

# **IMPLAUSIBLE DENIABILITY**

**State Responsibility for Rural Violence in Mexico**

**Human Rights Watch / Americas**

**Human Rights Watch  
New York · Washington · London · Brussels**

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Printed In the United States of America.

ISBN: 1-5432-210-6  
Library of Congress Catalog Card Number: 97-71529

*Human Rights Watch/Americas*

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## ACKNOWLEDGMENTS

Human Rights Watch/Americas Research Director Joel Solomon and Research Associate Sebastian Brett wrote this report based on fact-finding carried out in Mexico by Solomon in March 1996 and Solomon and Brett in August and September 1996. Human Rights Watch Program Director Cynthia Brown and Human Rights Watch/Americas Deputy Director Anne Manuel edited this report.

Human Rights Watch/Americas is grateful to the Unitarian Universalist Service Committee for providing funding that enabled Solomon to conduct research in Mexico and permitted the production of the report. We are also deeply indebted to Marina Kaufman, a member of the Human Rights Watch/Americas Advisory Committee, who donated funds for this project and has consistently supported the division's work with her insight and time.

We are grateful to the Mexican organizations that facilitated our work in Chiapas. The Fray Bartolomé de las Casas Human Rights Center (Centro de Derechos Humanos "Fray Bartolomé de las Casas," CDHFBC) helped to arrange travel to violence-torn areas and accompanied us on some trips. The center also assisted by providing information on human rights cases. A report published by the center in October 1996, *Neither Peace Nor Justice (Ni Paz Ni Justicia)*, which details many aspects of the violence in northern Chiapas, is an important document for understanding the region. While we were in Chiapas, the Coordinating Group of Non-governmental Organizations for Peace (Coordinadora de Organismos No Gubernamentales por la Paz, CONPAZ) provided valuable assistance through sharing information from many of the human rights cases it handles in Chiapas courts. We also thank CONPAZ for allowing us to review a draft of a paper analyzing the administration of justice in Chiapas, which it was preparing for publication as our report went to press.

In Mexico City, we remain indebted to the Miguel Agustín Pro Juárez Human Rights Center (Centro de Derechos Humanos "Miguel Agustín Pro Juárez," PRODH), whose support while we were in Mexico, and afterward, was crucial. We thank the Mexican Commission for the Defense and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, CMDPDH) for their valuable feedback on Chiapas.

We would like to thank Eric Olson and Clifford Rohde for their valuable observations on this report. We also offer our thanks to the Inter-Hemispheric Education Resource Center for permitting us to reproduce the outline of the map of Mexico and to the Fray Bartolomé Human Rights Center and CONPAZ for permission to reproduce the outline of the map of Chiapas.





## **ABBREVIATIONS AND ACRONYMS**

ACHR	American Convention on Human Rights
CDHFBC	Fray Bartolomé de las Casas Human Rights Center (Centro de Derechos Humanos “Fray Bartolomé de las Casas”)
CEDIAC	Center for Indigenous Rights (Centro de Derechos Indígenas)
CEOIC	State Council of Indigenous and Peasant Organizations (Consejo Estatal de Organizaciones Indígenas y Campesinas)
CIOAC	Independent Union of Agricultural Workers and Peasants (Central Independiente de Obreros Agrícolas y Campesinos)
CNC	National Confederation of Peasants (Confederación Nacional de Campesinos)
CNDH	National Human Rights Commission (Comisión Nacional de Derechos Humanos)
CONFRATERNICE	National Brotherhood of Evangelical Christian Churches (Confraternidad Nacional de Iglesias Cristianas Evangélicas)
CONPAZ	Coordinating Group of Non-governmental Organizations for Peace (Coordinadora de Organismos No Gubernamentales por la Paz)
EPR	Popular Revolutionary Army (Ejército Popular Revolucionario)
EZLN	Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional)
ICCPR	International Covenant on Civil and Political Rights

OCEZ	Emiliano Zapata Peasant Organization (Organización Campesina Emiliano Zapata)
PGJE	Office of the State Attorney General (Procuraduría General de Justicia del Estado)
PGR	Office of the Federal Attorney General (Procuraduría General de la República)
PRD	Party of the Democratic Revolution (Partido de la Revolución Democrática)
PRI	Institutional Revolutionary Party (Partido Revolucionario Institucional)
PRODH	Miguel Agustín Pro Juárez Human Rights Center (Centro de Derechos Humanos “Miguel Agustín Pro Juárez”)



# **IMPLAUSIBLE DENIABILITY**

**State Responsibility for Rural Violence in Mexico**



## I. SUMMARY AND RECOMMENDATIONS

Though Mexico now grapples with political, economic, and legal reforms, it has failed to focus much-needed attention on human rights violations. If the administration of President Ernesto Zedillo is to end Mexico's longstanding abdication of its international human rights obligations, however, the government must place the protection of human rights squarely on its agenda of reform. Nowhere is such attention more urgently needed than in Mexico's rural areas, where violent conflict stemming from political and religious differences, counterinsurgency, and disputes over land and other community resources leads to serious and widespread human rights violations.

This report examines the Mexican government's role in and responsibility for rural violence. In many instances, private citizens, not government officials, carried out the assassinations, abductions, threats, and expulsions documented in this report. In others, Mexican government authorities participated directly in abuses. However, even when private citizens alone were involved, officials often facilitated their abusive acts, failed to prosecute the perpetrators, or appeared to use the judicial system to achieve partisan goals. Given authorities' knowledge of abuses, responsibility to stop them, and obligation to apprehend and prosecute aggressors, the government's involvement in attacks by private citizens is nothing short of willful negligence and complicity.

The report focuses on the southern state of Chiapas, where, since 1995, rural violence in the state's troubled northern region alone has led to the forced displacement of almost 4,000 people and dozens of confrontations in which lives were lost. It also analyzes cases from Guerrero, Oaxaca, and Sinaloa states, because rural violence is a national problem, and the patterns documented in Chiapas appear around the country. At least five patterns can be seen nationally:

- Government officials fail to confront local power brokers, known as *caciques*, who support the governing Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), even when their influence over police and judicial officials leads to abuses. These problems can have deadly consequences when *caciques* arm civilians to defend their interests.
- Federal, state, and local authorities often deny that human rights problems exist, even in the most blatant cases. The rare occasions in which action has been taken against government officials or supporters are exceptions that prove the rule. They show that action can be taken if the political will is there to do

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so, but that such will is only mustered after intense local, national, and international pressure is brought to bear.

- Impunity remains the norm for human rights violators and supporters of the government. This applies to violent acts committed by private citizens in rural Mexico as well as to civilian and military officials who have committed abuses in the name of fighting guerrillas.
- Violent actions are not the exclusive domain of supporters of the PRI; partisans of the PRI have also suffered attacks by their opponents, including murders and expulsions. Human Rights Watch/Americas condemns with equal vigor abuses committed in the name of any political or religious belief. Frequently, however, attacks against the police or members of the PRI are prosecuted vigorously or improperly, in contrast to crimes committed by PRI supporters, which often go unpunished.
- Federal and state judicial officials often fail to fulfill their responsibility to ensure that victims of rural violence have access to effective judicial remedies, whether the aggressors are government officials or private citizens.

These problems are not new to Mexico, but Mexico may currently possess a unique opportunity to confront them. The Mexican government has promoted economic, political, and legal reforms in the past, but the Zedillo administration is overseeing some of the most profound changes in Mexico since the ruling party gained power seven decades ago. These changes, however, have coincided with growing instability in Mexico, stemming from economic crisis, at least two active guerrilla groups, a burgeoning illegal drug trade, and caciques vying to retain power in a time of political change. Further, political movements opposed to the PRI have increasingly contested local, state-wide, and federal elections, making the long-unchallenged control exercised by the PRI ever more precarious.

The government must take the opportunity presented by its agenda of reform to implement meaningful measures to end human rights violations and promote the rule of law. Instability will likely lead to greater violence if the state does not respond to it in accordance with human rights norms. In addition, the government will run the risk of further alienating citizens who have little faith that their conflicts can be successfully and peacefully mediated through government institutions. The human rights problems documented in this report rarely lend themselves to easy



solutions, but the government's efforts to resolve them will speak volumes about the seriousness of its concern for human rights.

### **Rural Violence in Chiapas**

This report analyzes cases in three subregions of Chiapas state, outside the zone where rebels of the Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional, EZLN) operate. The armed conflict, which erupted on January 1, 1994, has exacerbated tensions throughout the state, but the human rights violations documented here are not those of counterinsurgency alone. In fact, rural violence has been less acute in the area where the government and EZLN face off. Rather, the emergence of the EZLN changed longstanding political dynamics, forcing state and federal authorities to cede political space to the guerrillas and their supporters. As peasants increasingly occupied farms and municipal buildings, and the opposition Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) gained in local elections, the battle lines of political power were redrawn.

No single factor suffices to explain the cause of the violence and human rights abuses that this report documents in Chiapas. Politics, religion, land, and counterinsurgency were often at their root, but, frequently, conflict stemmed from more than one of these elements. Human Rights Watch/Americas field research suggests the troubling possibility that, even as some people within the state government expend energy to negotiate community-by-community solutions to conflicts, other government officials capitalize on or manipulate conflicts to promote their own political or counterinsurgency goals, or they divert their attention in the interests of powerful landowners.

For decades, "white guards" (*guardias blancas*) have operated in Chiapas. These hired guns, paid by caciques, protect private property and the political machinery controlled by the PRI. Unlike a formal private security group, they are not accountable for their actions. In fact, the government of Chiapas denies they exist, despite conclusive evidence that they remain active and at times work in coordination with police. By so plainly acquiescing to the violent actions of white guards, and failing to prosecute the perpetrators, authorities become complicit in those abuses.

In Chiapas, however, a new set of armed groups has emerged, quite distinct from white guards in their make-up, visibility, and agenda. They are groups of civilians united in above-ground, peasant-based organizations that employ violence to retain or win political or economic power. We refer to them as "armed groups"

because weapons are used in some of their violent attacks. It appears, however, that most members of these groups are not armed or trained to use arms.

One such association, named Peace and Justice (Paz y Justicia), became active in 1995, expelling the PRI's opponents from rural communities and carrying out other attacks, such as regulating the passage of its enemies on public roads. Unlike white guards, however, which owe their allegiance to economic and political elites and whose victims have tended to come from the disenfranchised, indigenous population, both the members and victims of Peace and Justice come from the same sector of society: the state's poverty-stricken Ch'ol ethnic group.

Human Rights Watch/Americas field research confirmed widespread violent actions by Peace and Justice. For instance, Peace and Justice abducted PRD supporters from Nuevo Limar, Tila municipality, in September 1995 and took them to the police. Rather than take action against the aggressors, who had kidnapped the supporters of the PRD, the police held the victims for several hours, while the army interrogated one accused of being a guerrilla, then released them without charge. The local prosecutor took no action when the PRD members complained. Then, in August 1996, Peace and Justice members from surrounding communities gathered in Nuevo Limar to expel the same people harassed earlier, forcing six families that supported the PRD to flee and seek refuge in neighboring Salto de Agua municipality.

Peace and Justice members in the nearby community of Miguel Alemán have maintained a siege of the neighboring community of Masojá Shucjá since June 1996, blocking its residents from entering or leaving. In July 1996, residents of Miguel Alemán pulled three Masojá Shucjá men from their vehicles as they passed Miguel Alemán, even though the men had joined a police and military convoy for protection. One of the men remains missing. The two others were taken by police to a nearby station, where, almost immediately, PRI supporters showed up to denounce their alleged involvement in an unrelated murder case in which the men had never been mentioned before. At best, this case demonstrates the astonishing speed at which the justice system works against perceived opponents of the PRI; at worst, it shows how the system is easily manipulated by PRI supporters.

Given Peace and Justice's control of the road between Miguel Alemán and Masojá Shucjá, Human Rights Watch/Americas traveled to Masojá Shucjá only after obtaining state government support to do so. While our fact-finding team gathered testimonies, the army general who then commanded a nearby base deployed his troops throughout the community, intimidating witnesses. After we left Masojá Shucjá, Peace and Justice members detained our delegation in Miguel Alemán, despite our police escort. We were harassed and threatened, and a tire of

our vehicle was slashed. We were permitted to leave only after a high-ranking state government official, accompanied by the municipal president, arrived to negotiate our release.

Leaders of Peace and Justice explain that they formed because the state was incapable of blocking the onslaught of what they saw as the EZLN's proxies — the San Cristóbal de las Casas-based Catholic Church, the PRD, and the many organizations composed of indigenous men and women that had become increasingly strong since the 1970s. Consistent with testimony gathered by Human Rights Watch/Americas from the victims of attacks, state leaders of the PRI explained that Peace and Justice coordinates the members of various communities to defend against their enemies. They insist, however, that they work only in self-defense.

Conflict in northern Chiapas is not one-sided, and members and supporters of the PRI have reason to fear for their safety. Human Rights Watch/Americas interviewed partisans of the PRI who were forced to flee their communities and whose friends and family were murdered. While violence against them is real, their explanation of who carried out the attacks — the church and the PRD — does not accord with information gathered by Human Rights Watch/Americas. While clearly some groups or individuals target members of the PRI, we uncovered no evidence of institutional links to above-ground groups such as the church and the PRD.

Just south of the area where Peace and Justice operates, Human Rights Watch/Americas documented the activities of the Chinchulines, a group of hardline PRI supporters in San Jerónimo de Bachajón, a large *ejido*, or collective community, in Chilón municipality. The group furthers the political agenda of the PRI, at least locally and state-wide, while serving its own economic interests. Abuses committed by the Chinchulines for years and denounced by a local, church-sponsored human rights group went unheeded for years.

In May 1996, the Chinchulines went on a rampage, attacking their opponents and the church and driving some one hundred residents into refuge in the state capital of Tuxtla Gutiérrez. They shot and killed two men, set fire to church buildings, and burned homes. Following the attack, the group took on a public-security role, patrolling streets and even maintaining a roadblock at the entrance to the town. Following the attacks, the PRI-controlled state congress cut off funds to the PRD-controlled municipality, arguing that the municipal president was the intellectual author of attacks against the Chinchulines. Only after intense local, national, and international outcry did the state arrest the men accused of being behind the Chinchulines attack. Months later, having succeeded in weakening the municipal government, the congress restored funds to the municipality; the

municipal president was never even questioned by judicial authorities regarding the accusation used to justify cutting off the funds.

As in northern Chiapas, the conflict in Chilón municipality was not one-sided. The attack by the Chinchulines was touched off by the murder of the head of the group, who had harassed the pro-PRD victors in elections for ejido authorities just before the May 1996 confrontation.

Finally, this report details violence in Venustiano Carranza municipality, to the southeast of Chilón. There, longstanding land conflicts have boiled over into armed confrontations between contending parties, but police and prosecutors have acted only against the opponents of the PRI. In July 1996, police and members of a PRI group acted jointly to arrest opponents of the PRI, leading to the death of one man and the arbitrary detention of others.

Though many of the conflicts documented here are based on struggles for political power, an explicitly religious element is also present in many cases. The issue of religion alone, however, does not explain why certain members of the religious community have been targeted. Indeed, many Catholics and Protestants are identified by their opposition to long-established political power structures, posing a threat to political privilege and the economic benefits associated with it. The relationship between politics and religion in Chiapas shifts from region to region, so there is no clearly identifiable state-wide relationship between religious affiliation and political loyalty.

Attacks against the Catholic Church are based on the perceived political role of the church, not motivated by the persecution of adherents of an unpopular religion. The liberation theology of the region's Catholic bishop, Samuel Ruiz, has led to conflict with traditional power holders for decades, but conflict became particularly sharp after January 1994. The Catholic Church is vilified by Peace and Justice, which accuses priests of arming the PRI's opponents and promoting land invasions, a point of view shared by some Chiapas state government officials. The result has been a series of threats against and assaults on clergy and lay Catholic workers, physical attacks on church properties, and the expulsion from Mexico of foreign priests viewed by the government as too radical.

The state's large Protestant population has also come under attack from private citizens and local politicians. At least 15,000 have been expelled from their homes in San Juan Chamula municipality since the early 1970s, while local officials participated in expulsions and the state government sat idly by. In recent years, violence against Protestants has tapered off, though not ended, but other problems have arisen, like prohibitions on Protestant children attending school. State judicial

authorities have failed to move forward on cases in which Protestants have been victimized.

### **The Chiapas State Response to Violence**

In many rural violence cases, the government of Chiapas fails to provide adequate judicial remedy to those who seek it, in violation of international law that imposes upon the state the affirmative obligation to ensure that all people under its jurisdiction have access to effective judicial remedies. Further, this report documents several troubling cases in which Chiapas state authorities used the justice system punitively against their real or perceived opponents, violating international standards on fair judicial processes. Human Rights Watch/Americas is deeply troubled by the fact that in many cases where such problems were documented, authorities appear to have acted with political or religious motivations, signaling what may be a pattern of discriminatory application of justice.

Human Rights Watch/Americas independently investigated several cases in which real or imagined opponents of the PRI were jailed, finding evidence of serious problems: the two men from Masojá Shucjá who were pulled from their cars and ended up in jail for murder, apparently to pacify an angry crowd; a man from Jolnixtié, Tila municipality, arbitrarily detained by soldiers in a community where PRI supporters had been killed; and a case in which officials appeared so eager to take action against foreign and local priests that moments after they obtained accusations against them they flew over the alleged crime scene in a helicopter to fulfill their duty to inspect the site, then expelled the foreign clergy the next day without even minimal due process. As this report went to press, state officials detained four men in Palenque municipality, two of them Jesuit priests, denied them basic due process guarantees, appeared to fabricate evidence, and charged them with murder. They were released several days later by a judge who ruled that prosecutors had failed to present sufficient evidence against the accused. While the incident demonstrated that the court acted properly in this case, it also highlighted the fact that prosecutors violated human rights in detaining the men and lodged charges against them with no apparent reason other than a desire to punish them for their perceived political beliefs.

The PRD has made judicial review of the cases of at least nineteen detainees from Chilón and northern Chiapas a condition for talks with the PRI on regional violence. The detainees, according to the PRD, were jailed without having the chance to offer evidence in their favor. In a positive move, the state government agreed in November 1996 to investigate these cases. In the first set reviewed, it found information that led to the release of at least five men.

Human Rights Watch/Americas is encouraged by the state government's willingness to review cases of people who may have been wrongly jailed. However, the review came about as a result of political pressure from detainees on hunger strike, not a clearly defined judicial process equally accessible to all. While the cases documented here indicate that political will is necessary for Mexico to confront adequately its human rights problem, the goal should be for the Mexican judicial system to function smoothly to protect human rights without the need for pressure to be exercised.

The state government appears to be acting contradictorily to handle violence in northern Chiapas. While complicity and negligence have kept state officials from taking action against the PRI's violent supporters, the state government has simultaneously undertaken initiatives to negotiate non-aggression pacts and the return of internally displaced people from many communities, at the same time that it has provided material support for conflicted areas. Indeed, some 2,000 people have returned to their homes since early 1995, though leaders from both the PRI and PRD criticize the government for failing to address the underlying problems that led to the expulsions.

### **Regional Problems, National Patterns**

If the government is to promote greater respect for human rights, urgent attention must be paid to violence and the government's response to it around the country. For this reason, Human Rights Watch/Americas includes in this report cases from Guerrero, Oaxaca, and Sinaloa states.

Based on field research in Guerrero state, this report finds that impunity remains a serious problem in cases in which opponents of the PRI come under attack. The report analyzes a series of recent murders of PRD activists in Guerrero's Tlacoachistlahuaca municipality, concluding that the state government has failed to take appropriate action to resolve the cases. In Oaxaca, this report documents rural violence and the state's inadequate response, while in Sinaloa, the report discusses human rights violations committed in the name of fighting crime.

Tensions in Guerrero rose sharply in June 1996, when a new and well-armed guerrilla group appeared publicly for the first time in Aguas Blancas, the site of a 1995 police massacre of peasants. Two months later, the group — the Popular Revolutionary Army (Ejército Popular Revolucionario, EPR) — carried out coordinated attacks in six states. Throughout Guerrero, the army responded by setting up roadblocks and pressing the civilian population for information on anyone deemed suspicious. For their part, prosecutors set to work on above-ground peasant organizations thought to be linked to the EPR. Activists have been detained

regularly, and, according to reports, many have been tortured. These problems have also been played out in other Mexican states where the EPR is active, particularly in Oaxaca.

The solution to Mexico's violence problem is not to shore up a strong, repressive central government. The human rights violations that have accompanied just such a system are all too evident. Rather, Mexico's federal and state governments must reject business-as-usual politics based on the abusive relationships of local power bosses, ensure the politically neutral application of justice, and prosecute human rights violators. Though many of the abuses documented here fall under state-level jurisdiction, international law holds the national government of federal systems like Mexico's responsible for the observance of human rights in the states that make up the federal system.

To his credit, President Ernesto Zedillo has recognized deficiencies in the rule of law in Mexico, as have the country's immediate past and current attorneys general. Translating recognition into correction, however, will require the government at all levels to take unambiguous steps toward that goal.

## **Recommendations**

To the Federal Government of Mexico:

- The Mexican government should adopt an aggressive policy toward stemming human rights violations in rural Mexico, even in cases that fall under state jurisdiction. Violations in the states should be identified and publicly condemned by federal officials, who should encourage their state counterparts to take appropriate action to end abuses and punish those responsible for them. Measures should be established to facilitate federal oversight of and judicial action on state-level human rights violations.
- Given that the Chiapas state government has shown itself unwilling to recognize the human rights implications of the actions of armed groups in the state, the federal government should convene an independent task force to investigate human rights violations committed in rural Chiapas. The task force should be instructed to focus on ways in which a similar federal approach to stemming rural human rights violations could be applied to other states.
- The government of Mexico must prosecute human rights violators, ending the pattern of impunity.

- The government must approach the EPR with strict respect for the law. The government should conduct an exhaustive investigation into allegations made by local human rights organizations about the systematic commission of abuses that has taken place in the name of combating the armed group. Human Rights Watch/Americas recognizes the Mexican government's legitimate role in putting down armed insurrection, but notes that such efforts must be carried out in accordance with human rights law.
- The federal government should withdraw its reservations to international human rights treaties regarding the expulsion of foreigners without due process.

To the Federal Chamber of Deputies:

- Mexico's federal Chamber of Deputies should gather information on human rights violations in rural Mexico and use its authority to hold government officials responsible for abuses. For instance, information gathered by the Chamber of Deputies during an October 1995 fact-finding trip to northern Chiapas state should be made public and used to hold the state government accountable for human rights violations in the region.

To the Chiapas State Government:

- The state government should back the reconciliation program of its Ministry of Government with actions that will demonstrate the impartial application of justice and the impartial use of security forces. Action must be taken to ensure that representatives of the Office of the State Attorney General circulate widely throughout conflictive communities to gather testimonies of human rights violations and open cases swiftly and without regard for the political or religious affiliation of the victims.
- The government of Chiapas should publicly condemn armed civilians who engage in politically or religiously motivated violence, including white guards, Peace and Justice, the Chinchulines, and members of opposition groups.
- The government of Chiapas should take appropriate judicial action against members of Peace and Justice who have committed violent crimes. Given significant evidence to suggest that the group's activities are coordinated and



designed to strike against opponents of the PRI, a study of the possible criminal nature of the organization should be carried out.

- The government of Chiapas should take judicial action against police officials who tolerated or facilitated the participation of white guards in police actions against protestors in Chicomuselo, Palenque, and other municipalities in 1994 and 1995. Similarly, the government should take appropriate administrative or criminal action against officials who have contributed to unwarranted delays in bringing these police officials to justice.
- State officials should undertake an investigation into the potential existence of political or religious discrimination in the application of justice. Anyone found guilty of wrongdoing should be punished according to the law.
- Human Rights Watch/Americas encourages state officials to continue their drive to examine questionable detentions in Chiapas. Appropriate administrative or criminal action should be taken against those prosecutors found to have acted improperly in the gathering of evidence and filing of criminal charges, acted partially against members of political parties opposing the PRI, or violated other due process precepts.
- The government of Chiapas should investigate the activities of local public security police detachments — including but not limited to those in Tila, Chilón, and Venustiano Carranza municipalities — to document cases in which police acted improperly to facilitate abuses committed by civilian armed groups. Appropriate administrative or criminal action should be taken against officers found guilty of wrongdoing.
- The government of Chiapas must immediately ensure that freedom of travel is restored in communities currently blocked by Peace and Justice, including Masojá Shucjá in Tila municipality. Judicial action should be taken against those civilians responsible for impeding freedom of movement and those officials who have failed to ensure that this right is respected.
- State judicial officials should move forward on cases of Protestants expelled from their communities or prohibited from attending school, prosecuting those found responsible for the abuses. Officials found guilty of failing to act

## 12 Implausible Deniability: State Responsibility for Rural Violence in Mexico

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properly to prosecute the cases should be subjected to appropriate administrative or criminal action.

