Gómez, Sebastián Ruiz Álvaro, Melchorio Pérez Moreno, Pedro Gómez Méndez, who carried firearms, according to eyewitness accounts documented by this Center.

Later, at 2:30 p.m., 150 individuals, adherents to The Other Campaign, reorganized themselves to take back the toll booth; the following testimonial recounts the events:

*“We waited until the rest of The Other Campaign members got there (150 people), and afterwards at 2:00 p.m. we walked to the tollbooth taken by the priistas [members of the PRI political party]. We had sticks and a machete with us, no one had firearms (...) We split up into three groups of 50 people each and 100 meters away from the tollbooth the priistas who were there with their faces covered realized we were there and they started shooting into the air. When we entered the booth, the priistas ran away, to get to their pickups... From 3:00 p.m. to 4:00 p.m., those of us in The Other Campaign who had taken back the booth found out that the police were on their way. At the beginning, at 4:00 p.m., there were like seven trucks and a police commandant stopped to talk to us since a priista had been killed and he told us to leave the booth, warning us that if we didn't they would hit us with tear gas. They told us that they (the police) would stay there to guard the booth. The police commandant was with Carmen Aguilar, Francisco Guzmán Jiménez (commissioner), Juan Alvaro Moreno, Miguel Ruiz Hernández, Manuel Deara Gómez, Manuel Jiménez, and other priistas.”*

Testimonies state that once the booth was taken back by the San Sebastián Bachajón *ejidatarios* who are adherents to The Other Campaign, officers from the State Preventive Police arrived, along with Carmen Aguilar (Sr.) and others, at approximately 4:00 p.m. The State Preventive Police informed them that they would stay to secure the booth. The adherents to The Other Campaign decided to leave and meet to talk more about the situation, so as to avoid a confrontation with the police.

It was the following day, **February 3<sup>rd</sup>**, on the federal highway, near the entrance to the Agua Azul Waterfalls around 11:30 a.m., where the *ejidatarios* were gathered in a meeting to come to a decision about the dialogue and negotiation offer from the government of Chiapas, that they were detained by officers from the Jungle District Regional Command Specialized Police and officers from the Indigenous Area Regional Command Specialized Police, as well as officers from the Specialized Police Tactical Group and transferred to the Pakalná police headquarters and later to the Office of the District Attorney for the Jungle District in Palenque.

*“..then approximately 300 state police officers came over, and then a commandant (from the same police force) came over to ask for the answer to the negotiation; since it was decided not to accept entering into the dialogue that the (state) government had proposed, they launched tear gas, which landed in one of the cooking pots with beans in it and they dragged us away and forced us into the trucks...”<sup>5</sup>*

According to information from the women adherents to The Other Campaign from San Sebastián

<sup>4</sup> Public denouncement available online in Spanish at:  
<http://chiapasdenuncia.blogspot.com/2011/02/oficialistas-despojan-caseta-de-agua.html>

<sup>5</sup> Frayba file testimony

Bachajón, they mention that Pascual Alvaro and other *priistas* were pointing out the homes of women who were alone because of the detention of their husbands, with the intention of stripping them of their lands and property, in addition to being singled out for defending their right to territory from The Other Campaign.



Photo: Police presence in the Agua Azul region / Frayba file

According to documentation gathered by Frayba, witnesses state that on February 4<sup>th</sup>, the judicial interrogations and introduction of evidence began, they were given sodium rhodizonate [gunshot residue] tests, and they were forced to give urine samples for toxicological tests; **during the judicial investigation they state that at no point were they assisted by a defense attorney nor by qualified interpreters in accordance to their language and culture.** The testimonies point out that during their judicial statements, they received threats from police officers and harassment from judicial public servants . *“... they told me that if I didn't cooperate they were going to torture me and put a bag on my head.”*<sup>6</sup>

According to official reports, at approximately 2:00 am on **February 5<sup>th</sup>**, the Chiapas State Attorney General freed 107 *ejidatarios* and at 8:00 p.m. on the same day 10 individuals, among them a minor, were sent to the Criminal Court of Playas de Catazajá, and transferred to the State Center for the Social Reinsertion of Convicts Number 17 (*CERSS*, in Spanish) in the municipality of Playas de Catazajá, Chiapas, **accused of first-degree murder, attempted murder, attacks against the peace and physical integrity of the patrimony of the State and damages**, in criminal file number 39/2011.

