



Centro de Derechos Humanos
Fray Bartolomé de Las Casas, AC

LET'S RAISE OUR VOICES FOR JUSTICE!

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Many hands and eyes have participated in this document, conscious of the situation in which thousands of Chiapanecos live and of the context of violence that they confront on a daily basis. They offered their solidarity with their presence and their work. We thank all women and men who have collaborated in the civilian peace camps.

This report tries to reveal the covert presence of armed civilian groups in Chiapas and alert to the dangers this is generating and the incontrollable situation it could produce.

INTRODUCTION

In this annual report from July 1994 to June 1995 the Human Rights Centre "*Fray Bartolomé de Las Casas*" (CDHFBC) presents the cases of human rights violations which it has received during that time. The intention of this document is to publish the profound injustice prevalent in Chiapas, as a live testimony of the dramatic reality that cannot help but leave indignant anybody who knows it.

A state which, with the armed insurrection of January 1994, uncovered a reality of misery and injustice with deep historic roots, Chiapas is the scenario not only of an armed conflict in truce, but also of multiple struggles and contradictions which are expressed in various forms.

In the first chapter, "*The struggle for land and the creation of private security groups in Chiapas*", we try to present a panorama of the complex situation of the land struggle. The agrarian conflicts have been the mark of systematic human rights violations in the state as a result of the conflict of interests between those who own land and those who don't.

The following chapter, "*Repression against political and social movements*", documents the various forms of responses of the State towards the social and political movements, which distinguish themselves through the use of force by the police corps.

The third chapter, titled "*expulsions in various municipalities in Chiapas*", denounces the tragic situation in which many families live who have been forced to leave their land, house and possessions and to seek refuge in the misery belts of the cities or in places very far from their place of origin. This is a historical problem which worsens daily because local power groups enjoy perpetuating impunity.



Finally, the chapter "*human rights violations in the conflict zone*", shows the repression various communities have suffered since February 9th, 1995, when the President of the Republic, Ernesto Zedillo, announced the detention orders of presumed leaders of the Zapatista National Liberation Army (EZLN).

The paradox in the field of human rights is that, while institutions distribute the knowledge about them, mechanisms of systematic violation against the human dignity are reproduced. Therefore, it is necessary to know and critically analyze the reality in Chiapas and Mexico in regards to human rights to be able to promote their knowledge and defence.



THE STRUGGLE FOR LAND AND THE CREATION OF PRIVATE SECURITY GROUPS IN CHIAPAS

The following presents a panorama of agrarian conflicts on Chiapas' territory, providing data to facilitate the understanding of the cases which have been documented. For this purpose some elements of the agrarian problem in relation to human rights are explained. To start this complex topic, the agrarian conflict is conceptualized based on the problems in the region. Beginning with the struggle for land and the preservation of it, a series of social problems in various regions of the state will be presented. This inevitably leads us to analyse the defence groups created in order to protect the agrarian properties.

The heart of the problem: the land

Land, as a way to produce means of survival, has been in dispute between those who do possess land and those who are struggling to possess it. To understand the complexity of the problem it is important to see it from all angles.

In general we understand the agrarian conflict as a clash of interests in the struggle for land, between peasants and landowners, the latter receiving judicial and political help by the State. Various factors converge in the struggle for land which enabled the forming of the agrarian structures in Chiapas, including: a) the plundering of land which indigenous people have suffered, b) the implementation of parcel laws, c) the recognition of defence groups for land protection, d) the political "*influencism*" on different levels.

The plundering of land indigenous people have suffered:

One form of domination by the Spanish during the conquest in the 16th century was through plundering of land. It was obvious that with this action they not only achieved material possession of this resource, but also stifled the capacity of the indigenous people to produce, thus introducing them into the labour market. A practice that became common in the following centuries.

There also exist registers of land repartition which go back to the past century. An example is the Agrarian Law from 1826 which granted the peoples of the State the power to enlarge the limits of their ejidos at the expense of "national" lands susceptible to being affected. Contradictionally, when indigenous people solicited land, it was already occupied by wealthy ladina families. There exists a great quantity of historical documents which testify to the plundering indigenous people suffered. Here we only describe the facts.

The implementation of parcel laws:

We say that the land is at the heart of the problem because of the various forms of trying to possess it. One of the forms, and may be the most successful is via the law. We show that



the agrarian law of 1826 contemplated the agrarian repartition, a legal way to distribute the land, however, if we consider who made the laws and how little they were promoted, we come to the conclusion that rarely did the indigenous people without land know about them.

During this era the rumours about an indigenous uprising incremented, to the extent that some reforms of the law had to be made to permit the indigenous people to obtain more ejido lands. But this was more the exception than the rule.

The expansion of the finca (plantation) in Chiapas lead to an important concentration of land. In this productive unit the peasants, the majority without land, were concentrated working on the *finca* for pay. The *finca* was on one hand supported by the state government which in 1844 declared the alienation of the communal lands of the indigenous people and on the other hand the federal government which during the Porfiriato promoted commercial and foreign investments.

Thus between 1877 and 1910 more than 80% of the lands in the state were classified as *fincas* and the major part of the population was concentrated on them. During the Porfiriato the main group of *finqueros* was made up of Europeans and North Americans.

From the capitalistic vision of these Europeans and North Americans they considered Chiapas as *"their finca, their indian population, a colony with an inferior race which the white man treated like workanimals"*.

The concentration of land was such, that in 1910 77% of the proprietors were registered to own only 4.39% of the land, and in contrast 2.6% of the proprietors owned 63% of the properties censored².

As during these years the rest of the country was transformed as a result of the revolutionary movement ---succeeding in redistribution of land, and finally changes in the social structure, up to elevating the creation of *ejidos* and communal lands to constitutional level ---Chiapas remained isolated in this redistribution of land. Here, the groups of caciques (political bosses) confronted and dominated the revolutionary forces, thus consolidating their strong base of domination in the agrarian structure. In the centre of this domination was the power of the plantation owner which originated mainly from the monopolizing of the land as well as from the control he exercised over the commercialization and the monopoly of the products.

One transcendental fact was the promulgation of the Political Constitution of the United States of Mexico of 1917 which promised an agrarian reform and created the ejido as a new form of land possession by the agrarian communities. This fact represented the possibility to provide land to groups of peasants for a subsistence economy. However, the agrarian laws of the state of Chiapas like the one from 1921 and the agrarian rules from 1922 in the end protected the plantation owner. In other words the promised repartition of land did not take place.



Analyzing these laws, the agrarian law from 1921 considers the endowment of lands in regions bordering coffee plantations, the extensive delimitation of property and the fractionalizing and sale of parcels. The content of this law seems to intend a real and effective agrarian reform in the state, but in reality the endowment responded to the scarcity of labour on the plantations, trying to provide peons with land close to the production units. It was not uncommon to give small parcels of land to the peasants in places neighbouring the plantations. This way the plantation owner had the advantage of paying low wages to the peasants for letting them live on the land and above that the peasants were obliged to give part of their harvest to the plantation owner.

The agrarian rules from 1922 established that land dedicated to the cultivation of coffee, cacao, vanilla and other spices were not included in the endowments. This law was made to protect the plantation owners who mainly grew these crops. The political double play of these laws which satisfied the peasant's demands and gave protection to the plantation owner did not mean an obstacle for the traditional production relationships.

With the Mexican Constitution of 1917 the creation of *ejido* was started, which meant a reduction in the number of plantations: in 1940 existed less than half the plantations than in 1900. Although the fractionizing of the plantations did happen, this did not produce a great change in the agrarian structure because the land of the best quality remained in the hands of the large land owners.

The agrarian politics of Chiapas -- which in theory proposed to start a process of agrarian redistribution and regulating land ownership, in reality favored the concentration of power in one social group. On the other hand the demands of the majority of the population -- regulation of land ownership, solution to the *rezago agrarian*, starting productive projects which would effectively raise the standard of living of the rural communities --were not solved.

The recognition of defence groups to protect the land:

Within the agrarian conflict it is necessary to consider the production, in other words, for what the land was wanted. Next to the cultivating of crops (coffee, corn, beans, rice) extensive cattle raising was started in Chiapas, which fundamentally influenced the distribution and use of the land. This is another factor in the plunder of the peasant's land.

Since 1940 the production of cattle intensified in Chiapas through economic subsidiaries and politics like the cattle laws which offered security guaranties to the large owners. This law authorized the cattle raisers to carry weapons which lead to the formation of private guards who were in charge of the properties' defense³.

During the decade of the twenties the rural guards were organized again which were groups of armed peasants who had to support the government's programs. The first time the rural guards were formed was at the time of President Porfirio Díaz. From 1930 to 1940 the group called rural defence was formed which remained subordinate to the federal army. The rural



defence are units of organized ejidatarios, equipped and trained to effectively conserve public order and security in rural areas, among others⁴.

The importance which the analysis of these civilian units still has today centers in the creation of armed groups in various regions of the state of Chiapas.

Political usurpers of the land:

To give an idea of the influence the political power had on the agrarian reform we show a few dates that can serve as reference to understand how land was distributed in Chiapas.

The delegation of the judicial district of Soconusco's public register of property and commerce has registered that the ex-President Luis Echeverría Álvarez owned the property "*La Argentina*", which extends 1384 acres. Another example is Chiapas' ex-Governor Patrocino González Garrido who is owner of the plantation "*La Providencia*", with 4942 acres in the municipality Acapetahua. In the municipality Las Margaritas there are five properties under the name Mario Kanter Alonso--- leader of a cattle rancher organization in the state--- with a total of 5263 acres. According to a study by the State Counsel of Indigenous and Peasant Organizations (CEOIC), there are 35 plantations of similar size in 11 municipalities of Chiapas. 80% are in the hands of 18 Mexican and foreign families. For example, the German family Mohr-Schimpf owns 24,710 acres divided in eight parts, one of which is the plantation Liquidamar. Rolandi Stivalet is owner of the plantation "*La Pampita*" which has 14,826 acres⁵.

Consequences: take over and evictions of land.

According to a study by the Centre for Investigation of the History of Mesoamerica and Chiapas (CIHMECH), there are 79 population centres in Chiapas who waited more than 20 years for the land they had solicited. The same study shows that in Chiapas peasants/indigenous people had to wait some 10 years to carry out the agrarian procedures and to receive an answer to their petitions.

In many cases, after years of useless legal procedures, the groups of land petitioners opted to take over the demanded land, constructing houses and moving there to live. In the majority of these cases, this action is a consequence of the lack of development alternatives for the population. Often one leads to the next: the eviction, which uses the corps of the public security forces to violently throw the population that has taken possession of the land off.