### To Political Parties Contending for Power in Chiapas:

- Human Rights Watch/Americas calls on all political parties to issue clear, strong, and public directives to their followers that the use of violence will not be tolerated or supported. Internal investigations should take place within all political parties to find and discipline the promoters of and participants in violent actions.

### To the Government of the United States:

- The government of the United States should press the Mexican government to end impunity in Chiapas and elsewhere in Mexico.
- As the U.S. and Mexican governments build greater ties between law enforcement officials, the United States should use its increasing leverage to ensure that Mexico works actively to eliminate human rights problems. The United States should condition security aid to Mexico on concrete human rights goals regarding the investigation and prosecution of human rights violators.
- U.S. Embassy and State Department officials should continue to extend their contact with Mexican human rights organizations, which has contributed to supporting the human rights movement in Mexico.
- Until the Mexican army adequately investigates gross violations of human rights committed during combat with the EZLN in January 1994, and prosecutes those responsible, the U.S. government should withhold all aid to the Mexican military, including the provision of helicopters.

### To the European Union:

- The Council of the European Union should scrutinize Mexico's human rights record as it discusses with Mexico a new political, cooperation, and trade

agreement. The council should adopt a resolution calling on the Mexican government to ensure that the federal and state governments vigorously prosecute human rights violators.

- During negotiations with Mexico for the new cooperation agreement, the European Commission should give prominence to human rights concerns in Mexico. Representatives of the European Commission in Mexico should coordinate with European Union member states toward this end. The commission should continue to support local nongovernmental human rights organizations. Toward these ends, the commission should appoint a human rights officer in its permanent delegation in Mexico.
- Given the consistent pattern of violations of human rights in Mexico, we urge the European Parliament to request that the European Commission submit an annual report on the situation of human rights in Mexico. In addition, the European Parliament should monitor discussions between the Council of the European Union and Mexico on the political, cooperation, and trade agreement, underscoring the need for Mexico to take concrete steps toward greater respect for human rights.

## **II. MEXICO'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

This report documents numerous violations of international human rights standards, primarily those contained in the American Convention on Human Rights (ACHR) and the International Covenant on Civil and Political Rights (ICCPR). Mexico is bound by both agreements.<sup>1</sup>

Human Rights Watch/Americas analyzes violations of these standards that came about as a result of direct actions of government officials, such as torture and arbitrary detentions. This report also documents human rights violations that resulted from the Mexican government's failure to take measures mandated by the ACHR and ICCPR. These latter abuses came about, for instance, as a result of authorities' willful negligence in confronting the pro-government perpetrators of violence or officials' failure to provide effective judicial remedies for the victims of attacks, whether the aggressors were government officials or private citizens.

### **Responsibility to Ensure the Full Exercise of Human Rights**

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<sup>1</sup> Mexico ratified the ICCPR on March 23, 1981, and the ACHR on March 24, 1981.

For Mexico to comply with its international human rights obligations, it is not enough for officials to refrain from torturing, arbitrarily detaining, or otherwise abusing those under their jurisdiction. The government must also take affirmative steps to ensure that all individuals within its territory and subject to its jurisdiction are able to enjoy the rights embodied in the ACHR and the ICCPR.<sup>2</sup> For example,

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<sup>2</sup> Article 1(1) of the ACHR establishes the duty of states to ensure respect for human rights “without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.” Article 24 of the same convention holds, “All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law. Article 2(1) of the ICCPR requires that governments ensure the protection of human rights “without any distinction of any kind,” while the covenant’s Article 26 reads, “All persons are

Mexico violates this standard when authorities knowingly take no action against individuals who illegally regulate the passage of their opponents on public roads,<sup>3</sup> threaten or physically attack their adversaries, expel their perceived enemies from rural communities, or impede the observation of religious beliefs.<sup>4</sup>

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equal before the law and are entitled without any discrimination to the equal protection of the law.”

<sup>3</sup> The right to freedom of movement is guaranteed by Article 22 of the ACHR, which holds, “Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.” Article 12 of the ICCPR contains substantially similar wording.

<sup>4</sup> By failing to take action when these crimes are committed, the government violates its international obligation to protect these rights. The ICCPR holds: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching” [Article 18(1)]; “Everyone shall have the right to hold opinions without interference” [Article 19(1)]; and “Every citizen shall have the right and the opportunity...to take part in the conduct of public affairs, directly or through freely chosen

The cases documented in this report make amply clear that authorities cannot argue that they have not taken action because they did not know of the crimes committed by private citizens. Rather, by systematically turning a blind eye toward such attacks, local officials become actively complicit in them.

### **Federal Responsibility for State-level Abuses**

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representatives" [Article 25(a). The ACHR reads, "Everyone has the right to freedom of conscience and of religion" [Article 12(1)]; "Everyone has the right to freedom of thought and expression" [Article 13(1)]; "Everyone has the right to association freely for ideological, religious, political, economic labor, social, cultural, sports, or other purposes" [Article 16(1); and "Everyone has the right to...a competent court or tribunal for protection against acts that violate...the constitution or laws of the state concerned..." [Article 25(1)].

Mexico's federal government is responsible for ensuring the promotion and protection of human rights within the country, regardless of whether the authorities responsible for abuses are federal or state officials or private individuals acting with the tolerance or acquiescence of authorities.<sup>5</sup> Therefore, even though state-level authorities, including police and prosecutors, were involved in different ways in most of the abuses documented in this report, the Zedillo administration cannot invoke Mexico's federal system of government to justify failing to act in cases where violations were committed by state-level agents.

Mexico is not the only country in the hemisphere to face the issue of how a federal government should handle state-level human rights violations. Argentina and Brazil have taken steps to assert federal authority over abusive state police. In the United States, the federal government has assumed human rights responsibility over states that are unwilling or unable to ensure the protection of human rights.<sup>6</sup>

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<sup>5</sup> Mexico comprises thirty-one separate states and the Federal District, each with its own justice system responsible for investigating and prosecuting crimes under their separate jurisdictions. A federal justice system also exists to handle crimes of a federal nature. Article 28 of the ACHR holds, "With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfillment of this Convention." Article 50 of the ICCPR reads, "The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions."

<sup>6</sup> In Brazil, the government of President Fernando Henrique Cardoso is moving toward federal oversight of state-level abuses. The government released in 1996 a federal human rights plan designed to take comprehensive steps to fight human rights violations, including bringing under federal judicial authority the investigation and prosecution of human rights violations committed by state police. The plan was hailed as decidedly positive by proponents of human rights, including Human Rights Watch/Americas, which contrasted the federal government's attitude with that of the leaders of many Brazilian states. "The constructive attitude of the Cardoso administration constituted a welcome relief from the hostile, anti-human rights politics of many Brazilian state government authorities," we wrote in our 1996 annual report. See *Human Rights Watch Annual Report 1996* (New York: Human Rights Watch, 1996), pp. 80-82.

In Argentina, the Ministry of Justice has agreed to promote legislation that will bring under federal authority human rights violations committed by provincial police.

In the United States, federal authorities have also stepped in when state officials have proven unable or unwilling to tackle human rights problems. Reconstruction-era law, dating from 1871, gives federal authorities the power to prosecute state and local officials who



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### **The Right to Judicial Protection**

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deprive people of their constitutional rights while acting “under color of law,” which has been interpreted by the courts to apply when authorities violate the Constitution in the course of their duties. The federal government took this step after identifying a pattern in which state and local officials failed to investigate or prosecute constitutional violations committed against former slaves. Since the enactment of this law, the federal government has continued to expand its powers over abusive or negligent state and local officials. For instance, a new law enacted in 1994 allowed the Justice Department to bring civil injunctions against any police department that exhibited a “pattern or practice” of abusive treatment. The Justice Department has authority under the law to seek a court order to force the police department to remedy the problems identified. See Jerome H. Skulnick and James H. Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York: The Free Press, 1993); Paul Chevigny, *Edge of the Knife: Police Violence in the Americas* (New York: The New Press, 1995); and Paul Hoffman, “The Feds, Lies, and Videotape: the Need for An Effective Federal Role in Controlling Police Abuse in Urban America,” *Southern California Law Review*, Volume 66, May 1993, Number 4, 1993.

International human rights standards require Mexico to ensure that all those who need and seek protection from the judicial system receive it.<sup>7</sup> When crimes of rural violence are reported to prosecutors or police, they must act to ensure that justice is done without discrimination. Consequently, authorities violate Mexico's international obligations when they refuse to investigate fully denunciations made by people perceived as government opponents or fail to move cases through the judicial system when the victims of abuse are seen as government opponents.

#### **Due Process Guarantees**

Mexico is bound by the ACHR and ICCPR to provide due process guarantees to protect the rights of people suspected or accused by the state of having

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<sup>7</sup> Article 2(1) of the ICCPR holds, "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion..." Article 2(3)(a) of the ICCPR reads, "Each State Party to the present Covenant undertakes to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity." Article 1(1) of the ACHR contains similar language: "The States parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition."

committed a crime.<sup>8</sup> This obligation is violated when prosecutors use the judicial system punitively against perceived opponents of the government or take arbitrary actions against such individuals.

### **The Right to Equal Protection**

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<sup>8</sup> Article 8(1) of the ACHR reads, "Every person has the right to a hearing, with due guarantees and within a reasonable time." Article 14(1) the ICCPR requires that all people receive a fair hearing. Both articles also set out guarantees for civil and criminal trials.

International human rights law not only requires that Mexican authorities guarantee judicial protection to victims of crimes, it establishes Mexico's obligation to provide judicial remedies equally to all individuals under the state's jurisdiction, without discrimination based on such factors as political or religious affiliation.<sup>9</sup>

Human Rights Watch/Americas is deeply troubled by the findings of this report, which show that in multiple cases officials appear to have acted out of partisan support for the ruling party or against members of evangelical denominations. Officials repeatedly failed to take appropriate measures to ensure the rights of people perceived as opponents of the government, for instance, while moving swiftly and often questionably or illegally to prosecute government adversaries. At the same time, officials routinely turned a blind eye toward abuses committed by government supporters. The government cannot argue that the justice system simply functions poorly, since in several cases documented in this report prosecutors and police moved swiftly to investigate and prosecute real or perceived government opponents who were accused of having committed a crime.

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<sup>9</sup> Article 25(1) the ACHR holds, "Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the courts of their official duties." Article 25(2)(a) reads, "The States Parties undertake to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state; to develop the possibility of judicial remedy; and to ensure that the competent authorities shall enforce such remedies when granted." Article 2 of the ICCPR also establishes the right to equal protection.

To evaluate further the distressing implication that a pattern of violations of equal rights standards exists in Chiapas, Human Rights Watch/Americas sought rural violence cases in which supporters of the government were treated the same as its opponents. Other than the well-publicized case of the detention of the Chinchulines in Chilón municipality, documented below, Congressman Samuel Sánchez Sánchez, a PRI state legislator from northern Chiapas, was unaware of any cases of PRI supporters in jail for acts of rural violence.<sup>10</sup> Chiapas state Director General of Government Mario Arturo Coutiño told Human Rights Watch/Americas that such cases did exist, though he did not provide any specific examples. Further, Coutiño insisted that the PRI did not call attention to these cases because the party accepted the guilt of its partisans in the instances for which they had been prosecuted and jailed.<sup>11</sup> Human Rights Watch/Americas is unaware of allegations of irregularities in cases in which government supporters may have been detained.

Throughout this report, Human Rights Watch/Americas calls attention to cases that bolster our concern about equal protection standards in Chiapas. We recommend that Mexican authorities undertake a thorough evaluation of this concern.

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<sup>10</sup> Human Rights Watch/Americas telephone interview, February 10, 1997.

<sup>11</sup> Human Rights Watch/Americas telephone interview, March 4, 1997.

**International Prohibition of Torture, “Disappearance,” and Arbitrary Detention**

This report documents cases of torture, “disappearance,” and arbitrary detention, which are strictly prohibited under international law.<sup>12</sup> Some of these abuses took place during incidents of rural violence involving both government officials and private citizens. In some cases they came about in the context of the government’s fight against leftist guerrillas.

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<sup>12</sup> Article 7 of the ICCPR and Article 5(2) of the ACHR hold, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” In addition, The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment reads, in its Article 2(1), “Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.” The convention’s definition of torture includes “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person” [Article 1(1)]. Mexico ratified the convention on January 23, 1986. Under the Inter-American Convention to Prevent and Punish Torture, ratified by Mexico on June 22, 1987, Mexico is also obliged to act against torture.

Article 7(3) of the ACHR reads, “No one shall be subject to arbitrary arrest or imprisonment,” while Article 7(4) holds, “Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.” The ICCPR contains substantially similar standards in Article 9(1)(2).

The United Nations Declaration on the Protection of All Persons from Enforced Disappearance lays out the violations committed by governments that practice “disappearances.” It reads, “It constitutes a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.”<sup>13</sup> Often, “disappearances” facilitate other human rights violations, including torture and extrajudicial execution.

#### **Mexican Reservations to International Human Rights Standards Regarding the Expulsion of Foreigners**

The Mexican government formulated reservations to certain provisions of three treaties that guarantee due process to foreigners prior to expulsion, thereby signaling that its observation of the reserved human rights standards would be limited. Related to the cases in this report, the Mexican government formulated reservations to the ICCPR, ACHR, and the 1928 Convention on the Status of Foreigners.<sup>14</sup>

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<sup>13</sup> United Nations Declaration on the Protection of All Persons from Enforced Disappearance, Article 2. The declaration, which was adopted by the General Assembly of the United Nations on December 18, 1992, provides authoritative guidance to governments regarding the crime of “disappearances.”

<sup>14</sup> Article 22(6) of the ACHR holds, “An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.” Article 13 of the ICCPR reads, “An alien lawfully in the territory of a

Mexico's reservations to these treaties stipulate that the expulsion of foreigners will take place according to domestic law, a reference to Article 33 of the Mexican Constitution, which allows the executive branch of government to "force to leave national territory, immediately and without necessity of prior legal process, all foreigners whose stay in the country it deems undesirable." By doing so, the government retained the authority to expel foreigners summarily, which is what it did to three foreign priests in 1995, as documented below.

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State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reason of national security otherwise require, be allowed to submit the reasons against his expulsion...." Article 5 of the Convention on the Status of Foreigners, which Mexico ratified on March 28, 1931, requires that governments ensure that foreigners enjoy all of civil rights accorded to citizens, including due process.



The federal National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) has argued strongly that these reservations should be withdrawn, noting that they “not only clash with the most elemental principles of justice, but also contradict values and norms that are universally accepted regarding the promotion, protection, and defense of human rights.”<sup>15</sup> Human Rights Watch/Americas must agree, finding the government's expulsion of the priests without due process a clear violation of the ends and purpose of international human rights standards on the subject and an indication that the government of Mexico places political expediency over due process guarantees.

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<sup>15</sup> Comisión Nacional de Derechos Humanos, *Las Reservas Formuladas por México a Instrumentos Internacionales sobre Derechos Humanos* (Mexico City: Comisión Nacional de Derechos Humanos, 1996), pp. 36-39. Translation by Human Rights Watch/Americas.

### III. REGIONAL PROBLEMS, NATIONAL PATTERNS

#### **Crime, Rural Violence, and the Breakdown of the Mexican Justice System**

From the arbitrary detention of suspected guerrillas in the southern, poverty-stricken state of Guerrero to the “disappearance” of suspected criminals in northern Mexico’s prosperous agricultural state of Sinaloa, rural human rights violations are a national problem. Some of these abuses are political in nature, but others come about as a response to burgeoning crime.

The cases highlighted below — from Sinaloa, Guerrero, and Oaxaca states — demonstrate the varied causes of human rights violations nationally, but they contain a common denominator: the justice system fails to function properly. This, too, is the lesson from the Chiapas cases that form the bulk of this report.

In several cases documented in this report, including the Aguas Blancas massacre and the Chinchulines rampage, certain government officials or supporters who committed human rights violations have been brought to justice. These cases showed three characteristics in common: a blatant violation of the law; official denials; and local and international outrage, prompting action. In effect, they were exceptions that proved the rule: justice can be done, but political will is necessary. In far too many cases, violations are denied or simply go unpunished.

Shortly after assuming his current position in December 1996, Attorney General Jorge Madrazo Cuéllar noted,

Regarding formal justice, it must be recognized that during the last two decades, at least, unwarranted delays and insufficiencies have accumulated, to which new elements have been added that have exacerbated the problem. Ministerial mistakes and even crimes committed by public servants engaged in carrying out relevant investigations have greatly contributed to the deepening of this crisis, which is felt in the notable loss of credibility within society related to the work of securing justice.<sup>16</sup>

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<sup>16</sup> Speech by Jorge Madrazo Cuéllar, February 5, 1997. Translation by Human Rights

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Watch/Americas.

Earlier, when ordering that all Federal Judicial Police undergo human rights training, Madrazo commented, “The challenge of overcoming the crisis of credibility related to the securing of justice begins with putting our own house in order.”<sup>17</sup>

Achieving this goal will not be easy. The problems are complex, mixing local political interests with state or national institutions. Madrazo has promised to prosecute any of the employees of the Office of the Federal Attorney General who violate human rights. A positive initiative, it is too soon to know how much success he will have. And as positive as federal initiatives may be, measures are also needed to tackle state-level problems, since state judiciaries function independently from the federal system.

The lack of will to end abuses and impunity is part and parcel of Mexico's political system. Occupying the presidential palace for the last seventy years, the PRI or its predecessors have employed a complex system of cooptation and coercion to maintain control. This corporatist system hinges on the maintenance of centralized political authority. The justice system has shown the tendency to function smoothly and swiftly — if not always in accord with human rights standards — when punishing opponents of the government, but slowly, if at all, when government supporters are to be brought to task. As a result, political negotiation, not reliance on the legal system, has been the method preferred for resolving conflicts.

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<sup>17</sup> Speech by Jorge Madrazo Cuéllar, February 3, 1997. Translation by Human Rights Watch/Americas.

Today in Mexico, profound political and economic change is the order of the day, shaking the very foundation of the country's corporatist society.<sup>18</sup> As a result, the regional power bosses known as caciques have been left increasingly on their own to fend for themselves.<sup>19</sup> Nowhere is this more clear than in rural Mexico. As Mexico struggles to introduce democratic reforms, we can expect greater human rights violations stemming from the actions of caciques fighting to maintain their privileges. Political dangers, like a well-organized opposition, or serious criminal threats, like kidnappers, may increasingly be dealt with outside the law. Ironically, if the cases documented in this report are any indication, it will often be the institutions and people responsible for upholding the law who act outside the law. This tension will be exacerbated by growing political demands stemming from increased opposition organization and federal-government rhetoric in support of democracy.

### **Human Rights Violations and Impunity in Guerrero State**

Rural violence in Guerrero claimed international headlines after police opened fire on peasants in Aguas Blancas, Coyuca de Benítez municipality, on June 28, 1995, killing seventeen and wounding twenty-three.<sup>20</sup> Though this case became exceptionally well known, political disputes, drugs, and crime have led to rural violence for years in Guerrero.

In the Aguas Blancas massacre, state authorities were proved to have fabricated evidence of an armed confrontation and to have manipulated a video filmed by the police, however improbably, of the massacre itself. Eventually, authorities fired

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<sup>18</sup> Politicians have negotiated changes to the political system designed to broaden participation, a decisive move away from the country's autocratic roots. As a result of reforms, for instance, Mexico City will elect its mayor for the first time in July 1997. Far-reaching economic reforms have also taken place. In recent years, according to the U.S. State Department, the government has privatized more than 950 state-owned companies.

<sup>19</sup> The term "cacique" is used in Mexico to refer to people who exercise extreme influence over the politics and economics of a given region. Though not necessarily elected or appointed government officials, they use their power to sway the structures of the government to their favor. Because there is no adequate English translation, we will use "cacique" throughout this report.

<sup>20</sup> For background on the massacre see Minnesota Advocates for Human Rights, "Massacre in Mexico: Killings and Cover-up in the State of Guerrero, December 1995, and Comisión Nacional de Derechos Humanos, Recommendation 104/95, in *Gaceta* No. 61, August 1995.

officials responsible for the police action that led to the massacre, mid- and low-level officers were jailed, and the state's governor resigned.

In March 1996, President Zedillo requested that the Mexican Supreme Court review the Aguas Blancas case, after receiving intense national and international pressure. In its report on the case, the Supreme Court, noting that "it is well known that to sustain a lie you have to continue lying," strongly criticized the state government's attempt to cover up the government's responsibility for the massacre.<sup>21</sup> "It is relevant to point out how absurd the declarations of state government officials were, made in their uncontrolled effort to cover up, mislead, and protect [themselves]."<sup>22</sup>

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<sup>21</sup> "Acuerdo del Tribunal Pleno de la Suprema Corte de Justicia de la Nación correspondiente al día veintitrés de abril de mil novecientos noventa y seis," Corte Suprema de Justicia de la Nación, Expediente 3/96, April 23, 1996, p. 107. Translation by Human Rights Watch/Americas.

<sup>22</sup> Ibid., p. 108.

Rather than fulfill its responsibilities in the case, the Supreme Court found, the state government “acted as a clique holding power that it had to protect, even when it implied hiding the truth and protecting those responsible.”<sup>23</sup> The court determined that the highest-ranking members of the state government at the time were responsible for the massacre, including Rubén Figueroa Alcocer, the governor; José Rubén Robles Catalán, the secretary general of government; and Antonio Alcocer Salazar, the state attorney general.<sup>24</sup> No criminal action was taken against them before or after the publication of the Supreme Court’s decision.

The Aguas Blancas massacre followed a long history of rural violence and impunity in Guerrero. In fact, a police official whom the CNDH named as responsible for the Aguas Blancas massacre had been on active duty despite prior CNDH documentation that he had been involved in another violent confrontation with protestors just nine months earlier. Major Manuel Moreno, general operations director of Guerrero’s Public Security Police, had overseen a September 1994 crackdown on protestors in the state capital of Chilpancingo, leading the CNDH to recommend that he be suspended pending judicial investigation.<sup>25</sup> More than a year later, arrest warrants issued for agents under Moreno’s command had yet to be executed.<sup>26</sup> No action was taken against Moreno until after the Aguas Blancas massacre.

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<sup>23</sup> Ibid., p. 125.

<sup>24</sup> Ibid., p. 152.

<sup>25</sup> Comisión Nacional de Derechos Humanos, Recommendation 32/95, in *Gaceta* No. 55, p. 262.

<sup>26</sup> Comisión Nacional de Derechos Humanos, *Informe Anual Mayo 1995-Mayo 1996* (Mexico City: Comisión Nacional de Derechos Humanos, June 1996), p. 488. In its most recent publicly available update on the case, the CNDH did not indicate why the arrest warrants had not been executed.

Political violence has continued since the Aguas Blancas massacre. For instance, Tlacoachistlahuaca, a municipality in southern Guerrero state, has suffered a series of apparently politically motivated murders and impunity, stemming from an electoral dispute. On May 23, 1995, PRD supporters forced Municipal President Amando Ramos Brito from his office and occupied the municipal building until December 16 of that year,<sup>27</sup> arguing that they had had enough of Ramos Brito's authoritarian, cacique leadership.

On November 25, 1995, participants in the takeover filed a complaint with the Tlacoachistlahuaca auxiliary Office of the State Attorney General.<sup>28</sup> In his statement, PRD member Ignacio García Muñiz provided details on nine incidents in which PRD activists had been threatened with death following the takeover of the municipal building. The statement included the dates and circumstances of the incidents and the names of the accused.<sup>29</sup> No action was taken on the denunciations, according to PRD activist Lauro García Vásquez, who participated in the city hall occupation.<sup>30</sup>

Eight people claimed by the PRD as party militants, many of whom participated in the takeover, had been murdered prior to the November 25 denunciation. Three were killed after the complaint was filed. In only one of the

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<sup>27</sup> Philip True, "Guerrero Has Become a State of War," *San Antonio Express-News*, October 22, 1995.