Along with these abuses, the government of the state of Chiapas publicly announced on **February 6<sup>th</sup>** the creation of the **“Dialogue and Coordination Table for the Agua Azul Ecotourism Center”** between the participating parties; however the *ejidatarios* adherents to The Other Campaign did not participate since the previous dialogue process from months prior which was already in place to come to a community agreement was not respected, as well as the fact that those who are adherents to The Other Campaign were the first to be attacked and violently ejected from the toll booth by the “officialist” *ejidatarios*.

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<sup>6</sup> Frayba file testimony



Photo: Governor of Chiapas with “officialist” *ejidatarios* / Icoso

On **February 7<sup>th</sup>**, in the Playas de Catazajá Criminal Court, preparatory statement procedures were carried out for the 10 detainees. **The State's Legal Authorities did not guarantee the presence of qualified interpreters in accordance with the detainees' language and culture<sup>7</sup>.** In addition, within the constitutional judicial timeline, witness statements for the defense were presented with the intervention of municipal police officers from Palenque, who acted as translators. It must be pointed out that in this situation, the defense witnesses - men and women - at the moment of giving their statements, felt intimidated, which is specifically why one of the female witnesses decided not to give her statement.

Regarding the accusations of the detainees, on that same day, José Manuel Morales Vázquez, the government representative from Ocosingo, in spite of being an eyewitness to the situation of Domingo Pérez Álvaro, accused of attempted murder, did not appear to give a statement to the Criminal Court, even though he was notified twice by the presiding judge.

Members of this Human Rights Center who assisted the defense during the constitutional judicial period as well as social defenders **were obstructed in our defense work by officials of the Playas de Catazajá Criminal Court**, as we were prohibited from gaining access to the criminal files in order to carry out our defense work.

With this string of human rights violations, this past **Friday, February 11<sup>th</sup>**, 2011, at approximately 8:00 p.m., at the end of the constitutional judicial period, Judge Victor Adolfo Vera Morales, chief of the Criminal Branch Court of Catazajá, Chiapas, handed down **Orders of Imprisonment to the 10**

**detained *ejidatarios*:**

- **Jerónimo Guzmán Méndez** (*ejidatario*, accused of first-degree murder, attacks against the peace and physical and patrimonial integrity of the state, and damages);
- **Domingo Pérez Álvaro** (member of the promotion Commission, accused of attempted murder, attacks against the peace and physical and patrimonial integrity of the state, and damages);

<sup>7</sup> Stipulated in the Political Constitution of the United Mexican States in Article 20, Section b

- **Pedro Hernández López** (secretary of the *ejido* commission, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages);
- **Miguel López Deara** (substitute *ejido* councillor, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages);
- **Juan Aguilar Guzmán** (main cashier, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages);
- **Pedro López Gómez** (*ejidatario*, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages);
- **Domingo García Gómez** (member of the Rights Defense Committee, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages);
- **Miguel Álvaro Deara** (*ejidatario*, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages)
- **Pedro García Álvaro** (suffers from a mental disability, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages)
- **Mariano Demeza Silvano** (a 17-year old minor, accused of attacks against the peace and physical and patrimonial integrity of the state, and damages, transferred to the Villa Crisol Specialized Adolescent Internment Center in the municipality of Berriozábal, Chiapas and put at the disposition of Edilberto Molina Barrientos, First Specialized Justice of the First Instance in Adolescent Justice.)