For example, indigenous Tzeltales from the ejido "*Jardín*", municipality of Ocosingo, began procedures to increase their land in 1970. Until today the only answer has been the offer of land elsewhere even though there is cultivable land close by⁶.

The state authorities recognize that there have been irregularities in the application of the agrarian politics in Chiapas. For example, "*auto invasions*" have been registered in which land



owners have sold *"bad land for the price of productive land"*, simulating take-overs of their lands by groups of peasants. 27 properties that extended over 6202 acres from Mario Francisco Michel Ruiz were acquired for a price of N\$ 12,128,185⁷ (US\$ 2,021,364)

A great quantity of private land in Chiapas is protected from being divided by *"certificados de inafectabilidad"* (certificates of protection against governmental expropriation). According to a study by CIHMECH 58% of private land is thus protected. The major part of those certificates was issued by the government of Absalón Castellanos Domínguez, who protected 2,824,059 acres, of which 95.4% corresponded to cattle ranchers⁸.

From January 1994 on, various peasant groups have taken a great number of properties in the state of Chiapas. According to the state general prosecution's data, there are more than 698 properties occupied, with extensions varying between 5 and 741 acres⁹. Facing these invasions, the ranchers demanded of the government to *"re-establish the constitutional order"* in the state. But at first the state government opted for paying a compensatory rent to the owners of the invaded properties.

As an example for the reestablishment of the *"constitutional order"* which the land owners demanded we present a case of an eviction: The plantation Liquidambar was taken over by peasants who were later evicted by police forces during 1995. In an interview with *the "Unión Campesino Popular Francisco Villa"* (a peasant organization), the peasants explained the work conditions on this plantation. The workers said that in theory they earned N\$ 14 (US\$ 2,) daily, but the owner subtracted N\$ 6 for the food given to them. They lived in wooden rooms where 20-30 slept and *"you have to bring your things to sleep, if not, they charge you for the blanket"*. According to the Union this plantation belongs to a German family who have 15 Ranches and that they use different names to be able to buy more land. The owners complained because they lost about US\$ 50,000,000 in coffee production because of the invasions¹⁰.

With the beginning of the armed conflict in Chiapas the agrarian authorities announced that *"the ejidatarios and small property owners who had their land invaded motivated by the conflict will receive economic help by the government"*. The Secretary of the Agrarian Reform promised to turn the 65 proceedings of *agrarian rezago* over to the Superior Agrarian Tribunal to resolve within a time frame of 60 days. According to this agency, 1,200 agrarian affairs presented by peasant organizations will receive an answer. The authorities promised to submit pending agrarian documents -- as certificates of property rights, basic portfolios, certificates of agrarian rights among others -- so that the peasants have the *"judicial security for the defence and exercising of their rights"*¹¹.

Given this situation the groups of ranchers argued that the pay given by the state as rent for their property was not enough and therefore demanded the evictions of the invaded properties. Furthermore they publicly announced the existence of *white guards* in a meeting of the *"Coalición de Organizaciones Ciudadanas"* -- consisting of *"small land owners"* -- in



which they said that they had begun to arm themselves and to create *self defense groups*" to protect their property¹².

According to hemerográfica information at least 18 evictions which affected 75 properties took place between July of 1994 and June of 1995. Ranchers and-or *white guards* participated in more than eight eviction cases. It is worrisome to observe that in various cases ranchers themselves carried out the evictions, in complicity with police corps. (see annex 1)

Some cases of violations during the struggle for land¹³

- Finca Lubeka, municipality of Motozintla:

Five years ago a group of peasants took over 395 acres of the plantation Lubeka, in the municipality of Motozintla. On December 3rd, 1994 they were evicted by approximately 30 heavily armed people (with machine guns AK-47 and Uzis). There was a confrontation that resulted in two deaths and six injured. The peasants as well as the owners presented a legal denunciation of these acts.

According to testimony by a peasant, the people who arrived to evict the property were Central Americans. To this moment there exists no information as to the advances of the investigation.

- Finca Morelia, municipality of Tila

Currently the authority's response to the peasants' demands is characterized by the lack of will to resolve the problems. Thus, for example, a group of land demanding peasants, after fruitless procedures for the endowment, took possession of the plantation Morelia in the municipality of Tila on February 19th 1994. Days before, they had denounced the threats they had been subjected to by the private police payed for by the plantation's owners.

On the 27th of October of the same year, three peasants were detained by not identified men who carried high caliber weapons. These peasants were taken to the municipal capital of Tila and later to the municipal capital of Yajalón. Three days later they were let go. The detention was characterized by a series of procedural irregularities, as the absence of the legal denunciation of the land take over, lack of investigation of the facts by the judicial and agrarian authorities, and as a consequence lack of respect for the time and forms of a detention. As of now the agrarian conflict continues and the violence grows on the plantation.

- Property Patricio, municipality of Playas de Catazajá.

Various elements are intertwined in the agrarian conflict, which reach from the political, legislative and penal to the social aspects. As in the case of a group of peasants who had



solicited the endowment of the property Patricio, municipality of Playas de Catazajá in 1945. The agrarian authorities did not carry out the pertinent technical works, even though no certificates of property existed for which the land was considered possible to endow. 49 years later, on the 24th of February, 1994, the peasants, desperate for the lack of response by the authorities, took over the property with the help of the peasant organization Xi'Nich (The Ant). Later the negotiation began between the CEOIC and the state government for the sale of the property. Finally, in August of that year the 2231 acres were surrendered to the peasants.

But less than one month after legal possession of the land, the peasants were brutally evicted by a group of armed ranchers. The eviction was witnessed by the region's authorities: the state judicial police of Tabasco and the municipality of Palenque, as well as the municipal president and police commander of the municipality of Playas de Catazajá.

On November 11th the peasants protested in the municipal capital in Palenque to demand the respect of their agrarian rights, but again were repressed by a group of ranchers who carried high caliber weapons and who identified themselves as "*Civil Society of Palenque*" (which belongs to the chamber of commerce and the rancher associations). One of the leaders of the peasant organization was arrested and taken to the state's capital, Tuxtla Gutierrez. Supposedly there existed six detention orders against him. The same night he was set free. (See annex 1)

The CDHFBC has registered cases about the existence of armed civilian groups which have participated in the repression of organizations struggling for land and for the assertion of their political and social rights.

- Ejido Limar, municipality of Tila¹⁴

The northern region of the state is characterized by the proliferation of private security corps, whose members are PRI militants and which hoist the flag of the defence of property and the "*promotion of peace and conciliation*". These groups have carried out, among others, extrajudicial trials where persons who did not belong to the PRI have been tried on that ground.

Various cases are documented where these groups have realized actions together with the judicial authorities. As is the case of March 10th, 1995, when in an operation by the public security police and state judicial, accompanied by ranchers of the region, four people from different places were arrested: two of them from the *ejido* Limar, municipality of Tila, accused of plunder and stealing, one from a ranch in the municipality of *Salto de Agua*, accused of stealing cattle and the other from the ranch Ixté of the same municipality. The following day, 23 cars which transported members of the public security police, accompanied by ranchers of the region, went to the *ejido* Actiopá Yochib to arrest one peasant accused of plunder.



Conclusion

The agrarian conflict has a historic background which needs to be considered. The convergence, at given moments, of the process of struggling for land and the concentration of the same resulted in grave tensions between the region's power groups and the peasants. These are manifested in land take over, evictions, arrests and intimidation, human rights violations which intend to frustrate a group of the society that is struggling to better their living conditions.

The violence exercised against the peasant struggle has its varieties. It can be observed that the repression against the peasant movement originates in some state institutions; however, they have generally acted together with groups of organized proprietors. In the state organized armed civilian groups are gaining strength, with demands like the defence of property and the militancy in the state's party (PRI), among other. The cases indicate that these groups in practice count on the support of the police institutions.

The struggle for land is marked by the rising consciousness of the peasants in Chiapas for the betterment of their living conditions. The complexity of the conflict challenges the state and the involved groups to look for true political solutions which take in consideration the real necessities of the population struggling to elevate their standard of living.



REPRESSION AGAINST SOCIAL AND POLITICAL MOVEMENTS

Potentials for a transformation are the horizon of today's Chiapas which searches for real answers to the economic, political and social crisis the country experiences, and is mainly forced by the process of the organizations and political and social movements started against all contradictions.

Since before the armed movement Chiapas has experienced politics of repression. In 1974 the indigenous congress appeared on the scene as an important impulse in the coordination and planning of the peasant movement. From that year on a period of growth in the independent agrarian struggle began, giving strong evidence of the agrarian problem in the state. The peasants took to invading property as a form of accessing land. In the decade of the seventies the government made political announcements against this kind of actions, but on very few occasions solved the problem with agrarian divisions, since those would have affected the existing plantations.

The problem arrived at greater dimensions for which, in 1977, the Secretary of the Agrarian Reform began to consider the invasions as federal crimes. Also, these became more combative every time for the presence of people hired by the land owners (armed civilians), members of the federal army and members of the state's public security and judicial police forces. In this period the peasants' situation was difficult and became even worse in the context of the Mexican agrarian crisis of the seventies. Aside from intensifying the conditions of poverty, it generated social conflicts by not carrying out presidential resolutions, by denying or procrastinating petitions for property enlargements, by the appropriations of plantation owners and the endowments of parcels of land. This situation favoured the uniting of groups of land solicitors in various organizations.

With the growth of the peasants' struggle for the acquisition of land the violence grew as well, the co-opting and the repression against the peasants by the state and by the owners of large portions of land. By means of arbitrary detentions, assassinations, evictions, political manipulation and the creation of new repressive legislation the government, with the help of various power groups, tried to stop the advances of the peasant organizations. The alliance between the state and the power groups have tried to obstruct the peasant movements which struggle for democracy and the access to certain goods. This context helps to promote the absence of human dignity.

This problem created a culture that hardened the various forms of inconformity, which were oriented towards a struggle for the reestablishment of social and political rights.

The law as instrument of repression

In December 1988 the article 20 of the state's penal code was modified to limit the rights to protest, to petition, of gathering and meeting. According to the new article, those who



participate in marches, meetings, sit-ins or protests were seen as criminals for disturbing the public peace and could face two to four years of prison. The leaders were threatened with four to seven years in prison without the right to leave on bail.