<sup>28</sup> The Office of the State Attorney General maintains regional offices of the Public Ministry, which is responsible within the Office of the State Attorney General for investigating crimes and formulating charges. Regional offices oversee auxiliary offices.

<sup>29</sup> Acta Ministerial No. 13, Agencia Auxiliar del Ministerio Público, Tlacoachistlahuaca, November 27, 1995.

<sup>30</sup> Human Rights Watch/Americas interview, Ometepepec, Guerrero, September 5, 1996.



cases has the government issued an arrest warrant, related to the June 18, 1995 murder of Rey Flores Hernández, from the community of La Trinidad. PRD activists encountered the accused in April, abducted him and eight people he was with, and turned them over to the police after holding them illegally in April 1996. The accused, Francisco Mendoza Hernández, was later released without charge.

Judicial authorities from the state attorney general to the Tlacoachistlahuaca-based auxiliary agent of the Office of the State Attorney General complain that witnesses have not cooperated. "They haven't wanted to support us," Attorney General Antonio Hernández told Human Rights Watch/Americas, complaining that PRD activists who promised to bring witnesses to designated locations to be interviewed "left us high and dry."<sup>31</sup> PRD activists complain that it is not up to them to do the work of the Office of the State Attorney General. Case documents reviewed in several of the killings indicated that partial work had been done on most of the murder cases, but that, often, simple leg-work remained to be done.<sup>32</sup> By the time this report went to press, no one had been detained for any of the murders.

Since the appearance of the EPR in June 1996, according to Mexican human rights groups, the army and civilian authorities have cracked down on organizations believed to be linked to the EPR, leading to a witch hunt that Mexican human rights groups have said is characterized by a series of abuses, "such as arbitrary detentions, illegal searches, threats, torture, kidnappings, and a climate of terror and insecurity in some communities."<sup>33</sup>

#### **Estación Naranjo, Sinaloa State: Human Rights Violations in Fighting Crime**

Police, too, often disregard the law in the name of fighting crime. In rural Sinaloa state, for example, Human Rights Watch/Americas documented the

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<sup>31</sup> Ibid.

<sup>32</sup> This was the situation in cases ABAS/02008/995, ABAS//02/158/995, ABAS/02/259/995, ABAS/06/004/995.

<sup>33</sup> Letter from human rights groups to Mireille Roccatti, president of the National Human Rights Commission, February 6, 1997. The letter was signed by the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, the Centro de Derechos Humanos "Fray Francisco de Vitoria," the Centro de Derechos Humanos "Miguel Agustín Pro Juárez," the Centro de Estudios Sociales y Culturales "Antonio Montesinos," the Movimiento Ciudadano por la Democracia, the Red Nacional de Organizaciones Civiles de Derechos Humanos "Todos los derechos para todos," and the Convergencia de Organismos Civiles Por la Democracia, among others. Translation by Human Rights Watch/Americas.

temporary “disappearance” of two women accused of participating in a kidnapping. According to the victims’ family, their home had been under surveillance by people in unmarked vehicles for several days before the February 28, 1996 attack. At approximately 3:00 in the morning, men identifying themselves as members of the State Judicial Police woke the family members and forced them to hand over sisters Margarita and Berta Alicia Alvarado Bon. “Five men entered the house,” a third sister, Alejandra Alvarado Bon, told Human Rights Watch/Americas. “They asked all our names, then took Berta and Margarita, who didn’t even have time to put on their shoes.”<sup>34</sup> The sisters were taken away in a grey Suburban with license plates from neighboring Sonora state.

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<sup>34</sup> Human Rights Watch/Americas interview, Estación Naranjo, Sinaloa, March 4, 1996.

That night, Alejandra Alvarado Bon searched for her sisters at the local police station, to no avail. The following day, she filed a complaint with the local auxiliary agent of the Office of the State Attorney General. Police interviewed by Human Rights Watch/Americas asserted that they had gone in search of the women. "We tried to find the kidnapped girls," one agent insisted.<sup>35</sup>

On March 4, the auxiliary agent of the Office of the State Attorney General, interviewed by Human Rights Watch/Americas, indicated that she had not been able to gather information on the case because the family members did not come to her and she lacked a car to travel to the home of the "disappeared" sisters,<sup>36</sup> a weak excuse since the sisters lived five minutes' walk from the agent's office. The agent did assert, however, that police did not have the sisters in custody. According to Alejandra Alvarado Bon, the auxiliary agent consistently failed to be at her office when family members tried to contact her.

On March 6, when news of the "disappearance" broke in a local newspaper, state judicial police admitted that they had arrested the sisters and turned them over to Sonora state police, who were investigating a kidnapping.

According to the Sinaloa Commission for the Defense of Human Rights (Comisión de Defensa de los Derechos Humanos), which interviewed Berta Alicia Alvarado Bon after her release, the sisters were taken to a hotel and questioned about a recent kidnapping. They were transferred to a private house, where they were kept on February 28 and 29 and March 1 and 2. Margarita Alvarado Bon was beaten. She was charged in connection with the kidnapping, while her sister was released.

In response to questions from Human Rights Watch/Americas, Mexico's Foreign Ministry said that the women had not been "disappeared" and that proper

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<sup>35</sup> Ibid.

<sup>36</sup> Human Rights Watch/Americas interview, Griselda Cervantes, March 4, 1996.

legal procedure had been followed in arresting them.<sup>37</sup> The ministry did not respond to follow up questions by Human Rights Watch/Americas regarding the blatant irregularities and abuses committed during the detention, including holding the women incommunicado, threatening and beating Margarita Alvarado Bon, and holding the women at a hotel and private home instead of at government installations.<sup>38</sup>

**Rural Violence in Oaxaca State**

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<sup>37</sup> Letter from Miguel Angel González Félix, legal advisor to the Ministry of Foreign Relations, to José Miguel Vivanco, executive director of Human Rights Watch/Americas, April 2, 1996.

<sup>38</sup> Letter from José Miguel Vivanco to Miguel Angel González Félix, July 30, 1996.

As in Guerrero, violence in Oaxaca state has been of serious concern for many years. According to *The Violence in Oaxaca (La Violencia en Oaxaca)*, a report published by the Miguel Agustín Pro Juárez Human Rights Center (Centro de Derechos Humanos "Miguel Agustín Pro Juárez," PRODH), political and religious disputes, the increasing presence of the army since the EZLN launched its first public attacks — presumably to guard against northern expansion of the group — and drug trafficking are the factors that lead to human rights violations there.<sup>39</sup> Since the publication of the report in August 1996, the EPR became active in Oaxaca, leading to new problems, according to local human rights groups, including the arbitrary detention and torture of suspected EPR members.

In late 1996, Minnesota Advocates for Human Rights and the Heartland Alliance for Human Needs & Human Rights published a report on Oaxaca, finding,

Human rights violations pervade Oaxaca, in numerous forms. Oaxacans' right to life, for example, is violated with disturbing frequency. Both the state and national governments have responded principally with ignorance and neglect. Law enforcement rarely brings the killers to trial.<sup>40</sup>

The hands of state and federal security force agents, including state police and the military, are also sullied with grave human rights violations. Agents of the state are responsible for numerous arbitrary executions, acts of torture, and other mistreatment. Law enforcement officials also possess the notorious tendency to arrest individuals arbitrarily within Oaxaca.<sup>41</sup>

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<sup>39</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez, *La Violencia en Oaxaca* (Mexico City: Centro de Derechos Humanos "Miguel Agustín Pro Juárez," 1996).

<sup>40</sup> Minnesota Advocates for Human Rights and Heartland Alliance for Human Needs & Human Rights, *The Rule of Lawlessness in Mexico: Human Rights Violations in the State of Oaxaca*, November 1996, pp. 2-3.

<sup>41</sup> Ibid, p. 3.

Minnesota Advocates for Human Rights and the Heartland Alliance for Human Needs & Human Rights went on to analyze illustrative cases, including the “disappearance” and murder of four men from *Ranchería Las Cruces*, in the *San Miguel Chimalapa* ejido. Uniformed public security police detained the men on November 1, 1994. Two weeks later, the victims were found dead, each with a bullet to the head and heart. Despite evidence linking specific officers to the weapons used to kill the men, no arrest warrant had been issued by July 1996.<sup>42</sup> The report also documented cases of human rights violations committed in the name of fighting common crime. For instance, on June 27, 1996, police detained and tortured Luis Arturo Tiburcio Lázaro, whom they accused of having stolen a car.<sup>43</sup>

According to the PRODH report, religious freedom has also been limited by government officials, who have taken brutal and blatantly illegal actions against non-Catholics, as they have in Chiapas. PRODH reported, “Cases are common of municipal presidents who hold a position as a religious minister; they oblige non-Catholic community members to renounce their religion and to take religious positions; they are punished with economic fines, the suspension of services, and jail. In extreme cases, their properties are destroyed, the people are expelled or killed.”<sup>44</sup>

The appearance of the EPR has exacerbated rural tensions. Amnesty International has reported several cases of illegal detentions and torture in Oaxaca, including the following:

In one instance, in the early afternoon of 4 September [1996], several members of the Oaxaca state police, the Mexican army and the federal judicial police, raided the home of Evaristo Peralta, a member of the CDIP [People’s Defense Committee, *Comité de Defensa de los Intereses del Pueblo*] in the town of *Miahutlán*, Oaxaca. He was brutally beaten, blindfolded, and carried away in the van to an unknown destination. During his detention he was interrogated about the EPR and threatened

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<sup>42</sup> Ibid., pp. 22-23.

<sup>43</sup> Ibid., pp. 23-24.

<sup>44</sup> *La Violencia en Oaxaca*, p. 25. Translation by Human Rights Watch/Americas.

with death if he did not cooperate, before being released without charge at 2 pm the following day.<sup>45</sup>

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<sup>45</sup> Amnesty International, Urgent Action, AI Index: AMR 41/55/96, September 6, 1996. Amnesty International also reported the October 22, 1996, abduction of Manuel Ramírez and Fermín Oseguera, who were found in Nochixtlán on November 1, their hands tied; they reported being tortured and questioned about the EPR. See Urgent Action, AI Index AMR 41/77/96, November 19, 1996.

On September 17, 1996, men kidnapped journalist Razhy González, held him for two days, and beat him while inquiring about a secret EPR press conference he had attended earlier.<sup>46</sup> González, editor of the weekly *Contrapunto*, reported that, given the way in which his captors abducted, frisked, and questioned him, he believes that the assailants were government security officials.<sup>47</sup>

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<sup>46</sup> Julia Preston, "Mexico Confronts Rebels With Limited Crackdown," *The New York Times*, October 16, 1996.

<sup>47</sup> Ibid.



## IV. HUMAN RIGHTS VIOLATIONS IN CHIAPAS

### Background

#### Competition for Political Power

Intra- and inter-community divisions within Chiapas's rural areas, punctuated by violence, are nothing new in the state. At times exacerbated or manipulated by outside interests seeking political or economic benefit, such divisions have revolved around land, religion, political affiliation, or control over economic resources. The violence in northern Chiapas is the result of longstanding power relationships and radical changes in Chiapas's political and economic landscape in the mid-1990s.

Until very recently, a tight circle of caciques have monopolized political power within Chiapas's municipalities. Caciques became adept at exploiting their profitable relationship with the ruling PRI, working through the state government to fend off land reform in many parts of Chiapas. "Certificates of inalienability" were issued beginning in 1934, allowing ranchers and large landholders to hold onto their property in the face of federal land reform. In exchange for supporting the PRI, local leaders and caciques could expect to enjoy the benefits of federal government largesse and to be able to establish commercial interests that often amounted to monopolies in, for example, food distribution or transportation. Meanwhile, over decades, the PRI coopted indigenous leaders and organizations.

Opposition to the PRI and the cacique system grew in the 1970s, when several peasant organizations were founded. While the federal government continued to interact with the peasant population through the until-then-unchallenged National Confederation of Peasants (Confederación Nacional de Campesinos, CNC, one of the mainstays of the PRI corporatist system), alternative groups proliferated: the Emiliano Zapata Peasant Organization (Organización Campesina Emiliano Zapata, OCEZ); the Independent Union of Agricultural Workers and Peasants (Central Independiente de Obreros Agrícolas y Campesinos, CIOAC); and the Rural Association of Collective Interest/Union of Unions (Asociación Rural de Interés Colectivo Unión de Uniones, ARIC U de U).

These independent groups organized widely in the 1970s and 1980s, carrying out occupations of farm land throughout the state. In general, however, they failed to break the PRI's stranglehold on political power. Until the EZLN rebellion, scarcely a single municipality had been gained by an opposition party, though the PRD made strides in organization in rural Mexico, to the point in the early 1990s where it posed a significant threat to the PRI in many Chiapas municipalities.

Simultaneously with greater opposition organization, economic conditions in the state changed, throwing people formerly employed in large-scale agriculture out

of work and back into subsistence farming.<sup>48</sup> These changes led to greater conflict over the ever-scarcer economic benefits derived from positions of authority within communities.

Although the EZLN rebellion of January 1994 directly affected only a relatively small area bordering the Lacandón jungle, the political effects of the conflict were acute in the rest of Chiapas. Within days of the cease-fire announced by President Carlos Salinas de Gortari on January 12, 1994, peasant groups began to denounce PRI local government officials for corruption in municipalities across the state. By May 1994, emboldened protesters had occupied or blockaded municipal presidents' buildings in at least nineteen municipalities.<sup>49</sup> Fears of exacerbating the armed conflict led to a more cautious and measured response by the state government to these protests than had been typical in the past.

Umbrella groups like the State Council of Indigenous and Peasant Organizations (Consejo Estatal de Organizaciones Indígenas y Campesinas, CEOIC) were set up to coordinate, on a state-wide basis, the actions of anti-government peasant and Indian organizations. Land occupations took place on an unprecedented scale. By mid-1994, more than 300 farms had been invaded,<sup>50</sup> a figure that had jumped to 800 by mid-1996, according to ranchers.<sup>51</sup>

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<sup>48</sup> Jan Rus, "Local Adaptation to Global Change: The Reordering of Native Society in Highland Chiapas, Mexico, 1974-1994," *European Review of Latin American and Caribbean Studies*, No. 58, June 1995, pp. 78-79.

<sup>49</sup> Alejandro Luévano Pérez, "La lucha por los municipios en Chiapas," *La Jornada* (Mexico City), May 30, 1995.

<sup>50</sup> Andrés Becerril, "Interminables Conflictos Agrarios en Chiapas; Invasiones, Desalojos y Muerte," *Excelsior* (Mexico City), April 1, 1996.

<sup>51</sup> "Entrevista a Jorge Constantino Kanter," *La República en Chiapas* (Tuxtla Gutiérrez),



While federal and state authorities were forced by the EZLN rebellion and international pressure to exercise a tolerance they never before felt bound to practice, the state's still-powerful landowners and farmers felt threatened. During an interview with a local Chiapas newspaper, rancher Jorge Constantino Kanter, identified by some observers as a promoter of white guards,<sup>52</sup> put it this way: "It is undeniable that the response [to the EZLN] has been focused only toward the indigenous of the region."<sup>53</sup> Regarding armed actions by landowners, Kanter left little doubt: "Now, if what you want to ask me is if landowners have taken action, I tell you 'yes.' On more than one occasion the landowners had to organize to defend what belongs to them."

#### **Immediate Origins of the 1995-1996 Violence in Chiapas**

Violence in Chiapas became pronounced in 1995 and 1996, as the political opposition, for the first time, decisively breached the PRI's monopoly on local government. Federal and gubernatorial elections in August 1994 reflected the

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<sup>52</sup> Centro de Derechos Humanos "Fray Bartolomé de las Casas," *Ni Paz Ni Justicia* (San Cristóbal de las Casas: Centro de Derechos Humanos "Fray Bartolomé de las Casas," October 1996), p. 147.

<sup>53</sup> "Entrevista a Jorge Constantino Kanter." Translation by Human Rights Watch/Americas.

political and societal transformations developing since the 1970s; the PRD gained more votes than the PRI in many municipalities.<sup>54</sup> In the gubernatorial vote, the PRI lost in slightly more than one-third of the state's municipalities.<sup>55</sup> The governor's vote was termed fraudulent by the PRD and other opposition groups, leading to more municipal actions against the PRI; seven municipalities were occupied in November 1994.<sup>56</sup> The state held municipal and state congressional elections on October 15, 1995, leading to renewed political conflict.

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<sup>54</sup> In Chicomuselo, Chilón, and Ocosingo, for example, the PRD won more than 50 percent of the vote. In other municipalities, such as Salto de Agua, the PRD out polled the PRI, though it did not receive a majority of votes. In Tila, Sabanilla, Venustiano Carranza, and other municipalities, the PRD gained between 30 and 40 percent of the vote, though the PRI produced a better showing. Instituto Federal Electoral, *Estadística de las elecciones federales de 1994: compendio de resultados* (México, D.F.: Instituto Federal Electoral, 1995), pp. 175-184.

<sup>55</sup> Alejandro Luévano Pérez, "La lucha por los municipios en Chiapas," *La Jornada*, May 30, 1995.

<sup>56</sup> Ibid.

As the threat to PRI domination became clearer during the run-up to municipal elections, the press began to refer to a new group called Peace and Justice. According to reports issued by the Fray Bartolomé de las Casas Human Rights Center (Centro de Derechos Humanos "Fray Bartolomé de las Casas," CDHFBC), members of this group, accompanied by Public Security Police, attacked and abducted PRD militants and burned dozens of homes in Nuevo Limar on September 4, 1995, prior to the October municipal elections.<sup>57</sup> PRI militants in Crucero were alleged to have blocked roads and prevented PRD supporters from voting on election day.<sup>58</sup>

So-called white guards had for decades worked to protect private property from Indian incursions. Peace and Justice, however, displayed a new characteristic. Its purpose appeared to be the protection of political territory rather than private property.

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<sup>57</sup> "Acusan a militantes priístas de quemar docenas de casas en Nuevo Limar y secuestrar a 25 personas, habría cuatro muertos," *La Jornada*, September 5, 1995; "Confirman que un grupo de choque del PRI atacó a militantes peredistas en Tila, habría muerto militantes de ambos partidos," *La Jornada*, September 6, 1995.

<sup>58</sup> According to a press account, "In this [voting] precinct, the total lack of respect for the secrecy of the ballot was evident. Those who went with their ballot to the booths found themselves accompanied by another person, who inquired in a low voice and with downcast eyes, 'Who did you vote for?' Adriana Luna Parra, head of a PRD observer group, commented that in this region, where several PRD members have been assassinated or threatened in recent weeks, voting in these conditions for a political party is to put your life on the line." Gaspar Morquecho y Matilde Pérez, "Tensa Jornada en Yajalón, Tila y Sabanilla," *La Jornada*, October 16, 1995. Translation by Human Rights Watch/Americas.

Opposition political organizing in the 1990s cannot be considered the cause of rural violence any more than acceptance of a one-party political system can be considered an adequate solution to avoiding political tension. Rather, the strengthening of opposition forces led to increasingly strong positions on all sides.

To this political polarization must be added another divisive element: religion. Victims, partisans of the PRD and PRI, state government officials, and members of the clergy all point to the religious element of conflict in Chiapas. Attacks against the Catholic Church stem from the perceived political role played by the church, not from persecution based on religious differences. For instance, PRI politicians blame the Catholic Church for fanning the flames of violence in support of the PRD; some have even accused the church of blessing the arms used to kill members of the PRI. Throughout northern Chiapas, catechists trained by the diocese of San Cristóbal de las Casas continue to play an important role in Indian communities.

On the other hand, many Peace and Justice leaders are pastors belonging to evangelical Protestant denominations. As noted by Chiapas state Director General of Government Mario Arturo Coutiño, "There is a fundamental issue that creates crisis. It is the religious element. We are facing a strong religious fundamentalism. The majority of one group of people that supports the PRI — the great majority is evangelical. They are members of the PRI. They are members of Peace and Justice."<sup>59</sup>

In some communities ejido authorities are drawn from Protestant denominations. Such was the case in Nuevo Limar, in the ejido of El Limar, where the majority of those expelled from the community identified themselves as Catholics. Because of this, the underlying political divisions have the veneer of a religious conflict, and attacks against the opponents of PRI contain an explicitly anti-Catholic theme. In fact, attacks against the Catholic Church have a long history in Chiapas, as elsewhere in Mexico; the revolution that overthrew the dictator Porfirio Díaz in 1911 contained a strong anti-church element, given that the hierarchy of the Catholic Church had been closely associated with Díaz.<sup>60</sup> Mexico's 1917 constitution included strong anti-church measures, including prohibitions on church ownership of property and buildings and strict control on the clergy's

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<sup>59</sup> Human Rights Watch/Americas interview with Mario Arturo Coutiño, Tuxtla Gutiérrez, September 2, 1996.

<sup>60</sup> George W. Grayson, *The Church in Contemporary Mexico* (Washington, D.C.: The Center for Strategic and International Studies, 1992), p. 11.

participation in politics.<sup>61</sup> This revolutionary anti-Catholic sentiment contrasts with the current situation in much of Chiapas, where the Catholic Church is viewed by authorities as a force for change, a threat to the status quo.

### **The Structure of the Administration of Justice in Chiapas**

As part of the federal Mexican system, Chiapas shares administration of justice responsibilities with the federal government. The investigation and prosecution of state-level crimes fall under the authority of the Office of the State Attorney General (Procuraduría General de Justicia del Estado, PGJE). In a process known as *averiguación previa*, or prior investigation, the PGJE is responsible for investigating crimes with the assistance of the State Judicial Police. Within the PGJE, the Public Ministry (Ministerio Público) is responsible for overseeing these functions.

When the agent of the Public Ministry within the PGJE finds sufficient evidence to implicate someone in a crime, the file is turned over (*consignado*) to a judge, who may issue an arrest warrant, in which case the agent of the PGJE can then gather further information on the case, or order further evidence collection. The judge decides if the case is to proceed against the accused and ultimately makes the final decision on the guilt or innocence of the defendant.

The federal justice system, overseen by the Office of the Federal Attorney General (Procuraduría General de la República, PGR) handles crimes that violate federal laws, such as possession by civilians of weapons reserved for the use of the armed forces. The investigative and prosecutorial system is similar to that of the state.

### **The Police, the Army, and Security in Chiapas**

While federal and state judicial police investigate crimes within their jurisdictions, state security police, known as Policía de Seguridad Pública, or Public

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<sup>61</sup> Beginning with the administration of President Carlos Salinas (1988-1994), the Mexican government began to open its relations with the Catholic Church. In 1991, for instance, the prohibition on the church owning land and buildings was removed from the law. See *Ibid.*, pp. 11-14, 83-90.



Security Police, are responsible for ensuring order and preventing crimes. Overseen state-wide by the Ministry of Government, they dress in dark blue uniforms and are deployed throughout the state under the command of the presidents of the municipalities where they are located. Within the state, Municipal Police, Transit Police, and Auxiliary Police also operate.

Mexico's federal weapons statute allows ejido members to carry .22 caliber rifles and shotguns,<sup>62</sup> weapons commonly used by aggressors in rural violence. Throughout rural Chiapas, however, people interviewed by Human Rights Watch/Americas also indicated that they had seen civilians carrying high-caliber weapons, such as AK47s, AR15s,<sup>63</sup> and Uzis, in violation of federal law, which reserves for the armed forces the use of all semi- and fully automatic rifles.<sup>64</sup> There is no provision in Mexican law for white guards or civilian organizations to operate with weaponry or firearms; when they do so in view of police, the state is permitting a violation of the law.

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<sup>62</sup> Ley Federal de Armas de Fuego y Explosivos, Article 9(2).

<sup>63</sup> In Chiapas, people refer to the AR15 (M16) as R15.

<sup>64</sup> Ibid.

In Chiapas, it is estimated that between 40,000 and 60,000 soldiers are deployed to combat the EZLN, while thousands more have been involved in social exercises, in the words of Defense Secretary Enrique Cervantes Aguilar, to “assist, without confusion or indecision, in the construction of the new country that is being born.”<sup>65</sup> The state government’s General State Police Coordinating Group (Coordinación General de la Policía del Estado) is run by a Mexican army general, following a pattern throughout Mexico of soldiers taking on civilian-policing functions.