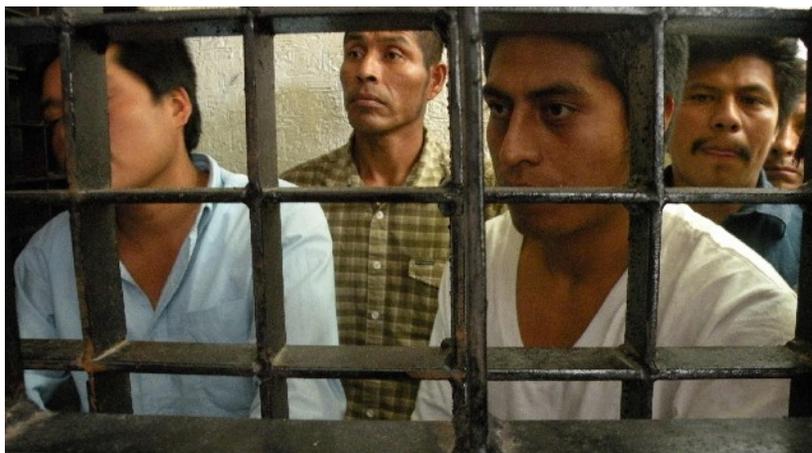


Photo: Political prisoners from San Sebastián Bachajón / Frayba file

## Rights Violated

According to Article 133 of the Constitution of the United Mexican States, the Mexican government, upon ratifying related international instruments, takes on the obligation to respect, protect, and guarantee the rights established therein. With respect to the previously detailed events and facts by Frayba, **we believe that the state has incurred in a series of violations of human rights included in international instruments signed and ratified by the State.** Below, we present some of the principal rights that have been violated:

**Life (Right to):** On February 2<sup>nd</sup>, Mr. Marcos García Moreno lost his life, the result of a confrontation brought about by the State in carrying out its regional control plan;

- United Nations International Covenant on Civil and Political Rights (article 6.1)
- Organization of American States American Convention on Human Rights (article 4.1)

**Personal Integrity (Right to):** In the confrontation, Mr. Tomás Pérez Deara was wounded; in the Jungle District Attorney General's Office, the persons deprived of their freedom were threatened<sup>8</sup>. Likewise, they were subjected to threats and harassment by police officers and public officials during the intake of their judicial statements.

- United Nations International Covenant on Civil and Political Rights (article 7)
- Organization of American States American Convention on Human Rights (article 5)

**Freedom and Personal Safety (Right to):** On February 3<sup>rd</sup>, 117 *ejidatarios*, adherents to The Other Campaign, were arbitrarily deprived of their freedom. On February 5<sup>th</sup>, 107 of them were freed, and on February 11<sup>th</sup>, orders of imprisonment were handed down to 10 of them. These detentions were intended to repress The Other Campaign and force it to participate in the “dialogue table” with the government.

- United Nations International Covenant on Civil and Political Rights (article 9)
- Organization of American States American Convention on Human Rights (article 7).

**Due Process, Judicial Guarantees:** The 10 detainees were not assisted by qualified interpreters for the judicial process, they were obligated to sign a document without knowing its content, and Mr. Pedro García Alvaro, who suffers from a mental disability was obligated to sign a self-incriminating statement, because given his condition, it was not possible to articulate a complete account, as is stated in the preparatory statement; As far as those freed on February 5<sup>th</sup>, 107 claim that their statements were taken and that they were forced to sign them without reading them first, in addition to the fact that they were not assisted by translators nor a defense attorney familiar with their culture, as the Mexican Constitution requires.

- United Nations International Covenant on Civil and Political Rights (article 14)
- Organization of American States American Convention on Human Rights (articles 8, 25)

**The Right of Women to a Life Free of Violence:** The police forces and the State of Chiapas Judiciary did not fully take into account the rights of women to live free from violence and discrimination, nor the due respect to their physical and psychological integrity on the part of public servants carrying out their functions and the group of “officialists” from San Sebastián Bachajón.

- Organization of American States Interamerican Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belém do Pará) (article 6)

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<sup>8</sup> Frayba file: “They threatened us with putting a plastic bag on our heads and that afterwards they were going to remove our testicles...”

**The Right to Protection Against Abuses of Power:** In this case, the state authority arbitrarily or unjustly used the economic and political power that it possesses, exercising unnecessary and intimidating actions with the intention of punishing the 117 *ejidatarios* adherents to The Other Campaign from San Sebastián Bachajón at the moment of detention, and in handing down the imprisonment orders to the 10 detainees.

- United Nations International Covenant on Civil and Political Rights (article 7)
- Organization of American States American Convention on Human Rights (article 5)

**The Right to Self-determination and Autonomy:** The Mexican State has a vested interest in the Agua Azul region, due to its strong attractiveness for tourism and the possibilities for domestic and international capital investment. The communities' exercise of their rights to free determination expressed in autonomy, according to their forms of organization, is an obstacle to plans designed at the highest levels of political power.