On November 4th, 1991, during the legislature of Governor Patrocino González Garrido, the "*Law of Suspended Sentences and Freedom*" was created with the comment of the state's governor:

In this it is contemplated that those who with their conduct have committed illicit acts would have the possibility to buy their freedom to reintegrate themselves into the society. To obtain their freedom they would have to pay or guarantee the repair of harms done and present themselves as many times as required before a judge, on non-compliance their liberty would be annuled¹⁵.

Various cases of detentions are it for meetings, land take over or political assassinations were tried under this Law of Suspension of Process. This law was in effect until April 30th of 1992.

It was created with the intention to intimidate, with the understanding that it would be applied to people who were accused of common political crimes. Freedom was granted above the punishment, but the sentence continued to be in effect. If the person intentionally committed another crime intentionally the benefit was revoked and aside from the new sentence they had to finish the previous one. If during the time of the sentence being in effect no new crime was committed, the prison sentence was declared finished.

The social and political movement

When we talk about the political and social movement, it is necessary to explain that those movements appeared among other to oppose projects which were started by official organizations. These movements emerged filling the holes the official organizations left, or overcoming the obstacles imposed by them, thus having ways and expressions of struggle like the articulation with other local and national, very divers peasant and indigenous organizations.

We cannot speak about the peasant and indigenous movements appearing in Chiapas during the years 1994 and 1995 without tying them to other local and national processes which have had an influence on the social process we live today. Thus the movements in Chiapas have to be put within the framework of the country's social dynamic, marked by the current crisis of the Mexican political system.

Although it is clear that the struggle for land has been a fundamental axis of the mobilization of various indigenous and peasant sectors, the demands referring to production, commercialization, electoral questions and the municipalities, among others, which express a general demand for an authentic democratic life have also been relevant.



The government's actions have forced the peasants and indigenous people to fight not only against diverse political and economic power groups, but also against the state's agents of exploitation and plunder. The state has not been in the role of mediator between the social classes, but of the institution by which various social sectors are being exploited. For this reason the independent peasant and indigenous organization has appeared as a binding structure and social cohesion, which expresses itself in various forms of organization. In some cases the directors are elected to represent the different groups that converge in the movement, while in other occasions they are named by consensus by the communities. In the current situation the movements in Chiapas have taken new forms of expression and organizing, like forming counsels, fronts and civic movements, among others.

Following we expose some aspects of the repression which the social and political organizations in Chiapas have suffered during the period between July 1994 and July 1995.

Without doubt the social and political movements which have developed in Chiapas, are expression of a social dynamic in which the mobilization and the strengthening of the indigenous' and peasant's organizational spaces have put in doubt official politics, especially when it comes to answering the demands of society's marginalized sectors. Talking about the social mobilization lets us identify some social subjects expressing a diverse social face, enriched by the participation of various organizations.

The year 1994 meant a hope for change in the social and political life of the society in Chiapas, not only because of the armed uprising, but also because of the electoral process. This process meant to achieve the yearned for democracy which would guarantee the respect for the people's decisions and the respect for the people's right to decide on the state's politics. However, the conditions were different; the hope was frustrated upon seeing the electoral process not being carried out truly democratically. This led to actions that expressed the inconformity, the resistance and the search to achieve democratic spaces for the life of the communities through other movements.

The main actions which the different organizations took were: 1) To demand answers to the electoral demands, 2) mobilization in the agrarian field, 3) demand better guaranteed prices for their products. These three lines of action transcended the initial demands which were limited to aspects of production and supplies, among others.

The motivation for the struggle and the repression ¹⁶.

It is necessary to refer at this point to some cases of repression in which human rights have been violated.

In the municipality of Chicomuselo on January 10th members of the Organization of Peasants Emilio Zapata (OCEZ) were rejected when they tried to peacefully take over the municipal



palace. They had a confrontation with the police which was guarding the building. On the next day land owners and people paid by them (white guards), and also members of the public security police attacked the protesters with tear gas and obstructed the exits of the town. The result of this confrontation were various injured people and at least six assassinated. Also various other human rights violations took place, among which there are arbitrary detentions, torture and assassins. Until this moment none of these crimes have been clarified, even though a special prosecutor has been appointed. (Annex 2, case 2)

Another grave event happened on March 8th, 1995, in the municipality of Bellavista, where members of the municipal council in rebellion were violently reprimanded by members of the public security police. Some members and sympathizers of the municipal council in rebellion were arbitrarily detained and tortured. (Annex 2, case 3)

In other municipalities, for example *Salto de Agua* peasant members of the two parties, the PRI and the PRD engage in confrontations. Examples of these kinds of actions happened in Lote Ocho the 14th of March and in Teoquipá El Bascán on March 16th, among others. The result of these confrontations were assassins and arbitrary detentions. As a consequence inhabitants of Lote Ocho and Teoquipá El Bascán left their communities to seek refuge in other villages. Although the authorities knew about these acts and opened an investigation into the cases, until this moment the crimes remain in impunity due to the negligence of the authorities¹⁷.

In relation to the diocese of San Cristóbal de Las Casas, whose bishop is Samuel Ruiz García, the pastoral work has been attacked by various social groups. The bishop's and pastoral agent's tasks, which are extremely committed to the option for the poor, have had as a consequence continuous attacks by diverse groups in the state against various pastoral agents of the diocese.

The bishop's attitude has generated diverse reactions, from disapproval of his work and being directly linked to the EZLN to approval of his participation in the National Commission for Intermediation (CONAI).

Some actions confirm the violence against the various sectors of the church of San Cristóbal de Las Casas. In January of 1994, a *molotov cocktail* was thrown into the parish house of Tila; on February 19th of 1995, the episcopal house in San Cristóbal was attacked by a group called "*auténticos coletos*". In June of 1995 federal authorities expelled unjustifiedly three foreign priests -- Rodolfo Izal, Loren Riebe and Jorge Alberto Barón -- from Mexican territory¹⁸.

The human rights violations are manifested in the lack of serious investigations into the acts against the physical and psychological integrity of the affected persons, in the arbitrary detentions and in unjustified deportations (as the deportations of the three priests). All this demonstrates the authority's lack of willingness to professionally and seriously carry out the investigations required by the judicial process.



The problems the peasant and indigenous organizations face, which go from agrarian problems to conflicts emerging from the militancy in political opposition parties are the result of structural causes that have not been resolved by the federal and state authorities. Joined with the lack of adequate means of solving the social inconformity and the negligence in the authority's attitude, this has multiplied the human rights violations against members of independent social and political organizations.

The incapability and unwillingness to resolve these problems are manifested in the violent repression, as well as in the authorities' negligence to act conforming to the rights and strictly according to the law. On many occasions the state authorities have promoted actions which have provoked a polarization of Chiapa's society, by favorizing certain power groups, thus demonstrating their incapacity to look for possible solutions which would give way to a different social order in Chiapas.

Conclusions

1. The political and social movements in the state have searched for answers to demands in the political, economic and social field without receiving concrete answers by the governments on state or federal level.
2. Human rights violations do not only occur when the authorities resort to physical or psychological coercion, but also when no serious organisms of administration of justice exist to investigate and punish those responsible for illicit acts which have been committed, even though judicial processes have been initiated. The persistent impunity in Chiapas can be characterized in two aspects: First for the negligence of the authorities which, in the majority of the cases, do not seriously and profoundly investigate the cases, and secondly for the corruption expressed in the manipulation of the use of the law when the interests of persons of political or economic power are at stake. They are protected when they commit a crime.
3. The state has violated human rights by implementing operations in which violence has been a constant factor. In light of the dynamic social and political organizations which have threatened the interests of the dominant sectors, the situation of repression in which various parts of the police forces intervene has intensified.



THE EXPULSIONS IN VARIOUS MUNICIPALITIES OF CHIAPAS

The expulsion, or forced exile, of indigenous Tzotziles and Tzeltales from their home villages has been a great problem in the municipalities of San Juan Chamula and Mitontic in the highlands of Chiapas for more than 20 years. There are between 20 and 30 thousand expelled people living in the "misery belts" around the city of San Cristóbal de Las Casas and other municipalities, where they have to begin a new life far away from their homes, land and communities. The government has argued that the expulsions are a religious problem between catholic traditionalists and Protestants who oppose some of the traditional customs of the community. However, the CDHFBC has documented various cases in which expulsions happened for political and economic reasons, like the formation of cooperatives, the questioning of the spending of public funds or the militancy in parties other than the official one.

Between July 1993 and July 1994 the CDHFBC has registered 877 persons expelled or threatened with expulsion in the municipality San Juan Chamula and Mitontic. Between July 1994 and June 1995 a total of 440 persons expelled or threatened with expulsion, three assassinations, two injured and two arbitrarily detained persons were documented.

On August 17th 1994, a group of 400 expelled indigenous people returned to San Juan Chamula after hoping for help from the authorities to return to their home communities for almost a year. In September 1994, 584 indigenous people held a sit-in at the offices of the "*Director of Indigenous Affairs*" in San Cristóbal de Las Casas to pressure the state authorities to resolve the problems of the expulsions. The municipal, state and federal authorities denied to give guarantees for the security of the returning population. In spite of that the expelled decided that it was "*better to die in our homes than in San Cristóbal*"¹⁹ On September 29th, three of the people returning to Chamula were assassinated in Icalumtic. Even when the people presumedly responsible for these homicides were presented to the prosecution they were never punished, nor was justice served conforming to the law. (Annex 3, case 1)

After these assassinations various actions were taken to stop the power of the caciques (political bosses) of Chamula. On October 20th representatives of 94 communities in San Juan Chamula appointed a provisional municipal counsel, headed by Agustín Hernández López, which lasted until December 20th, 1994. On November 14th, 1994 the state government gave N\$ 1,200,700 to the representatives of the 94 communities in the municipality to be used for agrarian production. The director of Indigenous Affairs, Gustavo Moscoso, explained that the money were destined to the 94 representatives (and not to the town halls) in order not to channel the money to the caciques, thus hoping to stop the expulsion problem.

On March 29th 1995, some 50 "traditionalists" from Pilalchén tried to burn the house of Salvador Gómez López. Defending his house ended in a confrontation resulting in injuries for the indigenous men Salvador Heredia Ganzález and Mariano Lunes Santis 20 .



This year, there have been problems with expulsions in the municipalities of Venustiano Carranza, Aguacatenango and Mitontic. On March 20th authorities and caciques expelled 120 indigenous evangelists from the municipality Aguacatenango. According to the representative of the expelled evangelists, Juan Méndez Méndez, the expulsion had been ordered by the municipal judge of Venustiano Carranza²¹. Another case arose on May 10th, when 13 presbyterian peasants were expelled by authorities and caciques from El Puerto, municipality Venustiano Carranza. Moreover, 65 catholic families were threatened with expulsion for opposing the destierro²².