### **Guardias Blancas — White Guards in Chiapas**

#### **Violent Acts Committed by White Guards**

Organized violence carried out by civilians has a long history in Chiapas. General Jesús Agustín Castro seized power in the state in 1914, imposing a government that supported a federal constitution, in opposition to the landholders who maintained power in Chiapas, who were more concerned about developments in the state. Landowners armed to fight back, in part to maintain the privileges they had come to enjoy, including debt-based peonage, which was abolished a month after Castro took power.<sup>66</sup> According to anthropologist George A. Collier,

Freeing the workers. . . angered Chiapas's landholding factions in both the western part of the state and the highlands and inspired them to bury their differences and unite to "defend" Chiapas against the revolutionaries. The landowners recruited armed gangs to carry out guerrilla missions against the revolutionaries.<sup>67</sup>

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<sup>65</sup> “Jesús Aranda, “Coadyuda el Ejército a construir un nuevo México, expresa Cervantes,” *La Jornada*, July 21, 1996. Translated by Human Rights Watch/Americas.

<sup>66</sup> Thomas Louis Benjamin, *El camino a Leviatán* (Mexico, D.F.: Consejo Nacional para la Cultura y las Artes, 1990), pp. 171, 173.

<sup>67</sup> George A. Collier with Elizabeth Lowery Quaratiello, *Basta: Land and the Zapatista*



These armed gangs, called *mapaches*, may be considered the direct ancestors of what became known as white guards, armed ranch-hands employed by ranchers and landowners to maintain order on their estates and in towns by any means necessary. For many years they have worked alongside the state security police to evict peasants from occupied lands. As part of its policy of promoting the interests of private landowners and smallholders, successive state governments have preserved the right of owners to police their own territory. Thus, Efraín Arana Osorio, state governor from 1952 to 1958 introduced a Ranch Auxiliary Police Force (Cuerpo de Policía Auxiliar Ganadera) to combat rustling and land invasions, made up of ranch-hands and peasants working in their spare time.<sup>68</sup> His successor, Samuel León Brindis, passed the Livestock Law (Ley de Ganadería), which recognized an Honorary Livestock Police, whose members are to be appointed by ranchers' associations.<sup>69</sup>

Ranchers describe their armed employees as a response to a legitimate need to protect their property, while denying that they are, in the words of rancher Jorge Constantino Kanter, "paid assassins."<sup>70</sup> He explained to an interviewer from a Chiapas daily, "White guards have never existed. I repeat that those of us who are property owners have taken some organized actions to protect what's ours. In the past, before the armed conflict, some such cases took place in Chicomuselo,

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<sup>68</sup> Centro de Derechos Humanos "Fray Bartolomé de las Casas," *El Otro Cerco: Informe Zona Norte*, October, 1995.

<sup>69</sup> Ley de Ganadería, Articles 17 and 19.

<sup>70</sup> "Entrevista a Jorge Constantino Kanter." Translation by Human Rights Watch/Americas.

Ocosingo, and La Trinitaria. The lack of government support in the face of the [land] invasions obliged us to act."<sup>71</sup>

Nonetheless, considerable evidence indicates that armed civilians have acted in organized groups to protect or recover property, confront their employers' political enemies during protests and rallies, and defend municipal buildings against takeovers. In the process, they have threatened and killed their opponents. Nongovernmental Mexican human rights groups, journalists, and the CNDH have documented the actions of white guards for years. In 1990, Human Rights Watch published *Human Rights in Mexico: A Policy of Impunity*, which recorded the links between police, wealthy landowners, and hired gunmen who committed abuses.<sup>72</sup>

The continuing acquiescence and complicity of state authorities in the activities of white guards was evident from a case involving an attack by a group of white guards on peasants from the Ejido Patricio, Playas de Catatzajá, who were staging a protest demonstration in the central square of Palenque on November 16, 1994. The object of the demonstration was to protest the violent eviction of the ejido members on November 11, when municipal authorities and white guards raided the ejido, destroying homes, firing guns, and wounding five people.

Approximately 300 white guards, wearing red arm-bands and backed by agents of the municipal police, attacked the demonstrators in the square. The police used teargas, and the white guards captured several of the protesters, including a leader of the peasant organization Xi'Nich, whom they took to the white guards' headquarters, where they forcibly shaved his head and paraded him round the square, threatening to burn him alive. Before leaving, the ranchers forced the peasants aboard trucks and ran them out of town.

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<sup>71</sup> Ibid.

<sup>72</sup> Americas Watch, *Human Rights In Mexico: A Policy of Impunity* (New York: Human Rights Watch, June 1990), pp. 59-62.

In its investigation of this case, the CNDH concluded that state authorities had had plenty of warning that the attack was imminent, since the ranchers had broadcast warnings on the radio forty-eight hours previously, but took no action to prevent it.<sup>73</sup> The CNDH found,

It was proven that once the public security corps took control of the situation, they did not take action against the aggressors or confiscate the firearms they carried, which means they consented to and tolerated illegal acts carried out by non-government actors; [it was also proven] that the investigations initiated into these facts were delayed in the process, leading to impunity for those responsible [for the acts].<sup>74</sup>

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<sup>73</sup> Comisión Nacional de Derechos Humanos, Recommendation 156/95, in *Gaceta*, No. 65, p. 118.

<sup>74</sup> Ibid. Translation by Human Rights Watch/Americas.

Another attack coordinated by police and ranchers took place on January 10, 1995, in Chicomuselo municipality. Early in the morning of that day, some 200 peasants took over the municipal palace in protest against the election as state governor of Eduardo Robledo Rincón, the PRI candidate. The protestors considered the vote to be fraudulent. Although the PRD claimed that the occupation had been peaceful, some of the peasants were armed, and during the day seven people were killed — including the local commander of the municipal police and his deputy, four peasants, and a smallholder — and three others wounded in shoot-outs between the peasants and the police. In a communiqué issued later, the state government accused the protesters of shooting the police commander in the head after taking him prisoner and torturing him.<sup>75</sup>

The circumstances surrounding the deaths have been disputed, but both sides appear to have participated in the violence.

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<sup>75</sup> Coordinación General de Comunicación Social del Gobierno de Estado, Boletín No. 0102, January 10, 1995. The peasants' version as reported in the newspaper *La Jornada* was that two of the peasants killed had been shot by the commander while they had been trying to negotiate with him. They claimed that both the commander and his deputy had been killed when they tried to run away. "Enfrentamiento en Chicomuselo, siete muertos y 50 detenidos," *La Jornada*, January 11, 1995.

Before the police arrived at the scene, armed men wearing the same red arm-bands seen in Palenque months earlier surrounded the municipal building. Even after the police showed up, they remained in the streets with the obvious permission of the police.<sup>76</sup> According to one witness, white guards fired repeatedly at the crowd, killing Vicente Soto, a smallholder who had taken position on a corner.<sup>77</sup>

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<sup>76</sup> According to the CNDH, which had observers on the ground at the time, when the Public Security Police of the Coastal Zone of Chiapas arrived, civilians took up position, and as a distinguishing sign, placed an arm-band on their shirt sleeves. These civilians continued to conduct themselves in the same way even after the public security police were in full control of the situation. Furthermore, on January 11, 1995, a day after the events in question, these people were still patrolling the streets of Chicomuselo, apparently on the assumption that they were jointly monitoring the area with the public security police. "The conduct of the said police corporation was irregular in that it effectively ceded part of its powers to persons without the authority or legitimacy to exercise them." Comisión Nacional de Derechos Humanos, Recommendation 58/95, in *Gaceta* No. 58, May 1995, p. 66. Translation by Human Rights Watch/Americas.

<sup>77</sup> *La Jornada*, "Enfrentamiento."



The parish priest, Miguel Angel de Alba Cruz, narrowly escaped after he saw people in civilian clothes firing into the church precinct. Taking refuge in the sacristy with four others, he emerged after an hour of gunfire. A group of civilians, some of them hooded, took up positions, aiming their weapons directly at him. He retreated inside, then went to the door of the church and identified himself as the parish priest. The men fired several shots at him, one of which grazed his stomach and right elbow. He retreated to a window of the building and again shouted out that he was the parish priest. Another bullet struck him in the right shoulder. De Alba Cruz managed to take refuge in the parish house. From his hiding place he heard the windows shatter and smelled teargas. Men entered the building still firing and proceeded to break into the rooms and rifle through their contents.<sup>78</sup>

### **Impunity and Unconvincing Government Denials in White Guard Cases**

Almost eighteen months after the Palenque incident, no action had been taken against police who permitted the armed civilians to attack the protestors or against officials of the Office of the State Attorney General who acted negligently by failing to investigate properly the crimes taking place there.<sup>79</sup> In the Chicomuselo case, Chiapas state authorities moved to file charges against people on both sides of the conflict who were found responsible for the killings, though the arrest warrants that had been issued were not carried out, according to the most recent CNDH information available.<sup>80</sup> More than a year after the confrontation, the case against police who permitted the participation of armed civilians in the Chicomuselo incident languished in the prosecutor's office, and the police were never charged.<sup>81</sup>

Despite detailed documentation on the white guards, state government officials steadfastly refuse to acknowledge their existence. For instance, eight days before the January 1995 stand-off between peasants and white guards in Chicomuselo, the federal Ministry of Government, responding to a request from the PRD, asked officials in Chiapas to investigate whether or not white guards existed in the area.

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<sup>78</sup> Averiguación Previa 0056CAJ1/95 (A). Ofendido: Diócesis de San Cristóbal de las Casas, Pbto. Miguel Angel de Alba Cruz, Hna. María Elena López Gallardo.

<sup>79</sup> Comisión Nacional de Derechos Humanos, *Informe Anual, Mayo 1995-Mayo 1996*, p. 134.

<sup>80</sup> Ibid, p. 500.

<sup>81</sup> Ibid.

On June 7, 1995, less than a month after the CNDH issued a report finding proof of white guard action in conjunction with police, the Ministry of Government informed the PRD that local and state government officials had found “absolutely no indication that could lead us to presume the presence of white guards in the municipality of Chicomuselo.”<sup>82</sup>

By permitting white guards to work alongside police, Mexican authorities acquiesce to the violent crimes committed by the armed civilians, in violation of international human rights standards that require the Mexican government to guarantee that its agents enforce the law and to ensure that those under its jurisdiction are able to exercise their rights. The coordination of police and armed civilians indicates that officials are actively complicit in these violations, not just passively permissive. When this complicity is combined with the impunity for police who permit white guards to operate, the state government must be seen as facilitating the abuses of armed civilians organized as white guards. Though the violations fall under state jurisdiction, the federal government has also failed to fulfill its international human rights responsibilities to ensure that human rights are respected in Chiapas, preferring instead to accept the state government's facile dismissal of the problem of white guards.

### **Violence in Northern Chiapas**

#### **The Emergence of “Peace and Justice”**

Peace and Justice emerged after the January 1994 appearance of the EZLN, but observers offer different views on just when the group was established. A state government briefing report prepared for federal legislators in October 1995 noted,

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<sup>82</sup> Letter from Ing. José Luis González Uribe, director of the General Government Directorate of the Government Ministry, to Dr. Gilberto López y Rivas, secretary of human rights of the PRD, June 7, 1995. Translation by Human Rights Watch/Americas.

The organization Peace and Justice, which is located in Tila municipality, emerges in 1994 as a response to the uncertainty generated by the eruption of the Zapatista Army of National Liberation. Later, this organization begins to strengthen itself with the incorporation of leaders in the area who are active in official organizations. . . .<sup>83</sup>

The Fray Bartolomé de las Casas Human Rights Center has written that the group was founded in March 1995.<sup>84</sup>

In either case, by mid-1995, Peace and Justice was clearly active. Harassment of ejido members belonging to opposition parties in neighboring communities in the lowland region of Tila, such as El Limar, Nuevo Limar, Miguel Alemán, Usipá, and Pantianijá, has led to the exodus of thousands of peasants to the municipal seats of Salto de Agua or to communities where the PRD has a majority. At the time of Human Rights Watch/Americas's visit, in August 1996, one of these communities, Masojá Shucjá, was under siege and cut off from the outside world by Peace and Justice vigilantes who were blocking all the exit roads. Several residents had been killed or were "disappeared" after having tried to leave, as described below.

Peace and Justice is reported to recruit many of its members from the ejidos of El Limar, Miguel Alemán, and El Crucero in the Ch'ol-speaking municipality of Tila. Individuals interviewed by Human Rights Watch/Americas claimed that its organizers include an alderman from Tila, Marcos Albino Torres, a bilingual teacher from El Limar, Diego Vásquez Pérez, and the area's local PRI congressman, Samuel Sánchez Sánchez. Victims of Peace and Justice can easily provide the names and home communities of leaders of specific attacks, and have given this information to authorities, but no action has been taken against the aggressors.

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<sup>83</sup> Secretario de Gobierno, *Situación del Municipio de Tila, Chiapas*. Translation by Human Rights Watch/Americas.

<sup>84</sup> *Ni Paz Ni Justicia*, p. 96.

Interviewed by Human Rights Watch/Americas in Tila, First Alderman Marcos Albino Torres told us that Peace and Justice was a civil association whose full name is "Development, Peace and Justice" (Desarrollo, Paz y Justicia, A.C.) He described its goals as "consciousness-raising" (*concientización*) and said that the organization had plans for income-generating projects in Agua Fría (livestock raising and marketing) and Nuevo Limar (animal feeds). He was unable to give an address of an office where the organization could be contacted, and said that it had representatives in each community. Pressed further, Albino acknowledged that the group's functions included the defense of their communities, there being no other alternative since "we cannot be in every community all the time with security agents."<sup>85</sup>

In a separate interview, local Congressman Samuel Sánchez Sánchez described the genesis of the group in clear self-defense terms, noting that Peace and Justice members from several communities coordinated activities toward this end. Queried about why the group's presence in several communities coincided with the forced departure of PRD supporters, he noted, "Yes, but it is justifiable for a simple reason. They [the PRD] don't want to abandon their belligerent attitude."<sup>86</sup>

The state government briefing report named the National Peasant Confederation and the Peasant Teachers' Society (Sociedad Campesina Magisterial, SOCAMA) as two of the groups whose militants strengthened Peace and Justice, noting that both are identified with the PRI.

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<sup>85</sup> Human Rights Watch/Americas interview, Tila, August 28, 1996.

<sup>86</sup> Human Rights Watch/Americas interview with Samuel Sánchez Sánchez, Tuxtla Gutiérrez, September 2, 1996.

This same report noted that weapons had been introduced into rural communities. Villagers from Nuevo Limar, Tila, who had been forced to leave their homes in August 1996 because of threats by Peace and Justice, told Human Rights Watch/Americas that they had been arbitrarily detained and fined by the municipal authorities and that the money collected had been used to buy weapons. They said they saw boxes of ammunition being unloaded from a truck carrying farm produce, and that the ammunition was concealed among egg boxes.<sup>87</sup> This testimony is consistent with the analysis contained in the state government briefing report on the Tila situation. It noted, "Regarding the introduction of arms in the region, it is known that it takes place through wholesale merchants of food products and canned goods."<sup>88</sup>

Human Rights Watch/Americas did not obtain evidence to corroborate the widely held belief that the military trains Peace and Justice, though victims of some attacks informed us that former soldiers were among the leaders of an assault they suffered.

### **Tila Municipality**

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<sup>87</sup> Human Rights Watch/Americas interview with villagers displaced from the community of Nuevo Limar, Tila, August 27, 1996.

<sup>88</sup> Secretario de Gobierno, *Situación del Municipio de Tila, Chiapas*, no date, no page numbers. Translation by Human Rights Watch/Americas.

Violence in Tila municipality was rife both before and after the October 1995 municipal elections. The murder of a well-known peasant leader of the PRI-affiliated CNC, Nicolás Pérez Ramírez, on March 24, 1995, is still deeply resented by PRI loyalists in the region, in part because of Pérez's reputation as a leader, in part because it was seen as an example of an increasingly belligerent stance on the part of EZLN and PRD sympathizers.<sup>89</sup> According to PRI Congressman Samuel Sánchez Sánchez, the formation of Peace and Justice was, in fact, a response to this "radicalization."<sup>90</sup> Sánchez Sánchez assured Human Rights Watch/Americas that Pérez Ramírez's murderers were in jail.<sup>91</sup>

In June 1996, a wave of apparently tit-for-tat killings rocked Tila municipality.<sup>92</sup> An analysis of the following cases from this period from Nuevo Limar, Miguel Alemán, Masojá Shucjá, and Jolnixtié indicates a pattern of government complicity in the violence. As is the case with white guards, documented above, the government has shown through action and inaction that it is

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<sup>89</sup> According to the summary of the preliminary investigation, Pérez was abducted in Tila by three PRD supporters, who previously had been arrested by the ejido authorities of Panhuitz for attempted homicide. The three were being taken to the Agent of the Public Ministry in Yajalón, but on their way through Tila the group was stopped by members of the PRD who were participating in a protest vigil. The three prisoners were freed by the crowd, and were suspected of having then kidnapped Pérez, possibly as a hostage. He was taken away with his hands tied, and his body was found four days later at a nearby farm.

<sup>90</sup> Gaspar Morquecho and Rosa Rojas, "Claros indicios de la presencia del grupo paramilitar *Tierra y Libertad* en el Norte; las autoridades lo niegan," *La Jornada*, November 14, 1995.

<sup>91</sup> Human Rights Watch/Americas telephone interview with Samuel Sánchez Sánchez, February 10, 1997. The Chiapas state government did not respond to a Human Rights Watch/Americas request for details on the legal status of this case.

<sup>92</sup> According to the Fray Bartolomé Human Rights Center, the June violence was kicked off by PRD supporters who ambushed PRI supporters in Corozil Nuevo, on the border with Tabasco state, on June 13, leaving one dead. On June 17, a confrontation took place in Agua Fria, in which three PRD and one PRI member were killed. That same day, PRI supporters were ambushed outside the PRD-affiliated community of Masojá Shucjá, where refugees expelled from other areas had congregated. On June 18, four members of the PRI were murdered in Jolnixtié Second Section, one day after the army entered the community to evacuate PRI supporters. On the same day, PRI supporters in communities on either side of Masojá Shucjá began to block all traffic to and from Masojá Shucjá. On June 21, five PRI members were killed in Huanal and Corozil Nuevo. See *Ni Paz Ni Justicia*, pp. 95-102.

more than just permissive of the violent actions of Peace and Justice. Human Rights Watch/Americas must conclude that authorities actively acquiesce to the abuses committed by armed civilians in Tila. Authorities frequently know about abuses but fail to act to prevent or punish them. Further, when officials arbitrarily detain opponents of Peace and Justice or fail to investigate denunciations of crimes committed by the group, they lend the perpetrators of rural violence the legitimacy of government institutions. The appearance of one-sided justice in the form of detentions in attacks against the PRI but not attacks against the PRD is also deeply troubling and deserving of further study.

#### **Tila Municipality — Community of Nuevo Limar**

On August 21, 1996, some fifty supporters of the PRD made their way on foot from the community of Nuevo Limar, in the Tila lowlands, to the municipal capital of Salto de Agua, where they asked the parish priest, Alan Jenkins, for refuge. Members of the six refugee families told Human Rights Watch/Americas that their initial departure from Nuevo Limar was blocked by some sixty civilian guards posted on the road, some of whom wore the blue uniforms of Public Security Police, though the refugees recognized the uniformed men as community members who were not police. The guards' leaders were said to carry automatic weapons, described as AR15s, Uzis, and AK47s.

The family members left the community after they learned of a decision by Peace and Justice members to attack them in retaliation for a complaint lodged with the Office of the State Attorney General regarding an earlier Peace and Justice assault. According to the refugees, the earlier assault took place on August 4, 1996, after a community leader belonging to Peace and Justice threatened Diego Gómez Ramírez, a member of the PRD. The leader accused Gómez of threatening community members from the PRI in early August 1996. At an August 4 community meeting called by Peace and Justice supporters, a former soldier said at the meeting that they should take strong actions to "straighten out" the PRD supporters.<sup>93</sup> Participants of the meeting decided to destroy Gómez's house as punishment. When Peace and Justice members arrived at Diego Gómez's home that same day, they found his daughter Rosa alone, and one of them raped her. Gómez denounced the rape to an official of the Office of the State Attorney General in

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<sup>93</sup> Human Rights Watch/Americas interview, Salto de Agua, August 27, 1996.

nearby El Limar, who told him that there would be no investigation if he could not pay a sum of money.

The August 1996 attacks were not the first against PRD supporters in Nuevo Limar. One victim recounted to Human Rights Watch/Americas a September 1995 assault on twenty-six people:

These armed people have been in the community since September 4, 1995. We are PRD sympathizers. The municipal authorities started organizing against the PRD. They want only one party: the official party. They accused us of being EZLN members. They held a meeting with people from other communities — Limar, Crucero, Miguel Alemán, Masojá Chico, and others.

People from Nuevo Limar and other communities surrounded my house. Armed, they entered my house. They covered our faces and tied our hands behind our backs with a nylon cord. They punched us. They punched me seven times. When they barged in, they said, "Here's the King, Christ," taunting me because I'm a catechist. They didn't take me out walking, but rather I was carried by five people.

They dressed Antonio Vásquez Martínez in an EZLN uniform and gave him a wooden rifle. He was chosen because he was a catechist and so they accused him of being an EZLN member. They say we're all members of the EZLN. Afterwards, twenty-six of us were taken to Limar. The army was there and took photographs. We were there, at the police station, for about fifteen hours.<sup>94</sup>

Members of the police, army, and Office of the State Attorney General all dealt with the detainees. The agent of the Public Ministry released all twenty-six detainees without charge and did not even question them, according to the refugees. They were, however, questioned by army officers, who accused them of being members of the EZLN. On their way back to Nuevo Limar, police agents tried to convince them to abandon the PRD, urging, "Join up with [the PRI] and there will be no more problems." When they arrived, they found the community in a meeting, and they were again surrounded by a hostile crowd. On the following day, the authorities asked them to sign an agreement to leave the PRD. All of them signed.

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<sup>94</sup> Human Rights Watch/Americas interview, Salto de Agua, August 27, 1996.



Eduardo Sosa del Río, the director of the Public Security Police, later denied that the police had participated in the September arrests.<sup>95</sup>

Fourteen PRD supporters were detained on June 11, 1996, held for twenty-four hours and released after paying a sum of money described as a “fine” for an undisclosed infraction.

In this case, Peace and Justice members from several communities worked together to harass supporters of the PRD and Catholics, displaying their belief that membership in the Catholic Church is tantamount to belonging to the EZLN. Police facilitated their abuses by permitting Peace and Justice to abduct their opponents and take them to the station, rather than take impartial action to protect the victims and apprehend the aggressors, thereby violating international law that requires the state to ensure the rights of those under its jurisdiction. Police also became complicit in arbitrary detentions. Further, the army took advantage of the situation to dress up, photograph, and interrogate a community member deemed by Peace and Justice to be guerrilla supporter, signaling federal involvement in the arbitrary detentions and the army’s apparent intention to incriminate the detainee.

Testimony indicating that the representative of the Attorney General’s Office failed to investigate the attacks denounced by the victims is troubling. The state government has failed to provide for judicial protection of the victims, as required by international law. The local Office of the State Attorney General is located in El Limar, an environment distinctly inhospitable to people perceived as opponents of the PRI.

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<sup>95</sup> “Acusan a militantes priístas de quemar docenas de casas en Nuevo Limar y secuestrar a 25 personas; habría cuatro muertos,” *La Jornada*, September 5, 1995.

Human Rights Watch/Americas is also troubled that the judicial official appears to have acted out of partisan support for members of Peace and Justice. To have done so would violate international human rights standards that are binding on Mexico and that prohibit discrimination in the application of justice. On December 5, 1996, internally displaced people from Nuevo Limar returned to the community. No detentions have been made in the case of the prior attacks.<sup>96</sup>

**Tila Municipality — Community of Libertad Jolnixtié Second Section**

On June 17, 1996, the army entered Jolnixtié First Section and Libertad Jolnixtié Second Section, two predominantly PRD annexes of the Masojá Jolnixtié ejido, and evacuated PRI supporters, who were brought to El Limar.<sup>97</sup> After hearing rumors that the army was going to bomb the communities, some 1,400 PRD supporters also left, seeking refuge in the community of Jomajil. The following day, four PRI supporters who were not taken out of the community were ambushed and killed in Libertad Jolnixtié Second Section.