- International Labour Organization Convention 169 on the Rights of Indigenous and Tribal Peoples in independent countries
- United Nations Declaration on the Rights of Indigenous Peoples
- San Andrés Accords Document 1, 3.1. Document 2, II, IV (2.3); Document 3.1 (c, d); Document 1, Beginning of New Relationship 5

**The Rights of Communities to Peace:** The State, via the Secretary General of the Government, has implemented the group confrontation strategy to maintain control of the area, and to oversee and manage the population and natural resources found therein. With its actions it has brought about an increase in violence between the parties that were in a dialogue process and who were advancing in the maintenance of peace and respect in the community.

- United Nations Declaration on the Rights of Indigenous Peoples

**The Rights of Indigenous Peoples to Land and Territory:** From the documented evidence, we are witnessing the territorial displacement of an indigenous community that has ancestrally lived and managed their natural resources according to decisions made respecting their worldview.

- International Labour Organization Convention 169 on the Rights of Indigenous and Tribal Peoples in independent countries, article 13.2
- United Nations Declaration on the Rights of Indigenous Peoples
- San Andrés Accords, 1.4 B.2; Document 1, Beginning of New Relationship, 2



Photo: Adherents to The Other Campaign carry out informative actions on the Agua Azul highway section

## Dispossession Announced: A Chronology of Events in the Bachajón Region

The recent acts of repression against the *ejidatarios* adherents to The Other Campaign are just one more attempt on the part of the State Government to control territory at the cost of violent confrontations and death for the residents of the San Sebastián Bachajón *ejido*, in the territorial dispute in the Agua Azul region. In what follows we note some relevant events which, when possible, have been denounced by this Center and which reveal official machinations within the larger counterinsurgency framework.

- **2007:** Elections for the San Sebastián Bachajón *ejido* commissioner and Chilón mayor. The Institutional Revolutionary Party (PRI, in Spanish) works to take control of both positions. Representative Yañez gives money to PRI *ejidatarios* to mobilize people from other *ejidos* to win the elections. The *ejido* assembly, one part linked to the Yomblej organization, splits because of fraud accusations, leaves and takes the **tollbooth**, weeks later they are **evicted by *priísta ejidatarios***.
- **May, 2008:** An important part of the San Sebastián Bachajón *ejido*, made up of three centers, declares itself adherent to The Other Campaign; they take back the toll booth due to the **poor administration (by the PRI *ejidatarios*) of resources** intended for the benefit of the *Ejido*.
- **August, 2008:** Pedro Alvaro and Pascual Pérez, *priísta ejidatarios*, **request the eviction of the toll booth** and promise the State Government that they will hand over control of the booth.
- **October, 2008 – February, 2009:** Via the Subsecretary of Government, **Nemesio Ponce hands over money, recorded in documents**, first to Pascual Pérez and then to Pedro Alvaro, who were given a total of about 320,000 pesos.
- **First quarter of 2009:** *Ejidatarios* adherents to The Other Campaign state that there are individuals who are gathering information in the area, **singling out the homes of adherents to The Other Campaign and members of the Support Bases for the EZLN**. They also report helicopter flights over the Agua Azul and Agua Clara regions.
- **April, 2009:** The Other Campaign adherents carry out a highway blockade due to the **detention of 8 *ejidatarios*, and in response the State Government orders a joint operation** between the State Preventive Police and the Federal Police. *Ejidatarios* adherents to The Other Campaign retreat, the **State Preventive Police destroys the tollbooth and sets up a camp in the same area**.
- **May, 2009:** The officialist *ejido* commissioner from Bachajón (Chilón), the group from Agua Azul (Tumbalá) and a delegation from the state government sign a **memorandum of agreement in which they agree to set up a tollbooth and split the income three ways**. They hand over administration of these resources to the State Government.
- **September 18, 2009:** **Physical attacks against *ejidatarios* adherents to The Other Campaign in Jotolá and San Sebastián Bachajón, and an ambush on a human rights defender from Frayba**. Partisan *ejidatarios* seek to break the solidarity and alliances that are formed in the area for territorial defense.
- **September 21, 2009:** Adherents to The Other Campaign take back the Agua Azul booth, forcing the **State Preventive Police officers camped out in the area to leave**.
- **January, 2010:** Adherents to The Other Campaign in San Sebastián Bachajón take lands in Chilón, a dialogue table is established with the State Government, via which **a group is co-**