Human Rights Violations

The impunity that the caciques have enjoyed has contributed to the perpetuation of the expulsions for more than 20 years. Until now, none of those responsible for the expulsions have been punished, in spite of a recommendation by the National Commission for Human Rights (CNDH) from April 19th, 1994, that was sent to the state government, to the president of the LVIII legislature of the state and to the municipal president of San Juan Chamula. In it, it is recommended to:

order to duly integrate the investigations 001;AL40-AI;993 in the 054;AL40-AI993, 098;94 and 077;AL40-AI;994, applying the necessary diligence for their legal perfectionizing and, in the procedural opportunity and previous plain identification of the presumed responsible for the crimes committed, take penal actions against them and give the corresponding detention orders due compliance.²³

Another important aspect of this recommendation refers to the procuration of conditions which help to avoid the expulsions, guarantee the return of the expelled to their communities, arrive at a peaceful coexistence and respect for the freedom of expression of the different religions.

As a consequence of the expulsions human rights violations have been committed, as the forced displacement to places of refuge, where the victims had to start a new way of life, with the consequential decline in quality of life.

Arbitrary detentions have been carried out with the justification that the victims had disrespected the traditional customs, but without legal foundation which would justify these detentions. Also there have been continuous threats of expulsions against inhabitants, and some individuals who have returned to their communities have been assassinated. In all these acts the municipal authorities have had a direct responsibility.



Conclusions

1. Although the illegal actions of municipal authorities have been denounced in different ways and the recommendation by the CNDH referring to the problem of the expulsions, the guarantees for physical integrity and security of the populations of various communities have continued to be violated.

The problem that the expulsions have not been confronted by the authorities, leads to the freedom of expression, religion and participation in politics frequently being ignored in some villages in the municipality of San Juan Chamula, Mitontic and Venustiano Carranza, among others.

2. As it is clear that the problem of expulsions is permeated by religious aspects, it originates in much deeper causes and involves very diverse political and social actors of the state.

3. Finally it is important to mention that, although the CDHFBC has denounced the continuing human rights violations in the municipality of San Juan Chamula, its efforts to demand the respect for the constitutional guarantees written in our Carta Magna, have been fruitless. The authorities of this municipality continue to carry out the expulsions, without the state authorities' decided intervention to resolve this problem.



HUMAN RIGHTS VIOLATIONS IN THE CONFLICT ZONE

This chapter presents the human rights violations committed in the conflict zone after February 9th 1995, when President Zedillo gave detention orders for presumed Zapatista leaders.

In this report the "*conflict zone*" is understood as the territory which was under control of the National Zapatista Liberation Army (EZLN), since the 12th of January 1994 when the then President Carlos Salinas de Gortari announced the unilateral cese of the hostilities by the Federal Army (EF) against the EZLN, until the 9th of February, when President Ernesto Zedillo Ponce de Leon announced the police - military operation against the supposed Zapatista leaders by national and local radio and television. This zone is located in the rainforest region in the state of Chiapas, and entails parts of the municipalities Ocosingo, Altamirano and Las Margaritas, this not being the only region where the federal army and the EZLN are present.

In the municipalities which are included in the so called "*conflict zone*" exist a long history of indigenous and peasant organizations with different goals and political plans. A long history of alliances and divisions, actions and mobilizations.

Context

With the zapatista uprising of the 1st of January 1994, Chiapas experienced new forms of conflict, with the characteristics of an armed internal conflict. After 12 days of cruel confrontations, the federal government declared a unilateral cese fire, giving room for a dialogue in February in San Cristóbal de Las Casas. A document of "compromises for peace" was the result of these talks, and the EZLN took the document to be consulted with their bases. In July 1994 the government proposal for *the "compromises for peace"* was rejected by the EZLN, without formally breaking up the talks with the government.

In December of 1994, the new government of Ernesto Zedillo continued the politics of dialogue with the EZLN. However, it was weakened by the financial crisis which led to a strong devaluation of the peso at the end of December of 1994. The conflict in Chiapas turned into a thorn in the government's side, as much for its incapability to manage it, as for the image of weakness it gave to the new government. The crisis also produced a disincentive for investors, who began to withdraw their capital from the Mexican market in alarming numbers. Before the law enforcement-military operation was announced, an internal memorandum by the Chase Manhattan Bank circulated in which it was recommended to the Mexican government to control and crush the zapatista rebellion. In the same context a loan by the US for Mexico was approved.

In the afternoon of February 9th, 1995, the government, through the general prosecutor of the Republic announced the detention orders for presumed members of the EZLN, justifying this action with the finding of supposedly two clandestine weapon arsenals of the EZLN in the Federal District (Mexico City) and in the state of Veracruz and with revealing the presumed



identity of Subcommander Marcos. Thus, the presence and incursion of the Federal Army was justified as "*help*" for the work of the PGR (General Prosecution) in their search for the leaders of the EZLN.

That same day in the morning, an assault command, supported by helicopters, took the community of Guadalupe Tepeyac in the municipality Las Margaritas. With this, the army began an operation of penetration into the zone, taking positions in many communities and increasing greatly the number of troops in the region. In spite of not having succeeded with the detentions intended by the judicial action, the army maintains their positions until today, even though the peace talks have begun again and the detention orders against the EZLN leaders have been suspended with the approval of the "*Law for Dialogue, Conciliation and a Dignified Peace in Chiapas*". The true result of the operation has been the reinforcement of the military positions of the government.

In spite of the extraordinary display of force, a state of emergency was not declared. However the individual and constitutional rights of the inhabitants of the conflict zone were violated.

Based on the testimonies from members of the affected communities received by the Civilian Peace Camps (CCP) the following actions of the army which violate one or more rights of the indigenous population in the conflict zone can be identified.²⁴

1) Illegal entry, plunder and harm to personal and communal property

in at least 15 communities in the canyons of Guadalupe Tepeyac, Frontera Margarita, Patihuitz, Altamirano, Avellanal and the Ocosingo Valley houses were illegally entered by members of the army. Animals, kitchen utensils, corn mills, covers, personal documents were stolen and work tools were destroyed. In many cases, the sacks of rice, corn and beans were strewn on the floors or poisoned with insecticides or soap. The communal stores were robbed and the medicines in the health houses were destroyed. In Santa Elena, the water well which serves drinking water to the community was contaminated with soap. The communities worst affected were La Estrella, Nueva Estrella and El Prado.

For the fear that the military presence generated and the rumours about the events in other places, many families of various communities fled into the mountains, suffering hunger and illness (we registered 14 communities). In La Sultana for example we were informed that two children died and two pregnant women lost their babies during their stay in the mountains. The military's incursions into the communities, and the consequential flight of the population continued at least until the beginning of March, so that many indigenous people remained in the mountains in some cases up to more than two months.

The federal army has occupied and made use of terrain which is private property and under communal or *ejidal* reign. Some reports denounce that in Perla de Acapulco approximately 600 troops were installed on *ejido* terrain belonging to one of the *ejido* members²⁵. The soldiers destroyed approximately 100 meters of fence and stole the wire for their trenches.



The pineapple plants of the owner were destroyed and various trees which served as shade for his coffee plants were cut down. The army did not allow the observers of the CCP together with the owner of the property to enter in this terrain. However, the observers were able to verify the harm done with the owner.

In the municipality Las Margaritas the military established a large camp on communal land of a union of neighbourhoods outside of the municipality²⁶. The communal landing strip was taken over and a building which before had served as "hangar" of the commercial airlines which rented the building and the strip. The military did not pay rent, nor have they paid any indemnities. The property was fenced in and passage of the communities inhabitants was prohibited, making the arrival of workers and provisions more expensive. In La Sultana, municipality Ocosingo, the federal army used *ejido* territory for landing planes.

As part of the strategy of debilitating the communities, members of the army have on multiple occasions distributed alcohol or marihuana. In Taniperlas the population was also incited to plant marihuana, they were offered seeds with the argument that they would do better with it than with coffee. In El Zapotal, the soldiers gave sweets filled with marihuana to the children.

On February 20th, with the entrance of the army in the community La Grandeza, municipality Altamirano, the population decided to flee, but they were caught and surrounded. Mr. Gilberto Jiménez Hernández, who carried his two months old daughter in a shawl on his back, was caught by soldiers of the federal army. One of the soldiers shot him in his right eye, causing his immediate death. The soldiers did not allow the separation of the child from her father until hours later.

2) Arbitrary detentions and torture

On February 22, in the *ejido* La Union, Mr. Aniceto Hernández Lorenzo, 53, was taken from his house by soldiers of the federal army to the school of the community where they beat him against the wall, hit him in one eye and put a gun in his mouth, interrogating him about the whereabouts of weapons and who the Zapatistas were. In La Ibarra the military detained two men and one child who, after being tied up and blindfolded, were beaten and interrogated about the whereabouts of Marcos. The child was interrogated while putting a rifle in his mouth.

On February 10th, Alfredo Santis Jiménez and Mario Álvarez López were detained in a military checkpoint in the *ejido* Chiapas, municipality Las Margaritas. They were taken to Comitán and later to the military zone of Tuxtla Gutiérrez, where they were brutally tortured to confess being Zapatistas.

These are three of the eleven cases of torture registered by the CDHFBC, in which a total of 19 people are counted who suffered heavy beatings, electric shocks, immersion in water and other torture methods.



3) Violation of personal security and obstruction of free transit

The right to personal security has been violated with threats and unfounded accusations, which the federal army has committed against the civilian population in the communities. These include death threats, arbitrary accusations of belonging to the EZLN and accusing inhabitants of the communities of crimes against the health (drug possession and cultivation). For coming from state authorities these threats and arbitrary accusations constitute a violation of the guarantees to judicial security, protected in the Mexican constitution and in the international human rights conventions and pacts. (see Annex 4). Also, for the violent and criminal manner of entering in the houses they are a violation against the right to personal security, above all when seen in the overall context of operations which included arbitrary detentions and cases of torture.

Linked to these threats and violations of personal security are the interrogations to which inhabitants were subjected upon entering or leaving the communities²⁷. The prepotent and accusatory tone used by the army during these interrogations made the actions worse. One observer of the CCP described how members of the military threatened inhabitants with death. It is imperative to mention that the federal army has no authority to carry out judicial investigations, and even if a judicial process against the presumed EZLN leaders were in progress this would not justify indiscriminately interrogating or disturbing people, as the population in the communities has suffered. The excessive show of force with overflights of armed helicopters over the communities, entrance of numerous military vehicles and a massive presence of troops have to be added²⁸ to the intimidations.