A PRI supporter evacuated by the army and interviewed by Human Rights Watch/Americas in El Limar explained what happened:

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<sup>96</sup> Centro de Derechos Humanos “Fray Bartolomé de las Casas,” letter to Human Rights Watch/Americas, February 14, 1997.

<sup>97</sup> Two witnesses interviewed by Human Rights Watch/Americas placed the date on June 17, 1996. The Fray Bartolomé Human Rights Center indicates it was the 18th. *Ni Paz Ni Justicia*, p. 96.

Jolnixtié was surrounded by hooded people (*encapuchados*). The army took us out. On the next day, June 18, a family that lives outside of town was killed, ambushed by the PRD. There was one person detained and others whose arrest was ordered.<sup>98</sup>

The one man arrested, Ricardo García Hernández, was a PRD supporter from Libertad Jolnixtié Second Section. Interviewed by Human Rights Watch/Americas in Cerro Hueco Prison in Tuxtla Gutiérrez, García claimed to be a scapegoat for the June 18 killings. He recalled:

On June 17, the military arrived to take out the PRI supporters. A woman came to say that they were going to bomb, so we left. On the 18th I returned to my house to get clothes, because we left with nothing. The army was there and they detained me, accusing me of having killed José Martínez Pérez.

They took me to El Limar and held me for a day and a night with no food. They didn't ask me anything. They took me on the 19th to Tuxtla Gutiérrez. Then they made me put on a blue police uniform — I don't know why — took me outside, and made me fire a gun.

They blindfolded me and tied my arms. They put a gun to my head and told me to save myself by admitting guilt.<sup>99</sup>

In their haste to take action in the case of the murder of José Martínez Pérez, soldiers arbitrarily detained García Hernández. No arrest warrant was issued for his

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<sup>98</sup> Human Rights Watch/Americas interview, Alvaro López García, El Limar, August 29, 1996.

<sup>99</sup> Human Rights Watch/Americas interview, Cerro Hueco Prison, Tuxtla Gutiérrez, September 2, 1996.

detention, since he was picked up by soldiers the day of the murder, though not at the scene of the crime. García Hernández was threatened by police and subjected to psychological torture, in violation of international laws prohibiting such treatment. The arrest of García Hernández is one of the cases that state judicial authorities agreed to review in November 1996, after detainees went on hunger strike in Cerro Hueco Prison.

#### **Tila Municipality — Community of Masojá Shucjá**

On August 29, 1996, Human Rights Watch/Americas representatives, accompanied by representatives of the Fray Bartolomé Human Rights Center, the CNDH, and the state government, made the first visit to Masojá Shucjá of any outside group in more than two months.<sup>100</sup> Members of Peace and Justice in the neighboring community of Miguel Alemán had prohibited members of the community from traveling on the road since the wave of killings the prior June. Our delegation went to obtain testimonies from members of Masojá Shucjá; the state government agreed to accompany the human rights delegation and provide police escort for security.

Residents told of two incidents in which people from Masojá Shucjá had been attacked by Peace and Justice while trying to pass through the community of Miguel Alemán, on their way to El Limar. Human Rights Watch/Americas was unable to

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<sup>100</sup> In July 1996, a group of human rights and humanitarian workers were stopped in El Limar as they tried to make their way to Masojá Shucjá. As police and soldiers looked on, residents of El Limar threatened the human rights and humanitarian workers and blocked their passage. On December 5, 1996, a group of human rights and humanitarian workers were again stopped on their way to Masojá Shucjá. While they were held for three hours, the police and military observed but did nothing to intervene. See, Urgent Action, Estación Norte, December 9, 1996.

obtain first-hand testimony on one of the cases, involving Minerva Guadalupe Pérez Torres, a nineteen-year-old student. According to residents of Masojá Shucjá, she was pulled from a vehicle in Miguel Alemán on June 22 and not seen again dead or alive. Witnesses have been too afraid to come forward.<sup>101</sup>

Human Rights Watch/Americas did investigate in detail a second case, from July 1996. A crowd in Miguel Alemán, a Peace and Justice stronghold, forced a military and police convoy to stop as it entered the community, in order to apprehend residents from Masojá Shucjá who had joined the convoy hoping to pass Miguel Alemán safely. Gen. Sergio Bautista, who at the time headed the nearby military base in El Limar, told Human Rights Watch/Americas that he had no knowledge of this incident.<sup>102</sup>

Human Rights Watch/Americas interviewed two victims, the brothers Alfredo and Artemio Ramírez Torres. Peace and Justice pulled them from a car and beat them, as police and soldiers looked on. Eventually, police rescued the men and brought them to El Limar. That was the last day that the Ramírez Torres brothers saw their brother Juan, whom they witnessed pulled from a car by community members and dragged into Miguel Alemán. He has not been seen since.

Artemio Ramírez Torres, interviewed by Human Rights Watch/Americas in Cerro Hueco Prison, recounted:

On July 4, an army convoy passed by Masojá Shucjá. I had not left the community since mid-June because the PRI was grabbing people from the PRD in Miguel Alemán. I asked the convoy if I could return with them to Limar on their way back. At 3:00 p.m., I joined the convoy.

There were about fifteen vehicles, one from the police, but a group of PRI members stopped us in Miguel Alemán, about fifty or seventy people. A soldier got down and asked why we couldn't go through. They threw stones and took us out of the cars. They took Juan back into the mountains.

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<sup>101</sup> Human Rights Watch/Americas interviews, Masojá Shucjá, August 29, 1996.

<sup>102</sup> Human Rights Watch/Americas interview, Masojá Shucjá, August 29, 1996.

The police brought us back to El Limar for our own safety. After we got there, people surrounded the police station. The police said that we couldn't leave. Early the next morning the police commander went to Miguel Alemán, returning at 9:00 a.m. He said we couldn't go because they accused us of killing people who lived there. We slept two more nights at the police station, then, on July 6, they drove us out in the back of a truck, covered with a blanket, to the Public Ministry in Ocosingo, then to the Public Ministry in Tuxtla Gutiérrez. They never had an arrest warrant.<sup>103</sup>

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<sup>103</sup> Human Rights Watch/Americas interview, Cerro Hueco Prison, Tuxtla Gutiérrez, September 2, 1996.

A review of the case file suggests that the Ramírez Torres brothers were scapegoated. The Office of the State Attorney General accused them of participating in an ambush of a truck from the community of Aguas Frías, Tila municipality, on June 17. The Office of the State Attorney General opened a file on the Aguas Frías case on the day of the attack, but the only eyewitness testimony gathered for more than two weeks afterward was that of Honorio Sánchez López, who was wounded in the ambush. According to a prosecutor's rendering of Sánchez López's June 24 statement, "because the declarant was distracted he could not identify his aggressors."<sup>104</sup> According to the case documents, no testimony implicating Artemio Ramírez Torres and his brother was received prior to the Miguel Alemán incident. Only after the brothers were in protective custody did people come forward to accuse them. Starting just after 2:00 p.m. on July 5, the day after the brothers entered custody, the representative of the Office of the State Attorney General took five successive testimonies, all of which implicated the brothers directly. For instance, Filadelfo de Jesús Jiménez Vázquez, the wounded driver of the truck attacked on June 17, stated that afternoon that he could identify Alfredo and Artemio Ramírez Torres as the assailants.<sup>105</sup> At 7:00 p.m. on July 5, according to the documents, the two brothers were determined to be the "probable parties guilty of the murder and injuries" caused on June 17.

Human Rights Watch/Americas is deeply troubled by the state's actions against the Ramírez Torres brothers. The prosecutor accepted testimonies presented in circumstances that strongly suggested that the witnesses had come forward to frame the two men, then made no effort to check the credibility of that evidence. While only a thorough investigation of the accusations against the brothers could have determined their validity, the prosecutor appeared to act discriminatorily against the brothers. That is, faced with a mob of PRI supporters angry at two men in their custody, officials accepted accusations made by members of the same crowd as sufficient evidence that the brothers were probably guilty of a crime. The brothers'

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<sup>104</sup> Declaración de Honorio Sánchez López, Averiguación Previa file AA-III-717/996, p. 13. Translation by Human Rights Watch/Americas.

<sup>105</sup> Declaración del Lesionado, Av. Previa No. AI41/253/996, July 5, 1996. Translation by Human Rights Watch/Americas.

assertion that they were in protective custody is reasonable, since officials took testimony against them and deemed them “probably guilty of a crime” after they were already in detention, and the case file indicates that no evidence against them existed prior to then. Thus, the brothers appear to have been arbitrarily detained. This is another case in which judicial officials appear to have acted in a partisan manner.

In addition to this highly questionable prosecution, state officials apparently acquiesced in the crimes committed in Miguel Alemán, including interference with free movement, the assault on Artemio and Alfredo Ramírez Torres, and the abduction and subsequent “disappearance” of their brother, Juan. The federal and Chiapas state authorities failed, therefore, to ensure the rights of the brothers, as required by international law. The case of the Ramírez brothers is one of the detentions that state officials agreed to review as part of the November 1996 accord with PRD detainees who were on hunger strike.

The July 4 detention of Artemio Ramírez Torres was not the first he suffered in El Limar. He told us that on April 7, 1996, soldiers in El Limar detained him, held him for a day, then released him without further ado.<sup>106</sup> A captain with a list of suspected guerrillas questioned him. Ramírez Torres attributed the detention to a dispute he had with residents of El Limar over transportation routes; his competitors, he surmised, had denounced him as a member of the EZLN. Like the attack on residents of Nuevo Limar, soldiers appeared to take advantage of accusations of guerrilla complicity to arbitrarily hold and interrogate a suspect, facilitating the abuses committed by private citizens and committing their own in the process.

While Human Rights Watch/Americas interviewed residents and refugees in Masojá Shucjá’s one-room community meeting hall, Mexican soldiers appeared in the community, an action that intimidated witnesses providing testimonies. General Bautista explained to Human Rights Watch/Americas, “This is our jurisdiction. We came because we are impartial. We are here to provide security to the people,” indicating that the community’s left-leaning sympathies could be a security risk for us.<sup>107</sup> Given that Human Rights Watch/Americas had arranged with the state government for security, the general’s explanation was hardly plausible. At the

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<sup>106</sup> Human Rights Watch/Americas interview, Artemio Ramírez Torres, Tuxtla Gutiérrez, September 2, 1996.

<sup>107</sup> Human Rights Watch/Americas interview, Gen. Sergio Bautista, Masojá Shucjá, August 29, 1996.



insistence of Human Rights Watch/Americas, General Bautista and the troops under his command withdrew from Masojá Shucjá.<sup>108</sup>

**Tila Municipality — Community of Miguel Alemán**

Miguel Alemán, the first community outside El Limar on the road toward Masojá Shucjá, is a Peace and Justice stronghold. Beginning in June 1996, its residents refused to permit people to enter or leave Masojá Shucjá, a situation that remained as this report went to press. Human Rights Watch/Americas, in fact, was stopped and harassed in the community during a fact-finding mission to the region.

In order to reach Masojá Shucjá, Human Rights Watch/Americas had to travel through Miguel Alemán, an uneventful leg of the journey. However, while returning to El Limar from Masojá Shucjá, a mob stopped us in Miguel Alemán, despite our high-powered escort, consisting of representatives of the state director general of government, the CNDH, a police commander, and a truck full of Public Security Police. When we turned a corner to enter Miguel Alemán, we found the rest of our convoy halted in front of us. A menacing crowd of some fifty Indian men, some armed with sticks and knives, surged around our car, leaving the other vehicles alone. A boulder was rolled up against the front axle to block our exit. Several men who appeared to be leaders began to harangue, denounce, and threaten us, accusing us of being murderers, priests, and communists. Others reached inside the vehicle and pulled the hair of the occupants of the front seats, forcing us to close the windows despite the stifling heat. Someone punctured a back tire of our vehicle.

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<sup>108</sup> Three times during the conversation, Human Rights Watch/Americas explained that we felt the police protection provided by the state government was sufficient. The army had also harassed members of the federal Chamber of Deputies during an October 1995 fact-finding visit to northern Chiapas; the legislators were forced on two occasions to request that the army withdraw from the windows of buildings in which the members of congress were gathering testimony, according to a report prepared by the delegates. See Human Rights Commission of the Chamber of Deputies, "Versiones recibidas en las diferentes audiencias que se sostuvieron durante la gira de la comisión," mimeo, no date.

They began to rock the car. As they did so, residents of Miguel Alemán accused people in Masojá Shucjá of carrying out attacks against them.

When the faces pressed against the glass cleared enough for us to see in front, we noticed that the occupants of the other vehicles in the convoy had not been molested. The police, supposedly our escorts, were still sitting passively in the back of their truck as if nothing unusual were happening. We became aware that negotiations were underway involving the police commander and civilians whom we took to be leaders of Peace and Justice. After a half hour of discussions, state and municipal officials arrived, including Director General of Government Mario Arturo Coutiño and Marcos Albino Torres, the first alderman of Tila, with whom we had met in the Tila town hall the previous day. Soon after, the crowd suddenly melted away and we were allowed to pass. Since the incident, no action has been taken by authorities to ensure freedom of transit on the road.

Some residents of Miguel Alemán took refuge in Masojá Shucjá after being expelled by Peace and Justice. Mario Torres Torres, born in Miguel Alemán but displaced to Masojá Shucjá, recounted recent problems to Human Rights Watch/Americas:

I've been living here for one year. They kicked me out of Miguel Alemán because they say I'm a militant in the PRD. On August 28, 1995, they burned the houses of three families — a total of fifteen people — and that's when I left. On March 31, 1996, we signed an accord with the people of Miguel Alemán, and we returned. But on May 18, they burned us out again.<sup>109</sup>

The authorities have taken no action in this case. They did move quickly, however, to detain three men whom PRI supporters in Miguel Alemán accused of carrying out attacks against them. Police arrested Mateo, Diego, and Juan Vásquez on December 8, 1995, shortly after the accusation was made at a meeting of Peace and Justice. The brothers were eventually charged with illegal possession of arms, for which they were found guilty in March 1996. Juan was shot to death in July 1996 in circumstances that have not been clarified.<sup>110</sup> The two surviving brothers have been unable to attend the appeals processes, because Peace and Justice has not

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<sup>109</sup> Human Rights Watch/Americas interview, Masojá Shucjá, August 29, 1996.

<sup>110</sup> *Ni Paz Ni Justicia*, p. 116.

permitted them to leave Masojá Shucjá.<sup>111</sup> As this report went to press, the brothers were still unable to travel safely to the court; the judge hearing the case has no legal basis to order protection for the brothers to be able to do so.<sup>112</sup>

Authorities have failed to take action against residents of Miguel Alemán who prohibit the passage of travelers on the road past the community, thereby failing to ensure the right to freedom of movement. They have also failed to ensure the right to judicial protection for those attacked and expelled.

Despite the impunity enjoyed by residents of Miguel Alemán, authorities appear quick to act on denunciations made by PRI supporters, as they did in the case of the Vásquez brothers, adding weight to the argument that officials discriminate depending on the political affiliation of the victim.

### **Sabanilla Municipality**

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<sup>111</sup> Ibid.

<sup>112</sup> Centro de Derechos Humanos "Fray Bartolomé de las Casas," letter to Human Rights Watch/Americas, February 14, 1997.

On March 22, 1996, PRD militants occupied the town hall of Sabanilla to demand the resignation of the PRI mayor, Benedicto Jaime Pérez Hernández, for having, they claimed, "armed and protected PRI paramilitary groups in the municipality of Sabanilla and neighboring Simojovel."<sup>113</sup> The protestors left after negotiating a solution to the stand-off.<sup>114</sup>

The following month, several confrontations between PRD and PRI supporters took place. Then, on June 14, violence broke out again during a PRD protest march in the community of Los Moyos. During the ensuing battle, two members of the PRD, José de Jesús Gómez Guzmán and Arturo Cruz Pérez, were killed and three other people were wounded, one of whom, a member of the PRI, subsequently died while hospitalized.<sup>115</sup> According to the Fray Bartolomé Human Rights Center, the PRD victims received no medical attention from the public security officials, who assisted only supporters of the PRI.<sup>116</sup>

At least twelve PRD-affiliated families fled their homes and took refuge in an annex of Los Moyos, according to PRI local Congressman Samuel Sánchez

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<sup>113</sup> Elio Henríquez, "Muere un indígena en enfrentamiento PRI-PRD en Sabanilla," *La Jornada*, April 12, 1996. Translation by Human Rights Watch/Americas.

<sup>114</sup> Centro de Derechos Humanos "Fray Bartolomé de las Casas," letter to Human Rights Watch/Americas, February 14, 1997.

<sup>115</sup> Juan Balboa, "Chocan priístas y perredistas en Sabanilla, Chiapas, dos muertos," *La Jornada*, June 15, 1996.

<sup>116</sup> *Ni Paz Ni Justicia*, p. 106.

Sánchez, where they “don’t have any type of services.”<sup>117</sup> When this report went to press, some 360 people from Los Moyos remained internally displaced.<sup>118</sup>

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<sup>117</sup> Human Rights Watch/Americas telephone interview, February 10, 1997.

<sup>118</sup> Centro de Derechos Humanos “Fray Bartolomé de las Casas,” letter to Human Rights Watch/Americas, February 14, 1997.

On August 15, 1996, state government officials and representatives of the PRD and PRI gathered in nearby Yajalón municipality and signed an agreement in which the parties to the conflict pledged “to respect each other and not attack each other and to preserve the conditions of peace.”<sup>119</sup> A commission was formed to investigate both agrarian and political issues. “The local PRI says that the PRD people can return,” Sánchez Sánchez told Human Rights Watch/Americas, but only “if they give up the PRD and join the PRI.”<sup>120</sup> The demands on political affiliation are easy to understand, the legislator says; they come from the PRI members’ perception that the PRD is aggressive: “In Moyos, the PRD attacked them. People came from various communities. There were deaths.”

The commission was set to meet again on January 24, 1997, but an armed confrontation that took place the prior weekend in Paraíso led to the suspension of the talks.<sup>121</sup> In that confrontation, on January 19, members of the PRD faced off with police, leading to the wounding of three officers and a representative of the Office of the State Attorney General who had gone to investigate an apparent heart attack victim.<sup>122</sup>

On February 15, Peace and Justice attacked representatives of nongovernmental organizations and journalists who traveled to Paraíso to investigate the recent violence. When they arrived, a crowd accosted them, stealing a camera. Seeing that Public Security Police were unable or unwilling to maintain control of the crowd, the visitors decided to leave. Someone in the crowd said, “The party waits for you below,” suggesting that the attack had been planned ahead of time.

Some 300 yards from an area where Peace and Justice maintained a roadblock, a group of thirty men blocked their three vehicles and demanded that they get out. They robbed a watch and chain from occupants of the first car. When the last of the three cars moved back to seek help from the police, the assailants opened fire, wounding José Montero from the Fray Bartolomé de las Casas Human Rights

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<sup>119</sup> “Acuerdo,” signed in the Teatro del Pueblo, Yajalón, Yajalón municipality, August 15, 1996. Translation by Human Rights Watch/Americas.

<sup>120</sup> Human Rights Watch/Americas interview with Samuel Sánchez Sánchez, Tuxtla Gutiérrez, September 2, 1996.

<sup>121</sup> Human Rights Watch/Americas telephone interview with Emma Toledo Vila, a PRD member of the Chiapas state congress, February 6, 1997.

<sup>122</sup> Centro de Derechos Humanos “Fray Bartolomé de las Casas,” letter to Human Rights Watch/Americas, February 14, 1997.

Center in the arm. Another man was struck in the head with a machete, and two women were threatened with rape.

When Marina Patricia Jiménez from the Fray Bartolomé Human Rights Center reached the police, an officer initially blamed the EZLN for the attack. When police officials arrived at the scene, they detained only one member of Peace and Justice and recovered a rifle. The officer in charge told Jiménez that the assailants wanted to apologize, as if this were acceptable law-enforcement procedure, highlighting police complicity in the attack.

The Sabanilla case exemplifies the degree of polarization that has occurred in the northern zone of Chiapas. Both sides clearly employed violence, yet the events of February 15 repeated the pattern of official acquiescence to crimes committed by its supporters, in violation of the state's responsibility to ensure human rights. When pro-PRI groups illegally detained, threatened, and physically attacked members of a visiting human rights delegation, the police failed to offer protection or detain those responsible, again bolstering the argument that officials discriminate in favor of their PRI supporters.

### **Salto de Agua Municipality**

Unlike the municipality of Tila, where land reform largely replaced large agro-industrial estates with Indian ejidos, in Salto de Agua many large estates have been preserved intact. Ranchers continue to wield considerable political and economic power. A rash of land occupations that followed the EZLN uprising shocked and angered the landowners, who started to pressure the state government to take firm action.<sup>123</sup> Some seventy properties were invaded in the municipality during 1995 alone.<sup>124</sup>

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<sup>123</sup> Centro de Derechos Humanos "Fray Bartolomé de Las Casas," "Walking with the Poor: Campesinos, Land and Human Rights in Salto de Agua, Chiapas," April 1995, pp. 1-5.

<sup>124</sup> Human Rights Watch/Americas interview with ranchers, Salto de Agua, August 26, 1996.

Noting that the state has not protected their land from squatters, the ranchers suggest they are victims as much as anyone else is. "For us, there are no human rights. They paint us as the bad guys of film,"<sup>125</sup> a member of a local ranchers' organization told Human Rights Watch/Americas. José David Jebhardt, a cattle rancher, recalled how Indians invaded his Rosario Ranch in January 1995, entering and robbing his house. After spending several hours inside, they moved on to the San Carlos ranch, where they occupied the land.<sup>126</sup> On February 3, 1995, police evicted the people who had occupied the ranch,<sup>127</sup> but no judicial action was ever taken against those who ransacked his home.<sup>128</sup> White guards reportedly participated in the eviction.<sup>129</sup> According to ranchers interviewed by Human Rights Watch/Americas, ranchers participated in the action not as white guards but as property owners responsible for identifying their property for police.<sup>130</sup>

One of the first episodes involving serious intra-community violence in the municipality took place in the remote hamlet of Lote Ocho, which forms part of the ejido Teoquipá El Bascán. Partisans of the PRD and PRI, in opposition over an earlier land occupation promoted by the PRD, confronted each other in the community, leading to four deaths in the PRD camp.<sup>131</sup>

In a memo to the Fray Bartolomé Human Rights Center, the parish priest of Salto de Agua, Father Paul Nadolny, a foreign priest who was later prohibited from returning to Mexico, described how he arrived at Lote Ocho in the afternoon of March 15, 1995. He reported:

We met with some eight or so women with their children near the Catholic Church. They belonged to the PRD group. We went to the house of the rural judge where we found the rest of the community. We can say that they belonged to the PRI group. The men were armed with rifles, guarding

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<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Lindsey Hilsum, "Death At Lote 8 As Peasants Turn On One Another," *Observer* (London), March 19, 1995.

<sup>128</sup> Human Rights Watch/Americas interview, Salto de Agua, August 26, 1996.

<sup>129</sup> Lindsey Hilsum, "Death At Lote 8."

<sup>130</sup> Human Rights Watch/Americas interview, Salto de Agua, August 26, 1996.

<sup>131</sup> Lindsey Hilsum, "Death At Lote 8."



the house where the women and children were. They let us past to see two wounded: one, Mateo Arcos Peñate, was seriously injured with two pistol shots in the stomach, the other, Antonio Méndez Díaz, had a bullet wound in his arm, also from a pistol.<sup>132</sup>

All of the people arrested by the ejido authorities were on the PRD side:

Fourteen members of our party were tied by the neck and the waist to some trees, and guarded by armed men. When we asked them [the guards] who they were and what they were doing, one armed man said that they would not allow us to take out any information at all. Faced with the threat of being attacked ourselves, we decided to leave.

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<sup>132</sup> Memo from the Human Rights Committee in Salto de Agua to the Fray Bartolomé Human Rights Center, dated March 16, 1995.