**opted and led by Carmen Aguilar Gómez, who wants to take advantage of the table to legalize the lands.** The *ejidatarios* adherents to The Other Campaign call an assembly and agree not to negotiate the lands with the Government. Carmen Aguilar offends the *ejido* authorities and is expelled from The Other Campaign.

- **February, 2010:** The State Government, along with PRI residents from Agua Azul, **plan the operation to take control of the territory** recovered in Bolom Ajaw to put into action the CIPP. Via a paramilitary attack, **they carry out armed ambushes against the EZLN support bases**, leaving one person dead and many critically injured.

- **March, 2010:** Carmen Aguilar's group, previously expelled from The Other Campaign, continues land negotiations directly with the office of Secretary General of Government, led by **Noé Castañón León, who sets as a condition the taking of the toll booth and gravel bank** that The Other Campaign *ejidatarios* are managing.

- **September 11, 2010:** Conflict between a group led by Juan Alvaro Moreno (expelled from The Other Campaign), and *ejidatarios* adherents to The Other Campaign over **control of land occupied by a camp set up by the Secretary of Communications and Transport.**

- **October – November 2010:** Dialogues carried out between The Other Campaign *ejidatarios* and PRI activists, **seeking a community agreement**; proposals are considered between both groups to set a new meeting date to continue the dialogue.

- **October 20, 2010:** The Other Campaign *ejidatarios* issue a written denouncement: *“We make mention of Carmen Aguilar Gómez (Sr.) and Francisco Guzmán commissioner of the Bachajón Ejido under the name (el Goyito). All of these people are organizing themselves for an eviction of the Agua Azul tollbooth currently administered by compañeros from The Other Campaign.”*

- **November 16<sup>th</sup>, 2010<sup>9</sup>:** These same *ejidatarios* warn of the design of the eviction plan: *“(…) the private meetings that have been held underwater thanks to the participation of Ledin Nucamendi Mendez, Chilón government representative, and Indigenous District Attorney Marcos Shilon and the current Indigenous District Attorney Cristóbal Hernández López and Genaro, Public Minister from Ocosingo and Yari del Carmen, the new Subsecretary of Ocosingo Jungle Zone Operations and Antonio Moreno López, Chilón mayor and Secretary of Government Noé Castañón León and the government of the state of Chiapas, Juan Sabines Guerrero, and Francisco Guzmán Jiménez, official commissioner of the San Sebastián ejido and Carmen Aguilar Gómez (Sr.), the interest of the bad government in disintegrating society with its ideas for transnational projects is evident, since the best idea that it has is that organizations will come into conflict with each other so that it can send law enforcement to take control of our lands and our natural resources and other ideas that it has, this is why we hold these individuals and public servants of the bad government directly responsible for any and all attacks”*

- **January 25<sup>th</sup>, 2011:** At the beginning of this year the public denouncements and warnings from *ejidatarios* adherents to The Other Campaign did not stop: *“we publicly denounce Francisco Guzmán Jimenez, (alias) el gollito the official commissioner, since this past January 20<sup>th</sup> 2011, he carried out an assembly in the ejido in which he presented as a principal point the tollbooth and the gravel bank (...) they set a date to enter and take the booth and that the commissioner is going to make up an assembly act to send it to the federal and state government”*

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<sup>9</sup> Denouncements available online in Spanish at:  
[http://chiapasdenuncia.blogspot.com/2010\\_11\\_16\\_archive.html](http://chiapasdenuncia.blogspot.com/2010_11_16_archive.html)

- **February 1<sup>st</sup>, 2011:** One day prior to the eviction, low-level aircraft flights were observed in the Bolom Ajaw community, involving two white helicopters bearing colored markings of the Mexican flag; fly-overs had also been reported since January.