The federal army also accused members of the organization ARIC-independent to belong to the EZLN. The members of this organization were threatened and it was tried to make them leave the organization. This organization exists with the valid goal to fight for its member's socio-economic interests and to promote their self-development. To accuse these persons without finding them in illicit actions means a violation of their right of free association, a violation which is explicitly prohibited in article nine of the Mexican Constitution. The threats and fear they were subjected to violated their right to personal security. In Tacitas, the federal army prohibited that the population held meetings, thus violating their right to meet peacefully.

On the other hand, the military has restricted the free transit of the communities' members and of people who travelled in the zone. The soldiers control the entrances and exits of some communities. This practice has as a consequence that some indigenous peasants cannot carry out their farm work. In Santa Elena soldiers arrived to enclose the community with barbed wire, leaving only one entrance to the community.

The actions of the military, carried out from the offensive of February 9th on, have the same goal: to punish and control the behaviour of these communities' population, with complete lack of respect for the Mexican law, human rights or for the basic structures of life and survival.



Conclusions

1. The actions carried out by the federal army in their military operation beginning in February were directed against the civilian population of the communities, with the objective to punish them, threaten them, find information, and to destroy their social organizations. These actions take the civilian population as the enemy, with the result of continuous human rights violations.

It is important to mention that the military is not authorized to carry out judicial investigations, and even if a judicial process against presumed EZLN leaders is on the way, indiscriminatory interrogations are not justified. Neither are the intimidations which the population of these communities have suffered.

2. If it is true that the judicial action was part of the operation in February, the federal judicial police has not guaranteed the legality of the judicial and constitutional process, nor has it put an end to military excesses. Even though the PGR has played a role in some of the detentions and investigations carried out during the operation, many of those violated the personal and judicial security of the detained. The mutual help between the federal army and the judicial police in these operations resulted in grave violations and abuses by the security forces, offences which have remained unpunished.

3. The federal army has in this operation and during its stay in the communities overstepped its functions, affecting the daily life and the structures of the peasant and indigenous communities. At the same time that it threatens, intimidates and punishes groups of the population considered opposition, actions are implemented which are meant to gain the sympathy of the population, offering them benefits (food, medicine, medical attention, money). However, frequently these benefits are only destined for one sector of the communities which helps or feels backed up by the federal army, thus polarizing the communities.

4. We think that the public denunciations, the national and international solidarity, linked to various efforts to make the law abiding state prevalent in the system of administration of justice can contribute to avoid the repetition of these actions in the future.



GENERAL CONCLUSIONS

The human rights situation in Chiapas and in Mexico demonstrates that a truly law abiding state does not exist. The grave economic, political and social crisis which the Mexican system experiences has had serious repercussions on the respect towards human rights.

The processes of the struggle for land have incremented the tensions between the peasant sector and the power group in the state, having as a consequence the implementation of mechanisms of repression which violate individual and collective rights of the different sectors of the society.

The violence exercised against the organizations struggling for land is worsened by the emergence of armed civilian groups. These groups operate openly and with the support of state and/or federal police corps and count on the support of the police institutions.

The various demands of the political and social movements in the state are seen in the context of the crisis our country is experiencing, which makes the lack of effective answers by the state and federal government worse.

The lack of serious justice administering organisms to investigate and punish those responsible for committed crimes is notable, even though judicial processes have been initiated. The impunity persists in Chiapas.

Regarding the problem of expulsions, it is necessary to mention that the actions of municipal and state authorities which have violated the guarantees for physical security and integrity of the inhabitants in various communities have been denounced in different manners. Even with the recommendations by the CNDH regarding this problem, the authorities have not taken serious measures to detain these continuous atrocities. This problem presents unresolved paradoxes, beginning with the fact that these expulsions are not considered a crime.

Although it is certain that these expulsions contain religious aspects, these are not the deeper causes of this phenomena, it surpasses the religious field since diverse political and social actors of the state are involved.

The CDHFBC has continuously denounced these frequent human rights violations in the municipality San Juan Chamula, however, its efforts to demand an attitude which respects the constitutional guarantees written in our Magna Carta have been fruitless. The authorities of that municipality try to justify their actions alleging to the respect for the traditions.

Another manifestation of the Mexican political system's crisis is the military operation initiated in February. The actions in this have been directed against the communities of the civilian population, with the goal to punish and frighten them and to get information, as well as to destroy their social organization.



Although the federal army has no faculties to carry out judicial investigations, this constitutional principal has been violated and even in the case of the existence of a judicial process against the presumed EZLN leaders, the interrogations, threats and intimidations against various inhabitants of the communities are not justified.

The conjunction of the federal army and the federal judicial police in these operations have resulted in continuous human rights violations, because the army has overstepped its boundaries by trying to interfere in the communitarian structures.

The lack of an effective system to administer justice in Chiapas, promotes a negligent attitude of the authorities, which does not guarantee their acting conforming to the law, thus constantly violating the peasants' and indigenous people's human rights. This situation puts the peace process in doubt which is threatened by not having an efficient, prompt and responsible answer to the various problems in the state today.

The deep cause of all this is that the Mexican ? has reacted to a crisis of a system which lacks credibility and legitimacy. Only creativity and the search for alternative and democratic proposals will make the emergence of favourable conditions for the respect for human rights possible.



ANNEX 1

The Fight for Land and the creation of Private Security Groups in Chiapas

1. Municipality: Tila

Place: Finca Morelia

Rights violated: Personal Freedom, Judicial Protection and Garanties, Due Process

Events:

On February 19th, 1994 a group of peasants took over this plantation.

The peasants reported that they were constantly threatened by the white guards and armed civilians of the plantation owner.

On October 27th, 1994, Solano Jiménez Martínez, Juan Martínez Pérez and Jorge Jiménez López were detained by unidentified men. They received death threats with high caliber weapons, pistols and knives. Jiménez Martínez was beaten. All three had their hands tied together and were forced to walk two hours until they arrived in Sabanilla. At 11:00 am they were transported in a pick up truck to Yajalón, where they were taken to the Hotel López. On October 28th they were transferred to the Yajalón jail where they remained two days.

According to peasants of the Finca Morelia, the white guards returned to threaten them, after the prisoners had been liberated from their kidnapping.

Follow up:

On October 29th, the CDHFBC contacted the attorney general, Lic. José Luis Gómez Santaella to express its worries about the violations of the prisoner's human rights. The three men were set free on October 30th.

The agrarian conflict has not been resolved and to this date the violence on the plantation continues. The crimes committed by the presumed kidnappers have not been cleared up either.

2. Municipio: Palenque

Place: Parcels Patricio, Sabana Perdida and El Naranjo, and the central plaza in Palenque

Rights Violated: Judicial Protection and Garanties, Personal Integrity, Due Process

Events:

On November 8th, 1994, A group of ranchers arrived at the village "Patricio" and started a shoot out which led to five persons being injured by bullets. After this the ranchers established a road block in the entrance to El Cuyo, for which the peasants were forced to stay there for two full days.

As part of the history it has to be mentioned that according to members of the organization Xi'Nich, a group of peasants solicited the property in 1945 and an agrarian file was opened in 1947. The technical works were never carried out and from 1950 on the current small



proprietors began to obtain land titles. On February 24th, 1994, the peasant solicitors took over the property. In negotiations between the CEOIC and the state government the government bought 903 hectares of the property "Cuyo Patricio" and the state delegate for agrarian issues, Leyver Martínez turned the land over on August 16th, 1994²⁹.

On Friday November 11th, 1994, a group of approximately 50 armed men, driven by the ranchers entered the Parcel "Patricio", shooting and surrounding the peasants. They threatened them, threw them to the floor, shot in the air, lifted them up and made them run. Afterwards they made them get on a trailer and threatened to burn them. As they made the women get on the trailer they threatened them with dividing them up between themselves and raping them. The houses of the inhabitants were burnt and their belongings stolen. The evicted people were taken to the central plaza in Palenque. The evicted peasants recognized some authorities among the aggressors, among them: the municipal president of Playas de Catazajá, the commander of the same municipality's police, Mr. José Cabrera of Tabsaco's judicial police and various members of Palenque's judicial police³⁰.

Some 150 peasants of the organization Xi'Nich began a peaceful sit-in in the main plaza of Palenque on November 11th to protest the eviction. The 16th around 10:30 am, some 200 ranchers and people who accompanied them entered the city of Palenque. They were armed with high caliber weapons, pistols, sticks and machetes. This armed group, identified as "Civilian Society of Palenque", surrounded the peasants, blocked the access to the municipal palace, shoved and beat the peasants. Later, they forced the men, women and children to get on three busses.

Mrs. María Mayers, of the committee for the defence of the liberty of the indigenous people (CDLI) tried unsuccessfully to call Chiapas' general attorney, José Luis Gómez Santaella to let him know about these actions. Mr. Mario Landeros, ex candidate for PRD delegate, and a leader of Xi'Nich was beaten by people appointed by the "Civilian Society".

The same day a meeting was held between the state authorities and the "Civilian Society", in which leaders of the chambers of commerce, hotels, restaurants, travel agencies, public transport and the rancher's association participated. They agreed to open trial against *"all those leaders who took advantage of the necessities of some people to disturb the public order"*, to support the public security force to patroll the zone and permit free transit, to support the municipal counsel of Palenque and not to violate the law abiding state.

After this meeting, Mr. Mario Landeros was taken from the municipal palace and moved to Tuxtla Gutierrez to enforce six detention orders which supposedly existed against him. Eventually he was set free.

Follow up:

With a press bulletin, the CDHFBC solicited a profound investigation into the actions by the competent authorities, especially into the origin of the weapons which the irregular corps of



armed civilians were carrying. It also solicited the clarification and punishment of the responsible people.

On November 12th members of Xi'Nich presented a complaint at the State Commission of Human Rights about the actions on the parcels "Patricio", "Sabana Perdida" and "el Naranja". On November 16th, Lic. Jorge Mejía Rosales, judicial advisor to the secretary for human rights of the PRD denounced the actions from November 11th in the city of Palenque at the National Commission for Human Rights. Until this moment the authorities have not given an answer.

Testimony:

(Testimony by women who were evicted from Catazajá)

"We were surrounded for three days without food, without transport. They destroyed everything in the school. They did not allow anybody to leave. They blocked the road. We took all our belongings, but they threw them on the floor and burnt them. They shot in the air to intimidate us and threatened people by pointing their guns at them".