According to the PRD, on March 24, ejido authorities accompanied by a judge arrested three PRD youths. After they failed to pay a fine ordered by the judge, they were taken to the police station in Salto de Agua. On March 26, they were released without charge but were told by a local judicial official that they had been named by ejido authorities as members of the EZLN and as rapists.<sup>133</sup>

As a result of this harassment, some forty-seven pro-PRD families fled the village in the weeks that followed, taking refuge in neighboring communities.<sup>134</sup> Catechist Armando Alvarez, who left in May after being threatened with death in an ejido assembly, did not return until the two sides reached an agreement in October 1995. He told Human Rights Watch/Americas that no one had been punished for the killings on March 14 and that the crimes had never been seriously investigated.<sup>135</sup>

Following a pattern seen in other cases, authorities arbitrarily arrested opponents of the PRI, while judicial officials facilitated the attack by holding detainees without charge. Meanwhile, no action was taken to punish government supporters who participated in violence.

### **Negotiations in Northern Chiapas**

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<sup>133</sup> Letter from Gilberto López y Rivas, human rights and Indian affairs secretary of the PRD, to Lcda. Norma Paulina Montaña Navarro, coordinator of the Permanent Program for the Jungle and Highlands of Chiapas, National Commission of Human Rights, dated April 7, 1995.

<sup>134</sup> Public letter signed by the Municipal Executive Committee of the PRD, Salto de Agua, August 21, 1995.

<sup>135</sup> Human Rights Watch/Americas interview with Armando Alvaro Guzmán, Salto de Agua, August 29, 1996.

Though the state justice system has been slow or ineffectual in many rural violence cases, the state government has not been completely passive. Representatives of the state Government Ministry have undertaken negotiations between community factions to engineer the return of internally displaced people from several northern Chiapas communities. Director General of Government Coutiño highlighted three major components to negotiations: the return of displaced people; the non-discriminatory respect for local authorities; and follow-up by government institutions to the material needs of communities. "Undoubtedly, a factor that should bring tranquility is the achievement of justice. In Masojá Shucjá they demand justice for their *compañeros* who lost their life. But they also want justice in Miguel Alemán."<sup>136</sup> Coutiño suggested that, in the name of reconciliation, minor crimes such as robbery might be overlooked, but murder could not be. Community-level negotiations typically started with the signing of a non-aggression pact.

The state government began to organize community-by-community talks soon after the municipal elections of October 15. The first results of the negotiations were reasonably encouraging. Many of the displaced had returned to their ejidos during the first months of 1996. State legislators involved in negotiations, from the PRI and PRD, complain that the state government has returned refugees without resolving the underlying causes of violence.<sup>137</sup> As long as state government leaders continue to deny the existence of armed organizations, they will not be able to resolve the underlying problems.

Another round of negotiations began on September 11, 1996. Meeting in the municipal seat of Tila, negotiators agreed to travel to Jomajil, where PRD refugees

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<sup>136</sup> Human Rights Watch/Americas interview with Mario Arturo Coutiño, Tuxtla Gutiérrez, September 2, 1996.

<sup>137</sup> Human Rights Watch/Americas telephone interview with Emma Toledo, February 6, 1996 and Human Rights Watch/Americas telephone interview with Samuel Sánchez, February 10, 1996.

had gathered, to hear their testimony directly. The trip was to take place on September 17, but on the 14th, the municipal president reported a shoot-out between residents of Miguel Alemán and Masojá Shucjá, an incident that was never confirmed. The report, nonetheless, served to impede the September 17 trip.<sup>138</sup>

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<sup>138</sup> *Ni Paz Ni Justicia*, p. 102.

The PRD has insisted that unjustly detained supporters of the party — at least nineteen, but perhaps more — be released before comprehensive negotiations can take place. On November 14, 1996, in response to a hunger strike by detainees in Cerro Hueco Prison in Tuxtla Gutiérrez, state government officials and representatives of the PRD signed an agreement designed to expedite this process. A commission was formed to investigate their cases. The agreement notes that the detainees state that, “For reasons of economics and distance, and given the difficulty of finding people who can depose in their favor, it has not been possible to counter the evidence gathered during the phase of completing the file in the cases brought against them by the Public Ministry.”<sup>139</sup> In response, the state government agreed to travel to communities in the north to gather information that might tend to prove the innocence of the detainees.

According to the Coordinating Group of Non-governmental Organizations for Peace (Coordinadora de Organismos No Gubernamentales por la Paz, CONPAZ) the first cases reviewed under the agreement led to the release of five men from Chilón, after authorities heard testimonies and found other evidence of the detainees’ innocence.<sup>140</sup>

The federal Chamber of Deputies also sent an investigative commission to northern Chiapas on October 4 and 5, 1995. The PRI reportedly blocked the release of a final report on the visit.<sup>141</sup>

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<sup>139</sup> “Minuta de Trabajo Que Celebran Los Internos en Huelga De Hambre,” signed in Cerro Hueco Prison, November 14, 1996. Translation by Human Rights Watch/Americas.

<sup>140</sup> Letter from Miguel Angel Santos de la Cruz, of CONPAZ, to Human Rights Watch/Americas, February 25, 1997.

<sup>141</sup> Gaspar Morquecho, “Bloquean diputados del PRI el informe legislativo sobre la violencia en Tila, Salto de Agua y Tumbalá: Oscar González,” *La Jornada*, November 16, 1995.

### Violence in Venustiano Carranza Municipality

The San Bartolomé de los Llanos Alliance is an amalgam of several pro-PRI groups in the Tzotzil community of Venustiano Carranza, a municipality in the fertile lowlands of central Chiapas. This community has been deeply divided for decades over land ownership and is the base of OCEZ, one of the state's most radical peasant organizations, which for years led the community organization Casa del Pueblo.<sup>142</sup> Over the years, members of OCEZ, disillusioned with its radical politics, have left or allegedly been bought off by caciques, and have formed organizations with the support of municipal and state government officials who oppose the Casa del Pueblo.

Government officials have taken a hand in feuds between the two groups by detaining members of the Casa del Pueblo but failing to prosecute the group's opponents, some of whom were accused of murder. In some cases, the police acted in concert with members of the San Bartolomé de los Llanos Alliance. Although it has traditionally used public protest to further its cause, during 1996 the Casa del Pueblo also resorted to clearly illegal actions, such as abductions, expulsions, and confiscation of property.

During 1994 and 1995, the longstanding community conflict, which had been muted for some years, became increasingly politicized prior to October 1995 elections. The election of the PRI mayoral candidate, Darío Borraz Gordillo, in October 1995, was denounced as fraudulent by the PRD, and in January 1996 PRD supporters attempted to wrest control of the municipality from the PRI. A series of

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<sup>142</sup> Although the January 1994 EZLN uprising sharpened political antagonisms in Venustiano Carranza, as it did in other parts of the state, the origins of the conflict there can be traced back to colonial times. In 1736, members of the Tzotzil ethnic group in San Bartolomé de los Llanos, as Venustiano Carranza was then known, purchased 75,000 hectares of communal land from the Spanish crown. However, over the years mestizo ranchers and smallholders appropriated much of the most fertile property. In 1965, the community's ownership was finally legalized by presidential decree, but the community received only 50,152 of the original 75,000 hectares. Since that date, Casa del Pueblo has led a long struggle against local landowners and the local and state governments to recuperate the land. In 1974 Venustiano Carranza was occupied by the army after a violent clash, and more than a hundred were arrested. Human Rights Watch/Americas interview with members of Casa del Pueblo, San Cristóbal de las Casas, August 31, 1996. Since 1962, more than thirty members of Casa del Pueblo have been killed, many of them assassinated with impunity. For citation on the number of Casa del Pueblo members killed, See Amnesty International, *Mexico: Human Rights in Rural Areas* (London: Amnesty International, 1986), p. 65.

violent skirmishes in 1996 left several dead on both sides, and caused a serious collapse of the rule of law as armed groups confronted each other on the streets.

Beginning in April 1996, Casa del Pueblo and the alliance became locked into a spiral of violence in which both organizations resorted to ambushes, abductions of leaders, evictions, expulsions, destruction of homes, and impounding of vehicles. The violence and lawlessness was punctuated by short-lived truces patched together by state government officials, but the municipal authorities appeared powerless or unwilling to intervene to apply the law impartially to both sides.

On April 13, 1996, members of the Popular Armed Forces (Fuerzas Armadas del Pueblo, FAP), a member of the alliance, kidnapped Casa del Pueblo member Manuel Martínez de la Torre and his two sons at midnight from their home. On April 29, men in ski-masks and military uniforms, typical of the FAP's dress, rammed a truck across the road and stopped a vehicle belonging to Casa del Pueblo, kidnapping its occupant, José Manuel de la Torre Hernández. According to a municipal government official, Casa del Pueblo retaliated by kidnapping three Alliance members.<sup>143</sup> The victims were all released several days later.

On June 5, forty ski-masked individuals, armed with shotguns and rifles, kidnapped forty-five peasants from Casa del Pueblo when they were on their way to their fields, confiscating their vehicles and destroying valuable equipment such as drums of insecticide, fertilizers, and spraying gear. They were held for several hours.<sup>144</sup>

On July 16, state Public Security Police and Judicial Police forced their way into the office of Casa del Pueblo, ostensibly to carry out arrest warrants. According to members of Casa del Pueblo, the police entered the building, accompanied by alliance members, to arrest four suspects in the murder of a rancher, Oscar Hernández Estrada.<sup>145</sup> The police arrested two people, but not those for whom they had warrants, and they illegally removed office equipment. Accompanied by four alliance leaders, they also broke into a women's craft workshop affiliated with Casa del Pueblo, removing manufacturing equipment and raw materials.<sup>146</sup>

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<sup>143</sup> Human Rights Watch/Americas telephone interview with Héctor Alvarez, first alderman of Venustiano Carranza, August 29, 1996.

<sup>144</sup> Declaración de Panfilo León Molina, Averiguación Previa No. 895/CAJ1/96.

<sup>145</sup> Human Rights Watch/Americas interview with members of Casa del Pueblo, San Cristóbal de las Casas, August 31, 1996.

<sup>146</sup> Averiguación Previa No 2030/CAJ4/996 initiated after a complaint by María Concepción Jiménez Gómez against Ciro Coello Gómez, Andrés Martínez Vázquez, Angel

The next day, a Casa del Pueblo mob destroyed numerous homes belonging to alliance leaders, who called on the police for protection. According to a member of Casa del Pueblo, “The people went crazy. They started to turn the alliance people out of their homes. A whole mob went to get them out. The leaders had their homes demolished.”<sup>147</sup>

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Martínez Vásquez, and Benjamín Gómez Vásquez, members of the San Bartolomé de los Llanos Alliance, July 29, 1996.

<sup>147</sup> Human Rights Watch/Americas interview with members of Casa del Pueblo, August 31, 1996.



Public security and judicial police, with helicopter support, occupied part of the town of Venustiano Carranza and arrested eleven members of Casa del Pueblo. On this occasion, too, the police were allegedly accompanied by armed members of the alliance.<sup>148</sup>

On July 19, representatives of Casa del Pueblo and the alliance signed a non-aggression pact, and state government officials agreed to set up working groups to study the problems of both sides. Captured vehicles and hostages were exchanged.

On July 21, a few days after the police raid on Casa del Pueblo, two journalists, Juan Osuna Salazar and Belgian filmmaker Thierry Guislain Jonard, were assaulted by a crowd of alliance supporters including three men brandishing revolvers, while filming in the central square of Venustiano Carranza. Both men were surrounded, beaten, and kicked and had their video cameras stolen.

The truce lasted one month. On August 18, skirmishes of stone throwing broke out between the two sides and the Public Security Police moved in with teargas; five members of Casa del Pueblo were injured. On August 20, armed alliance members aboard a three-ton truck made an attempt to storm Casa del Pueblo but were repelled by gunfire. The alliance insisted that the truck was ambushed and that its occupants opened fire in self-defense. In the shoot-out twenty-year-old alliance member José Luis Coello Gómez was wounded and died of his injuries hours later in a hospital. Two Casa del Pueblo members, Sebastián Jiménez Vázquez and Manuel de Jesús Nucaméndez Espinosa, and two alliance members, Ramiro Campo Aguilar and Dolores Gómez Martínez, were wounded. Two days later, Venustiano Carranza was described as virtually under a state of siege, with 137 families homeless, armed factions controlling the streets, businesses closed, food shortages, and telephone lines down.<sup>149</sup>

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<sup>148</sup> Ibid.

<sup>149</sup> Leticia Hernández and Sergio Stahl, "Virtual estado de sitio en Venustiano Carranza" *Expresso* (Tuxtla Gutiérrez), August 22, 1996.

The failure of state and municipal officials to provide judicial remedy is nowhere more apparent than in Venustiano Carranza. For several weeks in 1996 violent confrontations took place. Police worked alongside one faction, however, then prosecutors moved to detain the PRI's opponents. No action was taken against PRI supporters, according to CONPAZ, which worked on the defense of the detainees. "The community members from Casa del Pueblo have initiated various judicial investigations (*averiguaciones previas*) on which officials have not followed through. No one has been found responsible for the violations. The cases are simply not resolved."<sup>150</sup> Further, in an attempt to make the warrantless detentions of Casa del Pueblo members appear legal, CONPAZ determined, prosecutors fabricated incriminating testimonies.<sup>151</sup> This case, like others from northern Chiapas, bolsters concerns that authorities fail to provide equal justice to victims of rural violence.

### **Violence in Chilón Municipality**

The group known as the Chinchulines is active in San Jerónimo de Bachajón, one of two ejidos occupying approximately 1,000 square kilometers in Chilón municipality. For several hundred years, the area has been divided between "the lowlanders" and the "highlanders," the former representing the original founders of the community in the 16th Century and the latter tending to be later settlers.<sup>152</sup> The mestizo community, aligned with the PRI, has tended to control local commerce,<sup>153</sup> including transportation and the gravel pit.

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<sup>150</sup> Letter from Miguel Angel Santos de la Cruz, of CONPAZ, to Human Rights Watch/Americas, February 25, 1997. Translation by Human Rights Watch/Americas.

<sup>151</sup> March 8, 1997 communication from CONPAZ to Human Rights Watch/Americas.

<sup>152</sup> Alain Breton, *Bachajón: organización socialterritorial de una comunidad tzeltal* (México, D.F.: Instituto Nacional Indigenista, 1984), p. 29.

<sup>153</sup> *Ibid.*, p. 25.

In 1988, leaders of San Jerónimo de Bachajón formed a group known as the United Front of Ejido Members, which became known as the Chinchulines, after the nickname of the group's leader. This group, having taken control of the town's gravel pits, began to organize a movement to separate from Bachajón to enable it to enjoy exclusive access to the pits. The group later changed its name to the Revolutionary Youth Front. The Chinchulines have emerged publicly under a variety of names: The Independent Youth Organization, The Youth Group, and The Luis Donaldo Colosio Civic Front.

The PRD started to change the local political dynamic in 1991, working hard to organize its local constituency. The move paid off in 1994 presidential elections, which saw the PRD carry 56 percent of the vote, and the October 1995 municipal elections, which brought to power Manuel Gómez Moreno, the PRD candidate for municipal president. Prior to Gómez's accession to power, the PRI had closely controlled the municipality. For several years prior to the election of Gómez Moreno, Bachajón did not elect municipal agents, because the PRI refused to allow a vote to do so.<sup>154</sup> Even after his election, the PRI tried to block elections for ejido authorities. For instance, elections for the position of community representative to the municipal government, known as municipal agent, were shelved on January 20, 1996, after the Chinchulines interrupted the event. The municipal president sought the intervention of state authorities to hold the elections, which finally took place on February 10.<sup>155</sup>

According to the Fray Bartolomé de las Casas Human Rights Center, the Chinchulines played an important role in blocking the expansion of the EZLN, disrupting what was seen by the PRI and ranchers as a strategic corridor of communication between the Zapatistas farther south and the northern municipalities of the state.<sup>156</sup>

On April 18, 1996, the Chinchulines, acting with other groups opposed to the PRD, took over the municipal offices in the city of Chilón, where they installed their own government and demanded that Gómez Moreno resign.<sup>157</sup> In response, on

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<sup>154</sup> Human Rights Watch/Americas telephone interview with Manuel Gómez Moreno, January 10, 1997.

<sup>155</sup> Letter from Manuel Gómez Moreno to Eraclio Zepeda Ramos, Secretary of Government of Chiapas, February 6, 1996.

<sup>156</sup> *Ni Paz Ni Justicia*, pp. 94-95.

<sup>157</sup> Enrique Maza, "Los Chinchulines, organización paramilitar del PRI, asuela Chilón desde hace ocho años," *Proceso* (Mexico City), April 29, 1996.

April 19, PRD supporters installed a protest sit-in, known in Mexico as a *plantón*, in front of the building housing the Chiapas state congress.<sup>158</sup> On the 30th, state government officials signed an agreement with PRD members in which the former agreed to remove the protesters from the Chilón municipal building and, within a week, disarm the Chinchulines, while the latter agreed to end the protest at the congress building.<sup>159</sup> When the Chinchulines finally abandoned the municipal office, they looted its contents.

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<sup>158</sup> Human Rights Watch/Americas interview, San Jerónimo de Bachajón, August 24, 1996.

<sup>159</sup> "Acuerdo de Conciliación," April 30, 1996.

On May 4, 1996, Bachajón held elections for ejido leaders. Held in Guadalupe Paxilhá, just outside the town proper, some 2,500 of 3,000 total ejido members elected PRD members to the posts.<sup>160</sup> That evening, members of the Chinchulines blocked the return to town of some 300 members of the ejido, who were roughed up and went to nearby Ocosingo to lodge a complaint with the local representative of the Office of the State Attorney General. According to Bachajón's Center for Indigenous Rights, the representative refused on the grounds that he did not want to get mixed up with the Chinchulines.<sup>161</sup> The following day, the ejido members returned to Bachajón. The only road into town passes the home of Jerónimo Gómez Guzmán, the head of the Chinchulines. When the returning ejido residents passed his house, a shoot-out followed. Gómez Guzmán was shot to death.

According to witnesses interviewed by Human Rights Watch/Americas, after the death of Gómez Guzmán, his supporters set out after those they blamed for attacks against the Chinchulines, chief among them the Catholic Church, which had established a mission there in 1958 and actively supported human rights work. The Chinchulines set off after their enemies, but in the fighting that ensued, Carlos Gómez López, Reynaldo Gómez Guzmán, and Miguel Hernández Pérez, all part of the Chinchulines, were killed, as were Jerónimo Hernández Demeza and Sebastián Gómez Feliciano, who opposed the Chinchulines. One-hundred and nine community members, whose homes were burned by the Chinchulines or who were otherwise threatened, sought refuge outside the community and ended up in the state capital, Tuxtla Gutiérrez.<sup>162</sup> In total, some twenty-five homes and eight automobiles were burned. The displaced community members returned several months later.

One witness told Human Rights Watch/Americas about an attack on the church:

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<sup>160</sup> Centro de Derechos Indígenas, A.C. "Informe sobre el suceso del 5 de mayo de 1996 en San Jerónimo de Bachajón," July 20, 1996.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

I watched as one of three men threw gasoline on the door. They were yelling things like “your time has come” and “political priests.” One of the men, who carried a rifle, stood guard in the street. The third one set the door on fire.<sup>163</sup>

Public Security Police allowed the Chinchulines to take control of the town for several days after the attacks. According to one witnesses:

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<sup>163</sup> Human Rights Watch/Americas interview, San Jerónimo de Bachajón, August 24, 1996. Name reserved.

In the morning, around 6:00 a.m., I tried to walk out of the town, but I got to the roadblock. There were about fifty people. They said, "For you there is no crossing, unless you want problems." I returned to town.<sup>164</sup>

The Chinchulines did not work alone against the local PRD. The president of the state Congress, Carlos Pano Becerra, suggested to Gómez Moreno that he not return to the municipality until the May 1996 conflict was finished, since doing so might be dangerous for the municipal president.<sup>165</sup> On July 10, however, Pano Becerra informed Gómez Moreno in writing that he had been fingered as the "intellectual author" and "instigator" of the May 5 attacks and that, as a result, the congress had suspended all financial support to the municipality.<sup>166</sup> On November 27, funds for the municipality were restored without Gómez Moreno ever having been charged or even called to testify in the May 1996 case.<sup>167</sup>

The attacks in May received more attention than most violent incidents in Mexico, both within the country and internationally. After police initially permitted armed civilians to control the streets of Bachajón, authorities arrested twenty-six members of the Chinchulines, charged with responsibility for the attacks that took place on May 5.

The arrests stand in contrast to the general tendency noted in this report for judicial authorities to turn a blind eye toward violent crimes committed by the government's supporters. In fact, they also deviate from the government's pattern of

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<sup>164</sup> Ibid.

<sup>165</sup> Letter from Carlos Pano Becerra to Manuel Gómez Moreno, May 22, 1996.

<sup>166</sup> Ibid.

<sup>167</sup> Human Rights Watch/Americas telephone interview with Manuel Gómez Moreno, January 10, 1997.

treatment of the Chinchulines, according to Bachajón's Center for Indigenous Rights. At least seventeen cases of complaints against the Chinchulines — lodged for crimes committed between 1991 and 1996 — went unheeded by authorities prior to the May attacks.<sup>168</sup>

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<sup>168</sup> Centro de Derechos Indígenas, "Informe."



The Chilón cases show the state's failure to provide judicial protection and remedy to people perceived as opponents of the PRI, and the way in which police have facilitated the violent acts of private citizens. The state's General Coordinator of Police Jorge Gamboa Solís argued that the arrest of the Chinchulines showed that police were not biased.<sup>169</sup> In fact, the arrests demonstrated that if the political circumstances are conducive, and if there is strong domestic and international pressure, the government is able to take firm action even against its most fervent supporters.

#### **Who Attacks Members of the PRI?**

There is no doubt that violence in Chiapas comes from the PRI's opponents as well as its allies. Supporters of the PRI are ambushed, killed, and expelled from communities, just as are members of the PRD. As noted above, in Venustiano Carranza municipality the local organization called Casa del Pueblo has engaged in armed confrontations with the pro-PRI San Bartolomé de los Llanos Alliance. In Chilón municipality, members of the ejido San Jerónimo de Bachajón have taken the offensive against members of the PRI, to deadly effect.

When Human Rights Watch/Americas met with members of Peace and Justice in El Limar, Tila municipality, speakers unanimously blamed the PRD for the violence, and in particular an organization known in Ch'ol as Abu Xu, or Night Ant (Arriera Nocturna). One speaker, Abel Díaz Alvarez, from the community of Carmen Chinal, claimed that the organization was based in Centro Jolnixtié-Primera Sección and also had members in the ejido Emiliano Zapata.

The speakers also alleged that priests, including Heriberto Cruz Vera, parish priest of Tila, were active members of Night Ant. According to Peace and Justice leader Diego Vásquez Pérez, on a day in which members of the PRI were attacked in Tila municipality, the adjunct bishop of San Cristóbal de las Casas, Mons. Raúl Vera López, arrived in Jolnixtié: "He put some guns on a table, took the water and a branch of something or other and blessed the guns. That's not a lie, there were

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<sup>169</sup> Letter from Brig. Gen. Jorge Gamboa Solís to Dr. Gilberto López y Rivas, secretary of human rights of the PRD, June 21, 1996.

witnesses...."<sup>170</sup> Though Vásquez Pérez pointed to a man whom he said had witnessed the alleged blessing of arms, the indicated man did not corroborate the story.

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<sup>170</sup> Human Rights Watch/Americas interview with Diego Vásquez Pérez, El Limar, August 29, 1996.

Asked if Night Ant was an underground organization carrying out attacks against the PRI, as alleged by Peace and Justice, state Director General of Government Coutiño informed Human Rights Watch/Americas that he had no such information. Similarly, he said that the Catholic Church and PRD were not behind the violence, at least not as formal institutions.<sup>171</sup> Coutiño was quick, however, to identify the Catholic Church as a major factor in the violence, since its catechists have influenced communities for years.

Such rhetoric appears more aimed at finding a scapegoat for growing opposition to the PRI than a statement of fact. The state government has never been able to prove such assertions in court, despite the regularity with which they are repeated. On the contrary, during the few recent instances in which the state government has taken judicial action against priests whom it saw as fitting the description of the church as a promotor of violence, the government displayed a blatant disregard for human rights but proved nothing against the members of the clergy. For instance, as described in greater detail below, a judge threw out “murder” charges against two priests who were arbitrarily detained in March 1997 in Palenque municipality and denied even minimal due process guarantees.