These are just some of the most relevant events that help to understand the permanent intervention of the State Government to set up and further polarize conflict in the Agua Azul region, in which it is evident that the strategy for action is repeated yet again: the creation of conflicts for the purpose of administering and managing the negotiation of fundamental community interests - in this case territorial control.

[foto]

Photo: Demands of the Bachajón *ejidatarios* / Frayba file

## **Conclusions**

15 years after the signing and failure to comply with the San Andrés Accords (February 1996), and 20 years since the Mexican Government ratified International Labour Organization Convention 169, **Indigenous Communities in Chiapas are creating life alternatives based on their worldviews as original peoples, alternatives that are intended for their social, legal, political and economic organization.**

Territory is an essential element for a dignified life and the full exercise of indigenous peoples' collective rights, which are in opposition to the commercial interests that the Federal and State Governments have committed to private investment. **These are projects that will benefit domestic and international investors at the cost of poverty and death for the inhabitants of the region,** whose urgent needs have only worsened due to abandonment by the state.

It is clear for this Human Rights Center that in the long string of events in the area, **the State did not intervene to prevent confrontations, but rather planned the strategy for territorial control of the region.** This is confirmed in testimonies that have been gathered, the repeated denunciations of The Other Campaign *ejidatarios* from San Sebastián Bachajón, the permanent monitoring and documentation carried out by this Center, and the resulting high level of conflict and polarization in the area.

The repeated social and territorial control strategy utilized at different levels of government is today applied in the San Sebastián Bachajón *ejido*, in which the government foments social unrest, confrontations among inhabitants to divert energy and distract attention that would otherwise be given to the defense and exercise of rights, taking hostages (political prisoners) as conditions for negotiation, allowing the actions of "neutral" actors like the State Council for Human Rights and the implementation of "measures" to militarize a zone which officially represents a whole host of economic, political and geostrategic interests.

**At the publication of this document,** this Center has been made aware that on different occasions, via political operatives from the Government of Chiapas and the State Council on Human Rights, conditions have been put on the freedom of the 10 *ejidatarios* from San Sebastián Bachajón adherents to The Other Campaign, offering to give them their freedom only when they "*sit down at the negotiation table and convince their people to not fight for the land, call off the mobilizations and not accept offers from the government*"<sup>10</sup>

During solidarity actions and mobilization carried out by members of the Autonomous Council of the

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<sup>10</sup> Public denunciation available online in Spanish at:  
[http://chiapasdenuncia.blogspot.com/2010\\_11\\_16\\_archive.html](http://chiapasdenuncia.blogspot.com/2010_11_16_archive.html)

Coastal Zone of Chiapas, 19 individuals were initially detained<sup>11</sup>, of which 3 individuals<sup>12</sup>, members of the Digna Ochoa Human Rights Center, remain imprisoned as of March 2<sup>nd</sup>.

In solidarity with the residents of San Sebastián Bachajón who are adherents to The Other Campaign, two civil observation caravans have visited the Bachajón area, making a final stop at the Center for Social Reinsertion of Convicts (CERSS) Number 17, at Playas de Catazajá, where they visited the prisoners, reaffirming their support that they be released. In these actions women from diverse communities and Human Rights defense organizations have played notable roles.

Diverse collectives, organizations, and local and international communities have announced simultaneous mobilizations, for the 7<sup>th</sup> and 8<sup>th</sup> of March to demand the following: “*The Immediate Release of political prisoners in Chiapas,*” “*Respect for the land and self-determination of indigenous communities,*” and “*An end to attacks against human rights defenders and adherents to The Other Campaign in Chiapas.*”



Photo: *Ejidatarios* and *ejidatarias*, adherents to The Other Campaign continue demanding Freedom for the Prisoners! / Frayba file

<sup>11</sup> News article available online in Spanish at: <http://mexico.cnn.com/nacional/2011/02/23/policias-federales-detienen-a-19-adherentes-de-la-otra-campana-del-ezln>

<sup>12</sup> Press bulletin from the Fray Bartolomé de Las Casas Human Rights Center (Frayba), available online in Spanish at: [http://www.frayba.org.mx/archivo/boletines/110225\\_06\\_detencion\\_defensores.pdf](http://www.frayba.org.mx/archivo/boletines/110225_06_detencion_defensores.pdf)