3. Municipality: Tila

Place: Ejido Limar

Rights Violated: Personal Freedom

Actions:

On March 10th, 1995, members of the public security police and the judicial police accompanied by a group of the region's ranchers arrived at the ejido Limar, municipality Salto de Agua. Anselmo Hernández Vázquez was detained by the police corps. During his detention he was tortured by the police in a bus where they laid him down and kicked him, accusing him of being a leader and responsible for crimes like stealing merchandise of the ranch "El Canutillo". Ricardo Martínea Martínez, also from Limar was detained as well and accused of participating in the plunder of the ranch "El Canutillo". On the way towards Tumbalá they detained Clemente Vázquez Méndez from the small ranch "San Rafael", Salto de Agua. They accused him of stealing cattle from the ranches "Los Angeles" and "El Rincón". They arrived at the house of Lucas Montejo of the ranch "Ixte" and detained him while beating his head. All four were driven to the municipal prison in Salto de Agua.

On March 11th, 23 cars of the public security and judicial police accompanied by ranchers of the region went to the ejido "Actiopá Yochib". As the convoy passed by the ejido Morelos, Bernabé Montejo Alvaro was working in his field with his son. He was pointed out by some cattle ranchers, for which he was detained. There existed an order of detention against him for plundering.



ANNEX 2

Repression against political and social movements.

1. Municipality: Zinacantán, San Juan Chamula

Place: Paraje Nachig and the whole municipality of San Juan Chamula

Rights Violated: Judicial Protection and Guaranties, Political Rights, Due Process.

Events:

I. With the exception of the Party for National Action (PAN), the CDHFBC has no knowledge of any other party complaining or taking legal action in the state of Chiapas.

The PAN began a series of legal actions on the 21st of August, with the goal to positively prove the irregularities which occurred during the different stages of the electoral process. That same day the state's public notary No.62 of San Cristóbal de Las Casas, Carlos Flores Gómez, gave public notice that in section No. 1920, district No. IV, located in the paraje Nahig (sic), municipality Zinacantán some names were missing from the official electoral lists, others were repeated five times and one appeared ten times. Also, PRI (Institutional Revolutionary Party) propaganda was put up at one meter distance from the voting booth with the photo of Eduardo Robledo Rincón and the text: "*Eduardo Robledo Rincón, a social pact with democracy, a social pact with dignity, a social pact with justice*"³².

The article No. 68 of the electoral law literally establishes that:

"In places designated for the location of voting booths there shall be no electoral propaganda on the day of the election, and if there is some, it shall be taken off immediatly. The political parties shall be responsible for the compliance with this disposition."

The responsible political party did not fulfill this obligation in terms of the electoral propaganda in this section. In the section 1927 the representative of the PAN was unjustifiedly and violently expelled. The public notary No. 62 of San Cristóbal de Las Casas gave public notice of the following actions:

Provocation of violence:

On the day of the elections, in the state capital, Tuxtla Gutiérrez, upon conclusion of the electoral day, funcionarios and observers took the electoral packages to the governor's palace. Some people who had not been able to vote, gathered in front of the palace to claim their right to vote. Around 6:50 pm, a large group of riot police arrived and were received by a group of people who began to throw bottles, sticks and other objects against the police forces, which provoked that those began to attack the people in general, shooting with tear gas. Minutes later, the same group of people who had started to assault the riot police returned,



attacking the people, yelling slogans of support for the EZLN. Again the agitators threw objects at the police forces who responded with tear gas.

II. The CDHFBC has reports and information that at the beginning of October 1994 the State Democracy Assembly of the People of Chiapas (AEDPCH) constituted the so called State Electoral Prosecution of the People of Chiapas and the Electoral Tribunal of the People of Chiapas. These civilian organisations had as substancial mission to compile the various irregularities reported by a great number of citizens who did not know what had happened to their denunciations which had been made in time and which never arrived at the State Electoral Commission, or if they had arrived, they did not have the desired results.

The prosecution´s function was the compilation and systematization of the denunciations. The tribunal (made up of exemplary Chiapas or non-Chiapas citizen) had as a function the evaluation of all of the information received and to dictate a kind of sentence. These were non governmental citizens´organisations which proposed to make an evaluation and public reports of the obtained information. The results were the following:

The prosecution visited all district capitals and questioned 84 out of 111 municipal representatives that the state has. They received 1786 denunciations and approvals of votes (declaring how many and for whom they had voted in one community).

Results:

- 2913 irregularities
- 287 community records of vote approvals
- 1499 denunciations of irregularities

The dates compiled by Alianza Cívica, the PRD and the Democratic State Assembly of the people of Chiapas coincide with these findings. The Federal Electoral Institute (IFE) and the State Electoral Counsel (CEE) did not provide the exact information by section, which made it impossible to compare the dates.

Finally the State Electoral Prosecution of the People of Chiapas reported that the percentage of anomaly of all the voting booths was 57.14%.

For those reasons, the prosecution presented seven accusations against the state government before the Electoral Tribunal of the People of Chiapas and asked the people of Chiapas to annull the election results. The tribunal considered the accusations real and came to the conclusion that election results should be annulled and a transitional government should be installed to repair the damages and offenses committed against the people of Chiapasⁱ³³ .



2. Municipality: Chicomuselo

Place: Municipal Capital

Rights Violated: Right to Life, Personal Integrity, Judicial Protection and Guaranties, Due Process, Political Rights, Right to Meet, Freedom of Association and Political Manifestation

Events:

On January 10th, 1995 some 200 members of the peasant organization Emiliano Zapata (OCEZ) arrived at the capital of Chicomuselo to take over the municipal presidency. Upon arrival they met with members of the municipal police who were guarding and protecting the presidency. According to witnesses, the majority of the protesters remained outside, while two peasants, Gerardo Lío and Darinel Resinos, tried to negotiate the surrender of the building. The peasants explain that upon asking the police commander, Hernán Sepúlveda Fernández for the keys to the building, he drew his pistol which was stuck and the commander shot, killing Lío Méndez. Darinel Resinos tried to flee, but was injured by the commander's shots.

At this moment the police began to shoot from the roof to disperse the peasants who on the floor below had detained the commander and sub commander. There was an uninterrupted interchange of shots, and while the police on the roof maintained their position, the peasants remained in the part below the municipal presidency.

At dawn, a tense calm was stirred up at sun rise around 6:00 am, when the highschool director, Ernesto Estrada, began to invite the students and other people of the town to organize to get the peasants out of the municipal presidency's installations where they had remained that night. Approximatly at 8:00 am a large group of people of the PRI, and between 9:00 and 10:00 am civilians with rifles and machine guns arrived. The armed civilians (land owners of the region) were identified by a red band around one of their arms.

Around midday the state attorney general, Lic. Jorge Enrique Hernández arrived, accompanied by some 200 members of the state police, judicial police and public security police. Lic. Hernández Aguilar met with the peasants who had taken the presidency, without obtaining favorable results. According to Lic. Hernández Aguilar, the peasants shot at him from within the building. Meanwhile the ranchers and land owners surrounded the municipal presidency and began to close off the exits of the town with ropes.

Around 1:00 pm, at the moment when Lic. Hernández Aguilar withdrew, the land owners and ranchers, heavily armed and identified with a red band around one of their forearms, accompanied by public security police and uniformed judicial police, began to shoot against the men, women and children who dispersed towards town.

During the shoot out, Vicente Soto (a small land owner who had stayed at a corner) was assassinated. The police indiscriminately threw tear gas at the people, thus the peasants were evicted from the municipal presidency.



During these moments, the priest of the parish of Chicomuselo, Miguel Angel de Alba Cruz was in the church. One person noticed his presence and started to yell: "*Here is a zapatista*". At that moment, a group of armed civilians gathered at the door of the church. Confronting this situation de Alba Cruz opened the door of the temple and identified himself as the priest. The armed people shot against him, giving him a surface wound in the stomach and in the right shoulder. The priest hid himself in the parish house from where he heard someone break the windows. Immediately afterwards he smelled tear gas and heard some people enter the house, shooting. These people revised documents, forced open the doors to the nun's rooms, to the storage room and to the kitchen. They stayed in the house approximately half an hour. He also heard them detaining some peasants who had saved themselves from the shots³⁴.

The peasant women were detained in the building of the presidency and, in the afternoon, were taken to Motozintla in a bus, where they were thrown off the bus and threatened. They fled towards the mountains, terrified.

At least ten people died during the confrontations on January 10th: the police commander of Chicomuselo, Hernán Sepúlveda Hernández, the subcommander Moisés Ramírez Ramírez, the small landowner Vicente Soto Canas, and the peasants Darinel Resinos Gordillo, Gerardo Lío Mendez y Tomás Velázquez. There is no precise information about the circumstances of their deaths.

According to the state government's version, when the commander Sepúlveda went down to talk with the peasants, he was detained, tied up, hung by his feet to receive a coup de grace in the head. The subcommander was killed when he tried to talk to the protesters^{35 36}.

According to another version, the peasants told the commander and subcommander that, if they let the ranchers and landowners into the municipal palace, they would die. Thus, they were assassinated during the second confrontation.

According to the government version, Resinos Gordillo and Lío Mendez died in the second confrontation. According to the peasants, the commander shot them in the first confrontation.

The intimidation against the civilian population of Chicomuselo by the ranchers and landowners continued after the actions of January 10th. Some days after the confrontation, the "Plural Group for Peace in Chiapas" observed six people in civil clothes, armed with AK 47s in front of the church of Chicomuselo. They said they were members of the state judicial police, but none of them carried any identification. In the municipal palace there were numerous state police officers, armed with guns and machine guns, guarding the building. When the "Plural Group for Peace in Chiapas" had an interview with four ranchers, those accused the Bishop Samuel Ruiz and Amando Avendaño Figueroa to be the intellectual authors of the land and city hall take overs, thus being responsible for the town's problems. They also confirmed that the governments had tolerated the land invasions, the zapatistas and PRD (Revolutionary Democratic Party) members with their campaign against the law



abiding state. The ranchers and landowners also said that they would no longer tolerate the attacks against their lives and property and that they would defend it with arms if necessary. They accused the nuns, catechists and priests of the region of inciting violence.

On January 22nd, armed civilians, headed by ranchers were patrolling the communities Zacapulpa and Lázaro Cárdenas, municipality Chicomuselo. Three organizations, part of the State Counsel of Peasant and Indigenous Organizations (CEOIC) denounced that this presence provoked a situation of tension and insecurity in the region³⁷.