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<sup>171</sup> Human Rights Watch/Americas telephone interview, March 7, 1997.

## V. ATTACKS AGAINST THE RELIGIOUS COMMUNITY IN CHIAPAS

### Background

Members of the Catholic and evangelical communities in Chiapas have come under attack, both from the government and private citizens. Chiapas has a long history of intolerance of the progressive wing of the Catholic Church, led for the last thirty years by Bishop Samuel Ruiz, and of the flourishing evangelical religious community, founded in the 1930s by the Summer Institute of Linguistics (SIL).<sup>172</sup> In fact, blaming the church for violence and rebellion dates back at least to the turn of the century in Chiapas.<sup>173</sup> What is new is the heightened sense of the political nature of religious activity since the EZLN made its first public appearance in January 1994. The Catholic Church has been blamed for much of the region's violence since then, including arming the guerrillas, while the evangelical churches have made greater steps to organize politically to defend their interests.

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<sup>172</sup> Jan Rus and Robert Wasserstrom, "Evangelization and Political Control: the SIL in Mexico," International Working Group on Indigenous Affairs, 1981, p. 166.

<sup>173</sup> In 1911, during a struggle for political power between residents of San Cristóbal de las Casas and Tuxtla Gutiérrez, the latter accused the church of fomenting conflict and recruiting residents of San Juan Chamula to fight against Tuxtla Gutiérrez. See Thomas Louis Benjamin, *El camino a Leviatán*.

It would be wrong to attribute religious tensions in Chiapas to “Catholics” versus “evangelicals,” as the political, economic, and sociological allegiances that lead to the violence documented in this report often cleave through religious lines. Nonetheless, on-the-ground observers of the fighting described above have hypothesized that some religious element is intentionally introduced into the conflict by the state government, in part as a method of limiting the power of the Catholic Church and, at the same time, of weakening the region’s liberation theologians.<sup>174</sup>

Anti-Catholic rhetoric often accompanies rural violence in Chiapas. Though attacks against the church may not always be committed directly by state agents, officials turn a blind eye to them or, worse, facilitate them, as happened when members of a rural community in Tila municipality were taken by an anti-Catholic mob to a police station, where they were held for several hours, as documented above. Authorities have also used the structures of the state to attack Catholics. Underlying attacks against the church are strong anti-Catholic statements made by national and local elected officials, who, with no credible evidence, blame the church for preaching violence and arming EZLN guerrillas.

Members of Protestant denominations have also suffered at the hands of the state, whose officials have stood idly by as thousands have been expelled from their communities, and others have been banned from local schools. In some cases, local government officials were responsible for the expulsions; in others, private citizens were to blame. But in either situation, the government has failed to prosecute the aggressors, even in cases where formal complaints have been filed. The Office of the State Attorney General has simply refused to act, offering excuses such as the danger they say its representatives would face if they tried to investigate.

### **Demonization of the Catholic Church in Chiapas**

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<sup>174</sup> *Ni Paz Ni Justicia*, p. 38.

Throughout Mexico, priests have come under attack for their pastoral work related to human rights.<sup>175</sup> Nowhere have the threats and attacks been stronger, though, than in Chiapas, where the work done by two human rights groups overseen by the Catholic Church have served as lightning rods for criticism: The Fray Bartolomé de las Casas Human Rights Center, in San Cristóbal de las Casas, and Bachajón's Indigenous Rights Center. Both organizations have documented human rights abuses, channeled information to local and foreign media, and pressed the government to end violations. The most easily identifiable target, but by no means the only one, is Bishop Samuel Ruiz, a Dominican and founder of the Fray Bartolomé de las Casas Human Rights Center.

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<sup>175</sup> Starting August 7, 1994, threatening posters appeared outside at least five Jesuit residences in Mexico City. "In El Salvador, thousands of Indians died before the Jesuits: those responsible for the massacre," the posters said. "In Mexico, the Jesuits will die first." In 1996 alone, at least four church-related human rights groups came under threat: PRODH, in Mexico City; The Commission for Solidarity and Defense of Human Rights (Comisión de Solidaridad y Defensa de los Derechos Humanos, COSYDDHAC), in Chihuahua, Chihuahua state; CEDIAC in Bachajón, Chiapas state; and the Tepeyac Human Rights Center (Centro de Derechos Humanos Tepeyac) in Oaxaca state.

At issue, however, is not just the overt human rights work done by clergy. The progressive wing of the Catholic Church is identified with liberation theology, the fundamental tenets of which pose a threat to long-entrenched economic interests in the state. As described by Father Mardonio Morales, who has worked for more than thirty-two years in Chiapas, "The large farmers were the intermediary between the priests and the people, but the landowners used religion to dominate them. We broke the pattern of centering everything in the towns. We did more than just hold ceremonies, we reinterpreted the word of God in light of the reality. This was pure dynamite."<sup>176</sup> The role of catechists, or lay Catholic workers, has also called attention to the church, as they tend to be those responsible within communities for "involving the communities in diverse collective work: cooperatives, education projects, human rights courses, etc.," according to the Fray Bartolomé de las Casas Human Rights Center.<sup>177</sup>

No symbol for the tensions between local power holders and the church would be more apt than the name given by the church to the human rights group it founded in San Cristóbal de las Casas. The group takes its name from Bartolomé de las Casas, a Dominican who became the region's bishop in 1543 and who championed Indians' rights and opposed the brutality of colonization by both the Spanish and the Catholic Church.<sup>178</sup> The Catholic Church has, in fact, played an important role in pressing the government for social and political change, as intimated by Bishop Ruiz in an August 11, 1993 pastoral letter in which he wrote, "The lack of credibility of the electoral processes for the political transition of 1994, weakened

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<sup>176</sup> Human Rights Watch/Americas, interview, Bachajón, August 24, 1996.

<sup>177</sup> *Ni Paz Ni Justicia*, p. 34. Translation by Human Rights Watch/Americas.

<sup>178</sup> Gustavo Gutiérrez, *Las Casas: In Search of the Poor of Jesus Christ* (Maryknoll, New York: Orbis, 1993), pp. 382-390; George W. Grayson, *The Church in Contemporary Mexico*, p. 2.

by the control exercised over them by the state and its party, can lead to confrontations and tensions between political actors.” He continued, “There is generalized corruption among the authorities, and the judicial system is at the service of money and the dominant political ideology.”<sup>179</sup>

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<sup>179</sup> Rosa Rojas, *Chiapas: La Paz Violenta* (Mexico City: Ediciones La Jornada, 1995), pp. 98-99. Translation by Human Rights Watch/Americas.



Since January 1994, the frequent anti-church actions have taken place in an accusatory atmosphere propagated by politicians and the news media. News media falsely identified Subcommander Marcos of the EZLN as at least four different priests, cementing in the public a perception that the church promoted guerrilla warfare against the state.<sup>180</sup> The day that the EZLN launched its rebellion, the Eco television news program, aired by the staunchly pro-government Televisa network, incorrectly reported that the subcommander was, in fact, Father Pablo Romo, then the head of The Fray Bartolomé de las Casas Human Rights Center.<sup>181</sup> On April 8, 1994, another Televisa news medium, the daily *Summa*, wrongly identified Subcommander Marcos as Father Gerónimo Hernández López, a Jesuit who had worked in Chiapas until 1992 but then had been transferred to Campeche.<sup>182</sup> Around that time, the Televisa-owned daily *Ovaciones* said that Marcos was really Father Eugenio Maurer, a sixty-six-year-old priest who walks with a cane.<sup>183</sup> Father

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<sup>180</sup> Subcommander Marcos has since been officially identified by the government as Rafael Guillén, who is not a priest.

<sup>181</sup> Mike Tangeman, "Mexican Jesuits Deny Rebel Commander is One of Theirs," Catholic News Service, April 12, 1994.

<sup>182</sup> Ibid.

<sup>183</sup> Mike Tangeman, "Jesuits Join to Fight Intimidation Campaign in Mexico," Catholic News Service, July 11, 1994.

Joel Padrón was also mistakenly identified as linked to the rebels.<sup>184</sup> Such attacks against the church continued into 1996.<sup>185</sup>

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<sup>184</sup> Mike Tangeman, "Mexican Jesuits."

<sup>185</sup> On January 19, 1996, the Chiapas newspaper *Expreso Chiapas* reported that three priests sent by Bishop Ruiz to Salto de Agua municipality were proselyting for the EZLN, proposing the take-over of land from small landholders. Citing a PRI official, the article noted that catechists from San Cristóbal de las Casas would carry out this work. Leonel Durante López, "Acciones de sacerdotes extranjeros en el estado," *Expreso Chiapas*, January 19, 1996.

National and local politicians have echoed these charges. In July 1994, Gen. Ramón Mota Sánchez, head of the Chamber of Deputies's National Defense Committee, charged that money from German church agencies had gone to the Diocese of San Cristóbal de Las Casas to purchase arms, organize campesinos, and cause communities to rise up over supposed demands for social justice.<sup>186</sup> No proof of his charges was provided, and no action taken against the church groups. In an interview with Human Rights Watch/Americas, Chiapas state Congressman Samuel Sánchez Sánchez, a member of the PRI, frequently blamed the Catholic Church for the ideological inculcation of violence in communities noted for strong rifts between the PRI and the PRD. "Why does violence take place?" the congressman asked rhetorically. "Here, it must be said that the church is playing a very important role, determinate in orienting [those who are violent] to say that they have to take these actions, that only that way they will be able to get what they want."<sup>187</sup> Congressman Sánchez purported to have proof that Father Heriberto Cruz had blessed arms in Jolnixtié, a particularly convulsed community in Tila municipality, though when asked the nature of the proof could only suggest, "The people say it."<sup>188</sup>

The national leadership of the PRI has blamed Bishop Ruiz for the region's violence. Referring to ten municipalities in the state, the PRI's National Executive Committee wrote in a press bulletin, "None of these municipalities has permitted the diocese priests to enter, and in a wave of revenge, the bishop of this region has financed the Protestant movement that has left a trail of deaths, wounded people, disappeared people and expulsions."<sup>189</sup> The bulletin said that violence in the area started thirty years ago, when Bishop Ruiz arrived in Chiapas, and was initiated when San Juan Chamula expelled a diocese priest whose values ran counter to those of the community.<sup>190</sup>

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<sup>186</sup> Mike Tangeman, "Diocese, German Embassy Deny Church Funds Used for Guerrillas," Catholic News Service, July 11, 1994. The church groups named were Adventiat, Misereor, and the German Catholic Committee Against Hunger and for Development.

<sup>187</sup> Human Rights Watch/Americas interview, Samuel Sánchez Sánchez, Tuxtla Gutiérrez, Chiapas, September 2, 1996.

<sup>188</sup> Ibid.

<sup>189</sup> Partido Revolucionario Institucional, Comité Ejecutivo Nacional, Comunicado de Prensa No. 271-96, July 14, 1996, p. 2. Translation by Human Rights Watch/Americas.

<sup>190</sup> Ibid.

Such accusations are echoed on a very local level. At an open-air meeting with Human Rights Watch/Americas in El Limar, Tila municipality, Peace and Justice leader Diego Vásquez Pérez asserted that on July 17, 1996, the day that a PRI supporter was killed near Masojá Shucjá, the Coadjutor Bishop, Raúl Vera López, arrived in Jolnixtié and blessed weapons.<sup>191</sup> Anti-church rhetoric also suffuses the violence that has rocked northern Chiapas, as it did in successive attacks in Nuevo Limar, as described above. When Human Rights Watch/Americas researchers were stopped in Miguel Alemán, assailants menacingly accused us of being priests.

#### **Threats and Attacks Against the Catholic Church**

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<sup>191</sup> Human Rights Watch/Americas interview, El Limar, August 29, 1996.

On March 8, 1994, a death threat was thrown through a window at the diocese offices in San Cristóbal de las Casas, calling the bishop the “son of Satan” and warning him, “Your days are numbered.”<sup>192</sup> After two demonstrations in February in front of a church-run clinic in Altamirano, members of the community placed twenty-four hour guard at the building; the guards were arrested and one, Manuel Sánchez, was blindfolded and beaten.<sup>193</sup> On June 6, 1994, three bomb threats at the Jesuit curia in Mexico City forced the building’s evacuation. The threats came on the day that three priests were being called to give testimony in the Jesuit lawsuit against the newspaper *Summa*, which had published a false report linking a Jesuit to the EZLN.<sup>194</sup> On February 19, 1995, members of an Army Day parade in Ocosingo shouted “Death to the bishop” every time they passed the church.<sup>195</sup> The next day, some 400 protestors gathered outside the San Cristóbal diocese and threw eggs and chairs at the offices. Police stood by and watched as fist fights ensued.<sup>196</sup>

In Chicomuselo municipality, white guards continued relentlessly to harass members of the church during January 1995, as described above. They were reported to have drawn up a list of members of the diocese whom they planned to

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<sup>192</sup> Mike Tangeman, “Mexican Bishop Threatened Following Peace Mediation,” Catholic News Service, March 10, 1994.”

<sup>193</sup> Mary Durran, “Church-Run Health Clinic Target of Demonstrations, Harassment,” Catholic News Service, May 16, 1994.

<sup>194</sup> Mike Tangeman, “Jesuits Join.”

<sup>195</sup> Mike Tangeman, “Mob Protests in Front of Cathedral, Demands Bishop’s Resignation,” Catholic News Service, February 20, 1995.

<sup>196</sup> Ibid.

kill. When an inter-party parliamentary delegation visited Chicomuselo in January 1995, they found six civilians armed with AK47s stationed in front of the church. The men claimed to be from the State Judicial Police, but failed to produce identification and looked visibly nervous when questioned.<sup>197</sup> Some fifty ranchers and smallholders locked the church door on January 29 to prevent the local priest, Miguel Angel de Alba Cruz, from celebrating Sunday mass.

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<sup>197</sup> Grupo Plural Por la Paz, Tercer Informe, January 17, 1995.

Physical attacks have also been common, including a December 29, 1996, arson attempt against the Santo Domingo Church in San Cristóbal de las Casas, extinguished by the fire department before major damage could be done.<sup>198</sup> The attack was not unique. On November 27, 1994, and again on January 26 of the following year, bombs were thrown into the church in Tila municipality,<sup>199</sup> the building of which was later taken over by police who installed a station there. On January 26, 1996, Sister Norberta López García, a Dominican nun who works with the diocese of Bishop Ruiz, was beaten near the town of Ocosingo by three armed men who wore ski masks. Two children accompanying her were also beaten.<sup>200</sup>

When the Mexican government began a crackdown on the EZLN in February 1995, the Catholic Church in Chiapas was among the targets. The crackdown was initiated when an alleged government informant said that Bishop Ruiz provided

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<sup>198</sup> Centro de Derechos Humanos "Fray Bartolomé de las Casas," press release, December 29, 1996.

<sup>199</sup> Centro para los Derechos Humanos "Fray Bartolomé de las Casas," "The Other Enclosure," October 1995, by e-mail.

<sup>200</sup> Centro de Derechos Humanos Miguel Agustín Pro Juárez, Servicio Diario de Información de Derechos Humanos, January 27-29, 1996. This electronic mail bulletin cites *La Jornada* of January 27, 1996.

arms to the EZLN.<sup>201</sup> Police arrested lay Catholic workers and attempted to arrest Father Javier Ruiz Velasco in Teopisca on February 12.<sup>202</sup> On February 15, police with a warrant searched the San Jacinto de Polonia church and rectory for arms, finding nothing.<sup>203</sup>

### **The Justice System Against the Catholic Church**

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<sup>201</sup> See Human Rights Watch/Americas, "Torture and Other Abuses During the 1995 Crackdown on Alleged Zapatistas," February 1996. More than a dozen other people detained during the crackdown were eventually released without charge.

<sup>202</sup> Mike Tangeman, "Prelates Support Bishop Against Charges of Involvement with Rebels," Catholic News Service, February 13, 1995.

<sup>203</sup> Mike Tangeman, "Police Search Chiapas Parish for Rebel Weapons," Catholic News Service, February 16, 1995.



During 1995, a series of clashes between PRI and PRD supporters in the ejido Emiliano Zapata, Tumbalá municipality, led finally to formal government accusations against four priests, whom officials blamed for inspiring, organizing, and arming the EZLN and carrying out the anti-PRI attacks at the ejido. Between March and May, PRI and PRD activists clashed in the ejido, leading to several deaths and the expulsion from the community of hundreds of residents.<sup>204</sup> Though the violence was two-sided, a government summary of the case prepared in late 1995 blamed only members of the PRD.<sup>205</sup>

A particularly serious clash took place on May 4, 1995. According to witnesses who gave testimony to the Office of the State Attorney General, priests led the PRD attackers, who took fifty-four people hostage for several days, according to the

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<sup>204</sup> Candelaria Rodríguez, "5 asesinatos y 54 secuestros desde abril en Zapata," *La Jornada*, May 10, 1995; Coordinación de Organismos no Gubernamentales por la Paz, *Chiapas: Situación de los Derechos Humanos* (San Cristóbal de las Casas: Coordinación de Organismos no Gubernamentales por la Paz, 1996), p. 33; Centro de Derechos Humanos "Fray Bartolomé de las Casas," "Preliminary Report on Human Rights Violations in Chiapas from February 9 to April 9, 1995," p. 17; and Procuraduría General de Justicia del Estado, "Informe sobre actuaciones de la Procuraduría General de Justicia en Tila, Tumbalá, Salto de Agua y Jaltenango la Paz," September 1995, pp. 3-4.

<sup>205</sup> Procuraduría General de Justicia del Estado, "Informe sobre actuaciones de la Procuraduría General de Justicia en Tila, Tumbalá, Salto de Agua y Jaltenango la Paz," September 1995, no page numbers.

government's case against the priests. According to a court document from the case, victim Anita Montejo Velasco testified that, after the raid on the victims' homes:

Because we are Presbyterians, they wanted to convince us to abandon our religion and that we join them, the Catholics. We saw when the priests who had weapons arrived at the church and gave them to our captors, telling them not to leave or they would be shot. Tall, gringo-looking priests arrived and said that we had to go with the EZLN, but because we refused they hit us....<sup>206</sup>

According to the testimony, the captors raped Anita Montejo Velasco and Adela Méndez Alvaro.

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<sup>206</sup> Sentencia Definitiva en la Causa Penal 61/996, Juzgado Mixto de Primera Instancia del Distrito Judicial de Yajalón, Chiapas, June 27, 1996, p. 4. Translation by Human Rights Watch/Americas.

On May 10, after gaining the confidence of their captors, according to the state prosecutor, several of the victims escaped. Six weeks later, on June 21, the escaped victims went to the prosecutor. That same day, according to court documents, the prosecutor investigated the crime scene by helicopter, never landing to inspect the alleged site of the attacks.<sup>207</sup> Less than twenty-five hours later, the seventeen-page investigative document was finished and the case handed to a judge, who issued arrest warrants.<sup>208</sup> Thirty-one people from the ejido and four priests working in the state were charged with rebellion and kidnapping. Others were charged with rape.

While the attacks at the ejido Emiliano Zapata did take place, the inclusion of the priests in the charges appears to have been designed to give some legal justification for taking action against the priests, since they were not offered even minimal due process before their expulsion. Acting with uncharacteristically extraordinary speed after the witnesses provided testimony, the government detained three foreign priests, Rodolfo Izal Elorz of Spain, Loren Riebe of the United States, and Jorge Alberto Barón Guitein of Argentina. According to a statement from the Government Ministry, the priests, "participated during their stay in the State of Chiapas in diverse illegal and unauthorized activities" and were the subject of "numerous denunciations."<sup>209</sup> It turned out they stood accused of

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<sup>207</sup> Ibid., p. 9.

<sup>208</sup> Human Rights Watch/Americas interview with defense lawyer Miguel Angel de los Santos, San Cristóbal de las Casas, August 31, 1996.

<sup>209</sup> Centro de Derechos Humanos "Fray Bartolomé de las Casas," "Detención y

meddling in Mexican politics, leading land invasions, and buying and selling weapons,<sup>210</sup> but they were never allowed to disprove the charges. Rather, they were bundled off to Mexico City, put on a plane, and sent out of the country. Father Barón was blindfolded and driven to the Chiapas airport in the back of a pickup truck.<sup>211</sup> Father Reibe was transported from Chiapas to Mexico City without being told the charges against him.<sup>212</sup>

Human Rights Watch/Americas recognizes that Mexico formulated reservations to international human rights treaties that give foreigners the right to judicial process prior to expulsion, as described above, but finds the Mexican government's summary expulsion of foreigners an affront to international human rights standards.

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expulsión de tres sacerdotes de la Diócesis de San Cristóbal de las Casas, Chiapas," June 22, 1995.

<sup>210</sup> Anthony DePalma, "Rising Church-State Tensions Threaten Mexico Talks," *New York Times*, September 29, 1995.

<sup>211</sup> Mike Tangeman, "Deported Priests Were Denied Rights, Church Official Says," Catholic News Service, June 26, 1995.

<sup>212</sup> Barb Frazee, "U.S. Priest Tells of 'Cops-and-Robbers' Deportation," Catholic News Service, June 27, 1995.

The government took further steps to diminish the presence of the Catholic Church in Chiapas. On September 15, 1995, the government of Mexico refused to let Father Paul John Nadolny, the priest who had been present after the Lote Ocho killings, as described above, back into the country on an immigration technicality, reportedly that he had failed to report a change of address to the appropriate officials and was using a tourist visa to enter the country.<sup>213</sup> The church has insisted that Father Nadolny had informed the government of his address change and returned the tourist visa when he realized that it was mistakenly issued to him.<sup>214</sup> The government also pressed the church to eject others from Chiapas.<sup>215</sup>

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<sup>213</sup> Mike Tangeman, "Foreign-born Priests, Nuns Say Mexican Government Wages Vendetta," Catholic News Service, September 25, 1995, and Mike Tangeman, "Mexico Reported to Want Five More Church Workers Out Of Country," Catholic News Service, September 25, 1995.

<sup>214</sup> Mike Tangeman, "Mexico Reported to Want Five More Church Workers Out Of Country," Catholic News Service, September 25, 1995.

<sup>215</sup> On September 18, 1995, the government asked Bishop Ruiz to send home two French priests and three nuns working in Chiapas, or they would face the possibility of arrest and deportation. See Mike Tangeman, "Foreign-Born Priests, Nuns Say Mexican Government Wages Vendetta," September 25, 1995; Mike Tangeman, "Mexico Reported to Want Five More Church Workers Out of Country," Catholic News Service, September 25, 1995; and Art Babych, "Mexico Rejects Canadian Priests Expulsion Appeal," Catholic News Service, January 30, 1996.

In March 1997, the state government again acted against Catholic priests, blatantly violating human rights. On March 8, State Judicial Police and State Security Police, acting without a warrant, arrested four men in the city of Palenque, in the northwestern municipality of the same name: Gerónimo Alberto Hernández López and José Luis Gonzalo Rosas Morales, both Jesuit priests, and Ramón Parceró Martínez and Francisco González Gutiérrez, members of the peasant organization Xi'Nich.<sup>216</sup> Police beat three of the detainees and refused to inform them of why they had been arrested. Officials denied the detainees access to legal counsel for twenty hours, in violation of Chiapas law. In 1994, as described above, a pro-government publication had wrongly accused Father Hernández of being EZLN Subcommander Marcos.

From the beginning, government officials denied that the detainees had suffered human rights violations.<sup>217</sup>

On March 10, the men were charged with participating in a murder and crimes against peace, while Father Hernández was also charged with the illegal possession

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<sup>216</sup> Human Rights Watch/Americas telephone interview with Rafael Alvarez, Centro de Derechos Humanos Miguel Agustín Pro Juárez, March 9, 1997.

<sup>217</sup> Human Rights Watch/Americas telephone interview with Rafael Rodríguez, deputy secretary of religious affairs of the federal Ministry of Government, March 9, 1997. Chiapas state Attorney General Jorge Enrique Hernández reiterated this view in a press conference held on March 10, 1997. See Centro de Derechos Humanos "Miguel Agustín Pro Juárez," Servicio Diario de Información de Derechos Humanos en México, March 10, 1997.

of a gun.<sup>218</sup> After formulating charges, prosecutors handed the case to a judge to decide if the men should be indicted. The charges stemmed from an attack on March 7 in which two police officers were killed and five others wounded after removing activists who had occupied local ranches.<sup>219</sup> According to PRODH, which was part of the defense team, evidence against the four men consisted of the testimony of five police officers who claimed to have seen the four men at the scene of the attack on police and the allegation that Father Hernández's truck was found at the scene. The police said they found a handgun on Father Hernández when they arrested him.<sup>220</sup>

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<sup>218</sup> Centro de Derechos Humanos "Miguel Agustín Pro Juárez," Servicio Diario de Información de Derechos Humanos en México, March 12, 1997.

<sup>219</sup> "2 policías muertos — Cinco más heridos," *La República en Chiapas*, March 9, 1997.

<sup>220</sup> Centro de Derechos Humanos "Miguel Agustín Pro Juárez," Servicio Diario de Información de Derechos Humanos en México, March 12, 1997.

This evidence was questionable from the beginning, according to PRODH. Though on March 10 the five police officers gave statements to investigators saying they could identify the four men as having participated in the March 7 attack, the same officers had testified on March 8 that they could not identify their assailants but that they recognized the four men eventually detained as having been present when the police removed the people from the farms.<sup>221</sup> Further, Father Hernández was arrested while in his truck, according to witnesses interviewed by the defense, so he could not have left it at the scene of the March 7 attack.<sup>222</sup> Finally, the gun said to have been in the possession of Father Hernández was described by authorities as the same weapon confiscated by police in a 1986 case and which should have been in possession of state justice authorities at the time they “found” it on the priest.<sup>223</sup>

On March 13, a judge ruled that the state had presented insufficient evidence to warrant proceeding against the four detained men. He ordered their release.

In this case, the justice system functioned to free four men against whom evidence appeared to be fabricated, which is as it should be. Nonetheless, the case also highlights ways in which human rights violations stem from the misuse of the justice system. The warrantless and arbitrary arrest, and the refusal to inform the detainees of the reason for the detention, violated international human rights standards, as did the physical mistreatment they suffered.

The state's actions, based on apparently fabricated evidence, also furthered the baseless allegations against the church, promoted by Peace and Justice and others, that the church leads the armed actions of peasant groups. In fact, the detentions were publicly cited by at least one rancher as “proof” of claims that the church is involved in criminal actions.<sup>224</sup>

The Mexican government has contributed to the creation of an atmosphere of hostility toward the Catholic Church, then failed to investigate the cases properly. In several instances, such as the expulsion of Catholic priests and the detention of the two priests in Palenque, the state has taken aggressive or illegal action against members of the church. Further, in several cases, armed groups acting with the tacit

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<sup>221</sup> Ibid.

<sup>222</sup> Human Rights Watch/Americas telephone interview with the Centro de Derechos Humanos “Miguel Agustín Pro Juárez,” March 11, 1997.

<sup>223</sup> Servicio Diario de Información de Derechos Humanos en México, March 12, 1997.

<sup>224</sup> “El Clero Involucrado,” *La República en Chiapas*, March 10, 1997.



or explicit approval of state officials — such as white guards in Chicomuselo, Peace and Justice in Nuevo Limar, and Chinchulines in Bachajón — physically attacked the church during broader actions.

### Attacks Against Evangelicals

Though still predominantly Catholic, the Mexican population is increasingly turning to evangelical Protestantism. As many as twenty million Mexicans are estimated to belong to evangelical churches, according to the National Brotherhood of Evangelical Christian Churches (Confraternidad Nacional de Iglesias Cristianas Evangélicas, CONFRATERNICE), which encompasses seventy-four different evangelical churches in Mexico.<sup>225</sup> The U.S. Central Intelligence Agency placed the figure at just over five and a half million in 1995.<sup>226</sup> The Pentecostal denominations, which account for 70 percent of the almost 4,000 evangelical churches registered in Mexico, are growing three times faster than the population in general.<sup>227</sup> In Chiapas, says CONFRATERNICE President Arturo Farela, some 1,000,000 or just over 25 percent of the population, are evangelical.<sup>228</sup>

While Catholic-evangelical conflicts have led to violence and expulsions in the state, many of the conflicts also have political or economic roots. In a special report on the issue, the CNDH documented the expulsion from their communities of some 15,000 evangelicals in 132 cases between 1966 and 1993.<sup>229</sup> In general, the report found, expulsions fell into three categories: “religious,” “political,” and “socio-

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<sup>225</sup> Rodrigo Vera, “Millones de evangélicos activos ganan las calles, plazas, almas. . . y liquidan el monopolio católico de la religión,” *Proceso*, May 6, 1996, p. 23.

<sup>226</sup> CIA World Factbook 1995, available on the Internet at <http://www.odci.gov/cia/publications/95fact/mx.html>.

<sup>227</sup> Rodrigo Vera, “Millones de evangélicos.”

<sup>228</sup> Human Rights Watch/Americas telephone interview with Dr. Arturo Farela Gutiérrez, CONFRATERNICE, July 25, 1996. The 1995 Mexican census determined that the total population of Chiapas was 3,584,786 people. See The National Institute of Statistics, Geography and Information (Instituto Nacional de Estadística, Geografía e Informática, INEGI), available on the Internet at <http://www.inegi.gob.mx/homepara/estadistica/sociodem/poblacion/pob-1.html>.

<sup>229</sup> Comisión Nacional de Derechos Humanos, *El problema de las expulsiones en las comunidades indígenas de los Altos de Chiapas y los derechos humanos* (México, D.F.: Comisión Nacional de Derechos Humanos, 1995), pp. 29, 39-46.

economic.”<sup>230</sup> The CNDH found support for the hypothesis that people viewed as “troublemakers” were expelled, including “modern” Catholics, members of opposition political parties, and independent peasant organizations. Traditional, community-based decision-making whereby the community votes to expel people cannot be used to justify the violation of fundamental rights to choose one’s religion, the CNDH determined.<sup>231</sup>

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<sup>230</sup> Ibid., pp. 31-32.

<sup>231</sup> Ibid., p. 97.

At issue is often the traditional power structures in communities. Writing about Mexico in a study of Protestantism in Latin America, David Martin observed, "So far as the rural areas are concerned it is often Pentecostalism which provides the core of a resistance against the combined power of mestizo caciques and mestizo clergy."<sup>232</sup> Mestizos are people of mixed Spanish and Indian blood. In most highland Chiapas communities, according to anthropologist and historian Jan Rus, ladinos, or non-Indians, helped community leaders "acquire trucks, and become soft-drink and beer distributors. In return, the recipients of these favors guaranteed wholesalers sole access to their community's stores, and looked the other way as *coyotes* — sharp-dealing commodity merchants — short-weighted the produce they bought from community members."<sup>233</sup> On a national level, many evangelical

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<sup>232</sup> David Martin, *Tongues of Fire: The Explosion of Protestantism in Latin America* (Cambridge, MA: Basil Blackwell, 1990), p. 97.

<sup>233</sup> In San Juan Chamula, the juxtaposition of religion and economics led to what was known as the Posh War, a fight between Indian leaders and ladino officials over the production and sale of alcohol, called *posh* in Tzotzil. Local Indian leaders were able to overcome the ladinos' control by intimately linking religion and posh. See Jan Rus, "The 'Comunidad Revolucionario Institucional': The Subversion of Native Government in Highland Chiapas, 1936-1968," in Gilbert M. Joseph and Daniel Nugent, *Everyday Forms of State Formation: Revolution in the Negotiation of Rule in Modern Mexico* (Durham: Duke

churches have made no secret of their intention to engage actively in the political process, in opposition to the PRI.<sup>234</sup>

The municipality of San Juan Chamula is the center of the evangelical growth in Chiapas. Since 1974, at least 15,000 evangelicals have been forced from the area by local residents, though some 15 percent have returned in recent years.<sup>235</sup>

Expulsions typically take the form of dozens or hundreds of families expelled from a community, their houses burned and belongings looted or destroyed. The assailants are often municipal authorities. As in prior years, religious conflict has been exacerbated by economics, as Protestants opt out of Catholic ceremonies that constituted an important source of income for the providers of alcohol for those events.

A CNDH study of expulsions found,

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University Press, 1994), pp. 292-294.

<sup>234</sup> This is the case even though in certain parts of Chiapas, such as Tila, Protestant denominations are identified with support of the PRI. CONFRATERNICE President Arturo Farela considers the PRI to be "the biggest demon in Mexico," and talks of promoting an evangelical political party to participate in 1997 elections. Human Rights Watch/Americas interview, Mexico City, August 19, 1996.

<sup>235</sup> Howard LaFranchi, "Mexican Evangelicals Find Grace with Catholics," *Christian Science Monitor*, June 26, 1996, p. 6.

At first, when the expelled people presented their complaints, the competent state authorities generally refused to receive them. However, since the end of 1993, agents of the Office of the State Attorney General began to receive them. During the second half of 1993, the Office of the State Attorney General of Chiapas received fifty-four complaints presented by the people expelled from various parts of San Juan Chamula municipality, Chiapas, the majority of them for professing a religion different from the traditional Catholic religion in the communities.<sup>236</sup>

The Office of the State Attorney General, however, told the CNDH in September 1993 that it had not worked on the cases because of the danger they faced in entering San Juan Chamula.<sup>237</sup> In December of the same year, the CNDH was told that the cases had not been dealt with because, "the legal standards in force are insufficient to reach an agreement between the parties."<sup>238</sup> In five of fifty-four cases that the Office of the State Attorney General eventually opened, most complainants accused municipal authorities of carrying out the expulsions and committing other crimes including kidnapping, abuse of authority, battery, destruction of property, and robbery.<sup>239</sup> The report concluded, "Finally, based on information from the complainants, regarding the state of the investigations and the information provided by the authorities themselves, it can be presumed that the

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<sup>236</sup> Comisión Nacional de Derechos Humanos, *El problema de las expulsiones en las comunidades indígenas*, "p. 60. Translation by Human Rights Watch/Americas.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid., p.61.

Chiapas Office of the State Attorney General has committed, at least, delay of investigations, procedural irregularities, and the denial of justice.”<sup>240</sup>

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<sup>240</sup> Ibid., p. 62.

Six hundred internally displaced people returned to San Juan Chamula in 1994. New expulsions have not taken place since then, but other problems remain. Beginning in July 1993, some 200 school children were unable to attend classes, because of their religious affiliations, in the communities of Arbenza I, Arbenza II, Mil Polenta, Cruz Chot, Pilalchén, Pozo, Bautista Chico, and Bautista Grande.<sup>241</sup> Expelled from their homes on July 6, 1993, they returned prior to the 1994 school year, but they were not permitted to join classes in 1994, 1995, or 1996.<sup>242</sup> In 1997, children in communities except Arbenza I returned to classes, but no action was taken against officials responsible for the discriminatory treatment of the students prior to then.<sup>243</sup>

As is the case elsewhere in the state, violence is not just one sided. At least seven armed confrontations between evangelicals and Catholics have taken place since 1994, according to evangelical leaders.<sup>244</sup> On July 5, 1994, evangelicals kidnapped San Juan Chamula municipal president López Ruiz. On July 9, 1996, Enrique Lunes Patishtán, the San Juan Chamula municipal president who replaced López Ruiz, was shot in the head and killed.<sup>245</sup>

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<sup>241</sup> Human Rights Watch/Americas interview, Esdras Alonzo, President, Highlands Ministers' Alliance, San Cristóbal de las Casas, Chiapas, August 31, 1996.

<sup>242</sup> Ibid.

<sup>243</sup> Human Rights Watch/Americas telephone interview with Dr. Arturo Farela, CONFRATERNICE, February 20, 1997.

<sup>244</sup> Human Rights Watch/Americas interview, Esdras Alonzo.

<sup>245</sup> Patricia Sotelo, "Acusa a Samuel Ruiz de promover violencia," *Reforma*, July 15, 1996.

## **VI. IMPUNITY FOR VIOLATIONS COMMITTED IN FIGHTING THE EZLN**

This chapter provides an update of investigations conducted into human rights abuses committed in the name of fighting the EZLN in January 1994 and February 1995. Though these were by no means the only human rights violations committed in this context, they are illustrative of the abuses that took place and the impunity that has followed. Human Rights Watch/Americas documented the original abuses in earlier reports.<sup>246</sup>

Although the armed phase of the EZLN rebellion lasted only two weeks, members of the Mexican army committed serious human rights violations during that time, including extrajudicial executions and torture.

Another spate of violations took place during the second week of February 1995, when troops fought to regain territory in which the EZLN had operated since the beginning of the conflict.<sup>247</sup> This time, the impact was felt more by civilians than by EZLN combatants, as federal and state police rounded up suspected Zapatistas in what were believed to be safehouses outside the combat zone. Federal and state prosecutors blatantly violated due process standards to make quick arrests, sidestepped regulations protecting the rights of detainees, and subsequently covered up abuses by concealing medical evidence. Police tortured several detainees, while judges accepted as evidence coerced confessions, despite powerful *prima facie* evidence of torture.

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<sup>246</sup> See Human Rights Watch/Americas and Physicians for Human Rights, *Waiting for Justice in Chiapas* (New York: Human Rights Watch/Americas, 1994); Human Rights Watch/Americas, "Army Officer Held 'Responsible' for Chiapas Massacre; Accused Found Dead at Defense Ministry," June 1995; and Human Rights Watch/Americas, "Mexico: Torture and other abuses during the 1995 crackdown on alleged Zapatistas," Vol 8, No 3, February 1996.

<sup>247</sup> See "Mexico: Torture and Other Abuses.



No officials have been held accountable for any of the abuses that took place in the name of fighting the EZLN. For the most part, the army insists that it investigated alleged abuses but found no evidence of violations. In the one case in which it found a soldier guilty of abuses — the January 1994 Ocosingo Clinic massacre — the army carried out a highly suspect investigation, then said that the soldier found responsible for the massacre had killed himself.

Civilian authorities have been no more forthright than the army, insisting, for instance, that no detainees had been tortured, and failing to take any action against officials responsible for well-documented abuses committed in February 1995. The Mexican government denounced a February 1996 Human Rights Watch/Americas report on the abuses as “based on an inaccurate use of information,”<sup>248</sup> but failed to provide any evidence to contradict its findings and did not take seriously requests made by Human Rights Watch/Americas for follow-up information.<sup>249</sup>

### **The Ejido Morelia Case**

Early in the morning of January 7, 1994, a convoy of armored vehicles entered the community of Morelia, near the municipal seat of Altamirano, Chiapas. Soldiers fanned out through the village, forced the men out of their homes, and made them lie down on a basketball court. Checking names against a list, they separated out three senior villagers — Severiano Santiz Gómez, Hermelindo Santiz Gómez, and

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<sup>248</sup> Ministry of Foreign Affairs, “Statement by the Mexican Government Regarding Human Rights Watch/Americas Report,” February 9, 1996.

<sup>249</sup> On March 17, 1996, Human Rights Watch/Americas requested detailed information on the cases during a meeting in Mexico City with Ricardo Cámara, who coordinates the human rights office of the Ministry of Foreign Affairs. On March 22, Mr. Cámara sent a letter to Human Rights Watch/Americas with vague details on only one of nineteen people about whom we had asked for information. A July 31, 1996 letter from Human Rights Watch/Americas to Mr. Cámara requesting specific information on cases went unanswered.

Sebastián Santiz López — whom they took into the sacristy of the church. There, according to bystanders, they beat and tortured them. Before the soldiers departed at about 6:00 p.m., a green armored personnel carrier bearing a red cross arrived at the basketball court. Using stretchers, the soldiers loaded the three men, who were bleeding heavily, aboard the vehicle, and drove off. That was the last time they were seen alive.<sup>250</sup>

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<sup>250</sup> For further details on this case, see *Waiting for Justice*, pp. 84-96.

On the morning of February 11, community members escorted Mexican and international human rights investigators, including representatives of Human Rights Watch/Americas, to a wooded embankment near the road linking Morelia and Altamirano, where they found human bones and remnants of clothing scattered over a wide area. The clothing matched that of the missing men, and the silver dental work on a mandible matched Sebastián Santiz's. Subsequent "DNA fingerprinting" tests conducted by Physicians for Human Rights at the University of California, Berkeley, confirmed that the remains indeed belonged to the three missing men.<sup>251</sup>

Morelia became a litmus test of the Mexican military's willingness to conduct impartial investigations to determine responsibility into abuses committed in Chiapas. The weight of the testimonial evidence of the victims' detention and the subsequent identification of their remains was overwhelming; it called for a transparent investigation and exemplary punishment. Yet from the start, military authorities seem to have had no intention of allowing the truth to be known.

Army investigators, dispatched promptly to the scene once the remains were found, confiscated three bags of evidence from officials of the Office of the Attorney General and the CNDH. They proceeded to conduct their own investigation on the evidence. On February 14, only two days into the army investigation, the National Defense Secretariat (Secretaría de Defensa Nacional, SEDENA) issued a statement denying that the army had detained the three men, claiming there to have been no military presence in Morelia on January 7. This was contradicted by a press bulletin released by SEDENA on January 7, which noted a military action in Morelia. On May 26, 1995, the military prosecutor closed the investigation after finding that "the events which gave rise to the aforementioned inquiry did not constitute a crime."

In November 1994, Mexican human rights groups, in conjunction with the Center for Justice and International Law (CEJIL), submitted the Morelia case to the Inter-American Commission on Human Rights (IACHR), accusing Mexico of violating the right to life, personal integrity, and personal liberty, and of depriving the victims of judicial guarantees and protection. The Mexican government urged the commission to reject the case on the grounds that the local remedies had not been exhausted, but, in April 1996, the IACHR declared the case admissible, concluding that "the investigations are notably delayed, which leads to the presumption that they will not have any positive result."

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<sup>251</sup> *Waiting for Justice*, Appendices A and B.

In September 1996, the Mexican government informally approached the relatives of the three victims requesting talks to find a negotiated solution to the dispute, possibly including financial compensation. The relatives, however, have refused to accept compensation in the absence of a full and impartial investigation and the punishment of those responsible.

The CNDH has been reticent to intervene on the Morelia case. Although the CNDH participated in the forensic work on Morelia and has amply investigated the case, its findings have still not been published, three years after the incident. The CNDH has avoided publicly criticizing the Mexican army, while it has shown a much more vigorous stance toward civilian authorities.

### **The Yanga Case**

During the second week of February 1995, President Ernesto Zedillo ordered a crackdown on the EZLN and its supporters across the country. It was a large-scale and coordinated operation, involving the army, the Federal Judicial Police, and state judicial police. On February 8 and 9, officials detained more than twenty alleged EZLN members in Chiapas, Veracruz, Mexico State, and Mexico City.<sup>252</sup>

When Veracruz state police and Federal Judicial Police arrested seven suspected Zapatistas on February 8 in Yanga, Veracruz, they were prepared to go to almost any length to get a rapid indictment. State judicial police entered their home using a warrant issued for three quite different suspects, living at a different address and wanted for a crime dating from August 1991. To obtain incriminating testimony, police beat and shocked detainees with electric shock batons and half asphyxiated them by forcing mineral water up their noses. Agents of the Office of the Attorney General covered the torturers' tracks by failing to report the detainees' injuries.

The CNDH, after a detailed investigation of the case, concluded in March 1995 that the detainees "were subject to physical and psychological torture designed to obtain information about the EZLN and to get them to sign self-incriminating declarations." Unable to determine whether the Veracruz judicial police or federal agents were responsible for the torture, it called on the governor of Veracruz and the federal attorney general to carry out an investigation in order to identify and punish the agents responsible. It also called on the federal attorney general to discipline and prosecute four federal agents and one physician from the Office of

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<sup>252</sup> See "Mexico: Torture and Other Abuses."

the Federal Attorney General who had failed to record details of the detainees' injuries.

In information provided to the Inter-American Commission on Human Rights, the Mexican government claimed that both the governor of Veracruz, Patricio Chirinos Calero, and the federal attorney general had complied with the recommendations by ordering a "complete and impartial" investigation of the conduct of police officials in their charge. According to a note from the government of Mexico to the Inter-American Commission on Human Rights, dated January 12, 1996, the investigations in both cases exonerated officials of any wrongdoing.

Available information on the way officials carried out the investigation suggests that they made no serious effort to determine who had tortured the detainees. In January 1996, officials who identified themselves as agents of the Office of the Federal Attorney General questioned four of the detainees in Reclusorio Norte prison. Though the agents went ostensibly to investigate the torture, they gave no advance warning of their visit, failed to clarify the purpose of the interviews, and did not notify the detainees' lawyers. Because the agents would not let them read their declarations, three of them refused to sign the documents. Under such circumstances, which appear designed to intimidate rather than investigate, it is not surprising that the government found that its agents had not committed torture.

Two agents of the Office of the Federal Attorney General named in the CNDH's report continued in their posts, even after the CNDH's recommendations were published. Julián César García Aguilar, who stamped his name as the "official defender" on the declarations of all seven detainees, continued in the employ of the attorney general's office. There was no indication that any investigation had been conducted into the accusation made by the CNDH that his signature appeared on detainees' declarations taken at the same time in different places. If proven, this would have invalidated their declarations as evidence. One of the officials whose role in giving incomplete medical information the CNDH had called to be investigated was still in his post as of January 1997.

In August 1996, the Sixth District Judge of the Federal District sentenced the Yanga seven to up to six years in prison for possessing firearms reserved exclusively for the armed forces, and manufacturing weapons and explosives, among other offenses. The judge argued that even if it had been proven that the detainees' statements were forced through torture, he would accept them, citing Mexican legal precedent that holds that the first statement made by a detainee has more legal validity than later statements, including retractions.

The sentence was quashed on appeal by the Third Unitary Court of the Federal District on January 3, 1997, and the prisoners were absolved and released. The verdict noted that evidence used in the original conviction was invalid, but it failed to draw attention to the fact that the confessions had been forced.<sup>253</sup>

**The Cacalomacán Case**

On February 9, 1995, after a gun battle lasting several hours, police arrested eight Zapatista suspects in Cacalomacán, Mexico State. During the gunfire, several officers were wounded and one, José Manuel Sánchez, was killed. The detainees were taken to the Office of the State Attorney General in Toluca, and from there to what they believe to have been Campo Militar No. 1, a military base in Mexico City.

Gerardo López López had several bullet wounds in the arm and legs, for which he had received no medical attention while in police custody. He was admitted to a military hospital, held there incommunicado under armed guard, and finally located by the CNDH a week later in a civilian hospital.

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<sup>253</sup> Communication to Human Rights Watch/Americas from Víctor Brenes, Miguel Agustín Pro Juárez Human Rights Center, January 27, 1997.

Several of the prisoners told Human Rights Watch/Americas that Mexico State Judicial Police and public security officers punched, kicked, and beat them after they had surrendered. Police then blindfolded them, removed their shoes, and threw them on top of one another into a van.<sup>254</sup> Before being interrogated, they were stripped, blindfolded, threatened, and beaten. In a detailed recommendation on the case, the CNDH found that police tortured the detainees.<sup>255</sup> In all but one instance, the addresses given by the detainees' public defenders turned out to be false, suggesting that the state provided them with bogus legal counsel.

In May, a judge visited the detainees and ordered an investigation into the allegations of torture. Not until October 30, 1995, however, did the Office of the Federal Attorney General begin the corresponding investigation.<sup>256</sup> Then, the following January, investigators visited the detainees in jail, questioning them about the circumstances of their arrest and detention. As happened in the Yanga case, the Office of the Attorney General failed to notify either the prisoners or their lawyers beforehand about these interviews. Acting on their lawyers' instructions not to speak to government officials without the presence of a defense lawyer, the prisoners refused to cooperate. As in the Yanga case, the investigation has failed to clarify who was responsible for the mistreatment of the prisoners.

On October 24, 1996, the First District Judge of Toluca sentenced five of the prisoners to up to four years and eleven months' imprisonment for several arms-related offenses. All were released on November 1, 1996, after completing their sentences or being released on bail.

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<sup>254</sup> *Torture and Other Abuses*, pp.12-14.

<sup>255</sup> Comisión Nacional de Derechos Humanos, Recommendation 13/96, in *Gaceta* No. 67, February 1996, pp. 75-100.

<sup>256</sup> *Ibid.*, p. 98.