Follow up:

The state justice department's response to the violent actions of January 10th, through Lic. Jorge Enrique Hernández Aguilar was to make Amado Avendaño Figueroa responsible, who was not present the day of the actions. Hernández Aguilar did not mention the presence of the ranchers nor the heavily armed landowners.

The priest Miguel Angel de Alba Cruz presented a denunciation of that day's occurrences in the church and the parish house to the state department of justice in Tuxtla Gutiérrez, opening the criminal investigation # 0056/CAJ-4/95(A) on January 14th, 1995.

On February 3rd, the CDHFBC asked for the intervention of Lic. Antonio Lozano Gracia, the federal general attorney, so that the complicity of members of the security forces with the armed civilians would be investigated.

Although a special attorney, Lic. Roberto Muñoz Liévano had been appointed to the case, the responsible persons remain in impunity until this date and Lic. Muñoz Liévano has complained that he has not been able to count on the help by the state justice department to carry out the necessary investigations. However, we cannot help but recognize the seriousness with which the special attorney is carrying out the investigation.

3. Municipality: Bellavista

Place: Municipal capital

Rights Violated: Personal Integrity, Judicial Protection and Guaranties, Due Process

Events:

On March 8th, 1995, approximately at 8:15 a.m., members of the federal judicial police, and the state police, accompanied by the justice department of Comalapa arrived at the municipal capital of Bellavista with 20 units and 150 officers, taking over the municipal presidency. They violently evicted five members of the municipal counsel in rebellion, who were in the building. Chased by the public security police, who were shooting in order to detain them, some



counsel members fled towards the mountains and others sought refuge in the house of Dilmar Velázquez Domínguez.

There the counsel member Bersaín Laparra Méndez was found, beaten, detained and remained incommunicado for 36 hours.

The police also entered in the house of Mauro Amable Roblero Díaz, beating the only person present, Mr. Raúl González González, shutting him up in the kitchen and stealing his wrist watch.

That same day agents of the judicial police entered and plundered the house of Arcadio López, detaining arbitrarily Mr. Liborio González, accused of possessing bullet cartridges. He was taken to Comalapa.

At 3:00 pm. the same day the public security forces withdrew from Comalapa.

On February 9th, 1995, the public security forces entered again, for which the male population fled towards the mountains, leaving only the women and children in the houses.

The following people were intimidated and threatened, and had some of their belongings stolen:

- 1.) Sirla Roblero Díaz
- 2.) Hirmisina Vázquez Rodríguez
- 3.) Mauro Amable Roblero Díaz
- 4.) Edgar Vázquez
- 5.) Esther Hernández Mendoza
- 6.) Ribizelda Pérez Alvarado

Follow Up:

The CDHFBC published a press bulletin on March 8th where it denounced the eviction in Bellavista. Included was the demand to present the detained men, Liborio Vázquez and Bersaín Laparra, who had been beaten and whose whereabouts were unknown until that moment.

On March 11th a letter was sent to the state general attorney, Lic. Hernández Aguilar, in which information about the whereabouts of the two men was solicited, mentioning that these people had been taken to Frontera Comalapa on March 8th, the same day as their detention.

On the 15th of the same month, a second letter was sent to the same office in which information about the detainees was solicited and the worry that the actions could remain



impune was expressed, considering that there had been no intervention by any state authority to punish these abuses.

The same day an urgent action was written which described the actions in Bellavista.

On March 20th the CDHFBC received a letter from the state attorney general, signed by Lic. Jorge Enrique Hernández Aguilar. In the letter he wrote that Liborio González and Bersaín Laparra had been turned in to agents of the justice department of Frontera Comalapa, Chiapas by order of the document # 068/95 and 069/95 of the state judicial police. That the criminal investigation # 091/1*/995 had been initiated in which the declaration before the attorney was given, determining the liberty of Bersaín Laparra Méndez and turning Liborio González Pérez over to the district representative of the federal general attorney in Comitán, Chiapas.

On March 27th the CDHFBC sent a document to the justice department, to the attention of Lic. Jorge Enrique Hernández Aguilar in which it is mentioned that the actions taken against Bersaín Laparra Méndez and Liborio González Pérez were in violation of the constitutional article 20, fraction II: *“cannot be forced to declare against himself, for which any incommunication or other method which has that objective is rigourosly forbidden.”*

On April 5th the National Commission for Human Rights, through Lic. Carlos Garduño, asked for information about the complaint No. 122/95/s5n/1677 referring to the events in Bellavista.

The CDHFBC sent information which could help the investigation into the actions.

On April 7th the state prosecution answered the letter sent on March 31st, 1995. The response No. PDH/985/95 read:

1) On March 8th Lic. Adalberto Escobedo Tovilla was in the municipality Bellavista, with personel under his supervision and they were received with bullets, one of those entering in the vehicle of the justice department. The following eye witnesses gave their declaration: Gilberto Abarca Pérez, Francisco Roblero Sánchez, Balmez Rodríguez Pérez and Raúl González González.

2) The chief of the group of the state judicial police offered to take declarations by Liborio González and Bersaín Laparro about the crimes they probably had committed. On March 9th they received a medical examination with the result that both were physically healthy.

3) On March 9th Barsaín Laparro was set free under reserves of the law by the agent of the justice department, because not enough proof was found to merit penal action.

On the same date the detention of the accused Liborio González was ordered because proof was found to allow the determination of his responsibility for the offenses.



Testimony:

They detained a man named Barsaín Laparro, they tortured him, they made him kneel and it looks like they broke his teeth.

I went to tell a youngster, when they went to enter in the house of Dilmar. Dilmar is my son, so I saw the all of them arriving and surrounding the house. So a youngster ran to the house to tell me that I should hide, because they would also get me. So then my son managed to escape. Also they were chasing another companion, whose name is Noel....,some more. Or better, they were chasing all those who belong to the party PRD.

Conclusions:

- 1) The eviction that was carried out by members of the state and federal judicial police, while receiving additional aid by the agent of the justice department of Frontera Comalapa was unjustified.
- 2) The illegal entrances and stealing of Bellavista's population's belongings were carried out without any order, which is an action violating the Human Rights.
- 3.) It is evident that these actions are an abuse of authority, in that the actions carried out were illegal and outside of the functions of the forces.
- 4.) The actions were illegal because these people were deprived of their liberty, and other people of the municipality were beaten and and intimidated, by the use of physical and moral violence.

4. Municipality: Villa Corzo

Place: Colonia Revolución

Rights Violated: Personal Integrity, Justice, Judicial Protection and Garanties, Personal Liberty, Due Process, Freedom of Association and Manifestation, among others

Events:

On June 5th a group of 500 peasants, members of the Popular Peasant Union Francisco Villa (UCPFV) marched from Jaltenango la Paz to Tuxtla Gutiérrez to request the withdrawal of the public forces from the plantations "Liquidámbar", "Prusia" and "Sayula", a better guaranteed price for corn and the punishment of the persons responsible for the eviction of a protest the day before. Aproximatly at 2:00 p.m. the 12 buses transporting the UCPFV members were attacked by 400 members of the state security police, the federal judicial police and the military on the highway at the hight of the gas station in the Colonia Revolución. The members of these police forces shot with fire arms, threw tear gas, threatened and beat various people. Eight peasants were detained and some were seriously hurt. According to the victims, the police did not leave time or possibility to talk.



Miguel Madariaga and Miguel Angel Martínez Hernández were injured by bullets and Rafael Culebro Alvarado, 53, died as a consequence of a nine milimeter bullet.

Follow up:

The CDHFBC sent a letter to Lic. Jorge Enrique Hernández Aguilar, general state prosecutor. In this letter it was asked for the investigation into the actions. The general state prosecution informed that the investigation No. 1136/CAJ4/B/995 was opened against Joaquín López Hernández, Alejandro Méndez González, Marcelino Macario Díaz, Audain Herrera Roblero Jesús Díaz Domínguez and Francisco Contreras, “as the people probably responsible for the crimes of attacking the communication roads, criminal association, carrying illegal weapons and injuring.”

On June 8th, five of these six people were set free.

Until this moment there are no results of the investigation which was opened and the case remains in impunity, since no procedure has been started against the people responsible.

5. Municipality: Bochil

Rights Violated: Personal Integrity, Right to Life, Judicial Protection and Garanties.

Events:

On May 7th, 1994 Mr. Fidel Pérez Ruiz was detained by the municipal police. According to witnesses he was beaten and mistreated in a vehicle of the police. The same day, Mr. Pérez Ruiz was assassinated in the municipal prison.

Follow up:

On May 7th the investigation No. 147/03/994 was opened for the crime of homicide of Mr. Pérez Ruiz. On May 8th an autopsy was carried out with the conclusion that the cause of his death was “inhaling stomach fluids which entered the lungs³⁸” The investigation concluded that Isidro Gómez Sánchez (Commander of the municipal police), José Gómez Hernández (Driver of the police vehicle), Celin Zenteno López (Police officer) and Gonzalo Sánchez López (Police officer) “were not in any way responsible for the actions under investigation”.

On May 27th, 1994, Micaela Pérez Díaz, wife of the deceased, presented a complaint to the State Commission for Human Rights, which until May 1995 had not resulted in a recommendation for this case.



6. Municipality: Angel Albino Corzo

Place: Jaltenango la Paz

Rights Violated: Justice, Right to Life, Personal Integrity, Judicial Protection and Garanties, Freedom of Association and Political Manifestations.

Events:

On September 6th Mr. Roberto Hernández Paniagua, president of the municipal committee of the Democratic Revolutionary Party (PRD), was assassinated by unknown persons in Jaltenango la Paz, municipality Angel Albino Corzo. It is assumed that the motive for his assassination was his activism and political militance.

According to the municipal committee of the PRD in Angel Albino Corzo, Mr. Hernández Paniagua had received death threats from the municipal president, Alfonso Ramírez Ramos and by the plantation owners Jorge Luis Orantes and Alberto Orantes Balbuena³⁹ prior to the assassination. The plantation owners tried to bribe Mr. Hernández Paniagua with N\$ 100.000, a house in Cancun and a pick up truck so that he would leave the PRD. According to the committee of the PRD, this money was used to pay a group of thugs who then murdered Mr. Hernández Paniagua.

Also, on October 28th, Mr. Porfirio Vázquez, member of the Popular Peasant Union Francisco Villa (UCPFV) was assassinated in the same region.

Follow up:

On November 16th, 1994, the municipal committee of the PRD presented a complaint to the National Commission for Human Rights (CNDH). The CDHFBC sent an urgent action asking for the investigation of the homicide and that the people responsible would be punished. By December 1995 no action had been taken to clarify the crime.

7. Municipality: Salto de Agua

Place: Ejido Lote Ocho

Rights Violated: Justice, Personal Integrity, Right to Life, Judicial Protection and Garanties, Due Process, Freedom of Political Association and Manifestation.

History:

Since 1994, some problems because of partisan questions could be seen between militants of the Institutionalized Revolutionary Party (PRI) and the Democratic Revolutionary Party (PRD).

Eight people invaded a ranch in Febuary, while the members of the PRI were against this invasion. The ranch was evicted by the owner shortly thereafter. Of the people who had participated in these invasions, four were assassinated on March 14th.



On the other hand, the PRI members of the community accused the PRD members of not participating in the communal work. The PRD members answered that they did not share this work, because they did not benefit in any way from it. It is assumed that a demand existed against one person of the PRD, accusing him of being an EZLN member.

Events:

With the knowledge of the demand against him, Pedro Méndez Arcos, PRD member, went to the house of Lote Ocho's authority on March 14th. At his arrival, he was shot at. Hearing the shots, people of the community went to the authority's house, were also greeted with bullets, which had the result of three deaths and one injured person.

The situation became more complicated in the community, for which the PRD members fled to the mountains. From the beginning of the conflict on, the entrance and exit to the community were blocked, and the PRI members did not allow the three bodies to be picked up.

Until the 15th of March the authorities, although they knew about the actions, did not go to the community, leaving the bodies where they were. On March 17th the justice department finally went to take the declaration, and on March 18th the bodies of the victims were buried. The bodies were identified to be: Juan Méndez Torres, Pedro Méndez Arcos, Pedro Méndez Torres and José Alfonso Arcos Alvaro, the latter having died upon trying to leave the village.

Although the municipal and state authorities knew about the actions, immediately after they had happened, they acted negligently by not presenting themselves immediately at the village and carrying out the necessary steps to clarify the crimes.

The authorities, even though they opened an investigation, at no time gave notice that the state has the investigation No. 074/26/995, referring to the facts in Ejido Lote Ocho, Salto de Agua.

Follow up:

On March 14th, the CDHFBC let the secretary of the government, Eraclio Zepeda Ramos know by telephone about what had happened, receiving the answer that, since there was no security to go to the village at night, the necessary steps would be taken the next day.

On March 15th the CDHFBC sent out a press bulletin in which it denounced the confrontation between members of the PRI and the PRD in the ejido Lote Ocho, municipality Salto de Agua. In this bulletin the worry about the blockade of the entrance and exit of the village by the PRI members was expressed.



On March 17th a letter was sent to the state general prosecutor, Lic. Jorge Enrique Hernández Aguilar by the Center for Human Rights FBC in which it manifests that it is informed about the events in Lote Ocho, and its worries about the confrontation, asking for the necessary steps to clarify the actions, as well as a process conforming with the law. It also asks for the assurance of the physical and moral integrity of the community's inhabitants.

On April 7th we received a copy of the complaint by members of the PRD through the Secretary of Human Rights and Indian Peoples, directed at Lic. Norma Paulina Montaña, coordinator of the permanent program for the jungle and the highlands of Chiapas, of the National Commission for Human Rights.

This complaint describes the events in Lote Ocho and petitions for an intervention, so that:

- 1.) the human rights violations stop
- 2.) an investigation would be carried out to find the intellectual and actual responsible persons.

On April 27th the CDHFBC again wrote a letter to the state general prosecutor, Lic. Jorge Enrique Hernández Aguilar in which it mentions the letter sent on April 17th.

In this letter the center expresses its surprise of not having received an answer to the last letter and its worry that the inhabitants of Lote Ocho had not been able to return to their community and that the entrances remained blocked.

Again the intervention is urgently requested and the guarantee for the integrity of the inhabitants, considering that renewed human rights violations could take place.

On the 10th of May the center received a document by the state general prosecution, by their General Director for Human Rights Protection, Lic. Elsa Nucamendi Ruiz, in which it is stated that the investigation No. 074/26/995 had been opened in the municipality Salto de Agua, Chiapas, taking the necessary steps to clarify the events mentioned.

On the 17th of May the CDHFBC sent a letter to the agents of the justice department in Salto de Agua, Chiapas in which it asks for information regarding the investigation into the events that had happened in Lote Ocho, municipality of Salto de Agua, Chiapas, without having received an answer until this moment.

Testimony:

In total there were four people dead and who knows how many injured, because they went to the mountains. They wanted to get Pedro's body, but since they wouldn't let them, the three went fleeing to the mountains. - About at what time was that? - About at 9 at night. - What did the people of the PRI do? - They stayed in the community and those of the PRD left. - Who is



in front of the PRI in the community? - The authorities. So, the bodies remained lying there all night and there they were at 3 in the afternoon which was when I left my house.

Considerations in this case:

- 1) The authorities acted in a negligent way, because, although they knew about the events, they did not intervene immediately and efficiently, neither the agents of the justice department, nor the state authorities.
- 2) At no time were conditions given to guarantee the physical integrity of Lote Ocho's inhabitants, to the point that until this moment they have not been able to return to their homes.
- 3) The investigation No.: 074/26/995 has been opened, but due to the negligence of the authorities to clear up this case, the crimes remain unpunished.

8. Municipality: Salto de Agua

Place: Teoquipá El Bascán

Rights Violated: Justice, Judicial Guaranties and Protection, Personal Integrity

Events:

According to information the CDHFBC gathered, on March 16th members of the PRD were detained and tied up by members of the PRI in the ejido Teoquipá El Bascán, municipality Salto de Agua. It is supposed that this was motivated by the fact that the victims were presumed responsible for the events in Lote Ocho two days before.

On the 24th of March the authorities of the ejido Teoquipá El Bascán called for an extraordinary assembly of the community, asking for the presence of all of the ejidatarios (members of the ejido) The meeting started and they began detaining Juan Alvaro López, Mateo Arcos Solis, Pedro Méndez Meneses, Juan Montejo Méndez and Clemente López Alvaro who were accused of invading parcels and stealing horses. These persons remained imprisoned all night in the ejido's jail and were taken to the municipal capital, Salto de Agua, on March 25th.

On March 27th three of them were let go and Clemente López Alvaro and Juan Alvaro López remained in custody.

According to information received, some of the ejido's families fled from the community and sought refuge in other communities in the municipality of Salto de Agua.

Few days later the state's governor promised to guarantee the return of the displaced. Thus the public security police accompanied the displaced and stayed in Teoquipá about 15 days, but the police officers went hunting with the priistas, which deeply intimidated the returnees.



Follow Up:

On March 31st a document was sent to the state prosecutor, Lic. Jorge Enrique Hernández Aguilar, in which it was asked for information about the events of Lote Ocho and Teoquipá El Bascán, without having received an answer until today. The Human Rights Committee of Salto de Agua also sent a letter to the state prosecutor, asking for information about the investigations into the events in these two ejidos.

On May 19th a complaint was presented to the CNDH (National Human Rights Commission), denouncing the actions of the authorities of the ejido Teoquipá El Bascán. On July 5th, 1995 the CNDH sent a letter to the CDHFBC writing that the record No.: CNDH/122/95/Salto/C00021.071 had been opened, which did not express any opinion.

Until this moment there exists no answer from any of the authorities of the state's justice administration, and although having proof for the actions by the municipality authorities, at no time has any of them been punished.

Testimony:

On March 16th my companions of the ejido Teoquipá El Bascán were tied up by priistas of the ejido, without having anything to do with what had happened in Lote Ocho. On the 17th of March they were set free. The people from Lote Ocho arrived at Teoquipá El Bascán and said that those who were tied up knew everything that had happened in Lote Ocho, but these people knew nothing, if they had known they would not have let themselves be caught, they would have fled.

9. Municipality: Teopisca

Place: Municipal Capital

Rights Violated: Arbitrary Detention and Fabrication of Crimes.

Events:

On February 10th, 1995 Mr. Jorge Santiago Santiago was detained by members of the republic's general prosecution, accusing him of "sedition, rioting, rebellion, conspiracy and terrorism", taken from the accusation made by Mr. Salvador Morales Garibay that he was contact person of the EZLN.

Jorge Santiago who participates in activities of the diocese of San Cristóbal and collaborates with the National Commission of Intermediation (CONAI), was taken, four days later, together with Sebastián Entzin Gómez and Jorge Javier Elorriaga to the high security prison in Almoloya de Juárez, state of Mexico, and later to CERESO No. 1 in Cerro Hueco, Tuxtla Gutiérrez.



On March 27th the visit by the defendant's lawyers, which is required for the process appealing the imprisonment, was granted. They presented the document of the offense which stated: "The accusing party has no element of proof to demonstrate his responsibility for the crimes he is accused of." From March 8th on, when Mr. Morales Garibay made the ministerial declaration, until now, his whereabouts are unknown, even though his family had denounced his disappearance at the Judicial Police.

Regarding the disappearance of Mr. Morale Garibay, the Mexican Commission for the Defense and Promotion of Human Rights presented a request to the Interamerican Commission for Human Rights for precautionary measures for the Mexican government, so that the Mexican Commission could require the Mexican government to give information about the whereabouts of Morales Garibay. To this the Mexican government responded saying that Morales Gribay had presented himself voluntarily to declare, following an invitation by Silvia Hernández. (It is not known, who this person is.)

As a consequence to the appeal against the formal imprisonment presented by the defense of Jorge Santiago, he was set free on April 14th, 1995, for absence of proof for the accusations. He was absolved of all charges.

Until this date Sebastián Entzin Gómez and Jorge Javier Elorriaga remain in prison.

NOTES

³² First testimony in the public archive No.5.870, volume 92

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³³ Report by the Electoral Prosecution of the people of Chiapas and sentencing by the Electoral Tribunal of the People of Chiapas. San Cristóbal de Las Casas, Chiapas. 1994

³⁴ Preliminary investigation 0056/CAJ-Y95(A). Justice Department of the State Prosecution of Justice, Tuxtla Gutiérrez and testimony of Miguel Ángel de Alba Cruz, CDHFBC.

³⁵ General Coordination of Social Communication of the State. Bulletin No. 0102, 10th of January, 1995.

³⁶ Third report, Plural Group for Peace in Chiapas

³⁷ *LA Jornada*, January 22nd, 1995

³⁸ Dr Fausto Madariaga Pérez, General Prosecution, Tuxtla Gutiérrez, document No. 4/716

³⁹ Letter by the Commission of Inhabitants of Jaltenango la Paz, Municipal Executive Committee of the PRD, municipality Angel Albino Corzo, November 16th, 1994