

## MEXICO:

# Evictions of indigenous communities fuel displacement in Chiapas

A profile of the internal displacement situation

22 January, 2008

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

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## OVERVIEW

### Evictions of indigenous communities fuel displacement in Chiapas

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*In the Mexican state of Chiapas, 5,500 people are still internally displaced, in addition to an unknown number who have sought anonymity or remain dispersed, more than a decade after the Zapatista Army of National Liberation (EZLN) led an uprising of indigenous communities against socio-economic exclusion and lack of access to land.*

*Up to 40,000 people were displaced as a result of the “Zapatista” rebellion in 1994, around half of them indigenous farmers supportive of the government. In 1995, the national army launched a counter-attack which caused the displacement of up to 20,000 supporters of the Zapatista movement, and at the same time paved the way for the return of displaced supporters of the government. This aggravated social divisions within the indigenous communities which have yet to be resolved.*

*A 1996 agreement recognising indigenous rights and culture and in particular the right to land has never been implemented. A de facto state of war reigns between the Zapatista movement and supporting indigenous communities on one side, and the government and affiliated indigenous communities on the other. There is no national or international response to the internal displacement situation, mainly due to the absence of an obvious humanitarian crisis and the lack of implementation of the 1996 peace agreement. In response to poor state services, the Zapatista movement has established “autonomous” municipalities in areas under their control with health and education facilities which also provide services to the IDPs.*

*The unresolved conflict reflects wider competition between government and private supporters of regional free trade agreements wishing to exploit the regions’ abundant natural resources and applicable free trade agreements, and indigenous communities reliant on traditional agriculture for their livelihoods. Since the elections in late 2006, the state authorities have reportedly started systematically to evict indigenous populations from land they occupied from large-scale private landowners in 1994, while paramilitary groups sharing the authorities’ objectives have used illegal means to force people from this land. This combination of paramilitary and state action against Zapatista communities may lead to armed confrontations and displacements of a larger number of people unless the parties negotiate an agreement.*

### Unresolved conflict over land and indigenous rights

The situation of internal displacement in the state of Chiapas is indicative of a national, historical and structural conflict that has since the colonial era pitted indigenous communities and an impoverished peasantry against state institutions and landowners of Spanish descent. The state, although rich in natural resources, has the lowest standard of living in the country with the indigenous population particularly hard hit (CNDH, December 2007). Mexico’s indigenous communities include around 62 different ethnic minority groups, numbering more than 10 million out of the country’s total population of over 100 million. Sustained repression, marginalisation and unequal distribution of resources has led to repeated outbreaks of violence, most recently and significantly in 1994 when the Zapatista Army of National Liberation (EZLN) in Chiapas took up arms against the federal government, occupied four county seats and land legally owned by large private holdings, and demanded autonomy for indigenous people.

The “Zapatistas” took control of an estimated 250,000 hectares of land and redistributed it to landless indigenous supporters (LAG, 29 November 2007). The army was deployed to quell the rebellion and started recruiting paramilitary groups from among other indigenous groups.

According to the EZLN, the uprising was triggered by constitutional reforms permitting the privatisation of communal land and the signing of the North American Free Trade Agreement (NAFTA), which came into effect on 1 January 1994, the day the uprising began (EZLN, 20 February 2003). Article 27 of Mexico’s Constitution of 1917 allowed members of communal groups and their rights over land owned by absent large-scale landowners as long as they continued to work it and live on it. The government repealed Article 27 in 1992 to clear the way for Mexico’s participation in NAFTA, which promoted the interests of large-scale agriculture over communities farming inherited small-holdings. The repeal of Article 27 reopened the door for absentee landlords to acquire Mexican farmland, and indigenous and other rural communities lost their land rights and livelihoods overnight.

In response to deteriorating socio-economic conditions in their home areas and difficulties in competing with the cheaper imported agricultural crops as a result of NAFTA, an estimated 30,000 to 40,000 people from Chiapas, mostly from rural areas, currently emigrate illegally to the United States every year (CIP, 5 December 2007; IDMC interview, October 2007). While millions of Mexican farmers face the same difficulties, the situation of the Zapatistas, including the few remaining IDPs in Chiapas, has been exacerbated by sustained oppression from the state and paramilitary organisations which it supports, including killings, physical assaults, death threats, destruction of crops, burning of houses, militarisation of the area and legal action to evict them from land they occupied from large land-holdings after the armed rebellion in 1994 (CAPISE; September 2007; CDHFBC, 21 August 2007).

The government identifies inter-community, inter-ethnic and religious conflicts as the root causes of displacement in Chiapas, and sees NAFTA and other free trade agreements as a means to promote prosperity to the region. Yet human rights observers have long criticised the government for downplaying the political and agrarian struggles which affect the whole country, and for failing to address urgent issues such as paramilitary activity, the responsibility of the state in the conflict, land reform and indigenous rights (CDHFBC, 9 February 2005).

The signing in 1996 of the San Andrés Accords between the EZLN and the then President Zedillo, recognising indigenous autonomy and control of natural resources and cultural identity, raised high hopes for a peaceful solution to the conflict and a better life for the indigenous communities. But the accord was never ratified and a series of amendments rendered it ineffective. The 2000 election of Vicente Fox as President ended 71 years of unbroken Institutional Revolutionary Party (PRI) rule, but his apparently favourable policies failed to resolve the conflict in Chiapas. As Fox took office in December 2000, he ordered the closure of about 50 military checkpoints in Chiapas and submitted to Congress a constitutional reform building on the San Andrés Accords (SIPAZ, Chronology). However, the reform passed in April 2001 was significantly modified and fell short of the indigenous people’s demands for the full realisation of their civic, cultural and land rights.

Although hailed by the President as a major step towards the resolution of the conflict in Chiapas, the reform was rejected by the EZLN, human rights advocates, national indigenous organisations, and by eleven states which were between them home to 80 per cent of the indigenous population (FIDH, June 2003, p.10). It was also criticised as inconsistent with the International Labour Organization’s (ILO) Convention 169 guaranteeing indigenous peoples’ rights, which Mexico ratified in 1991. Since the constitutional reform was passed in 2001, the Zapatistas have retreated into non-violent resistance, setting up health and education services within the self-declared autonomous “Caracol” municipalities that they launched in 2003. Since the presidential elections in 2006, the human rights and livelihoods situation for indigenous communities and IDPs in Chiapas has worsened (LRAN, 28 September 2007).



## **Patterns of displacement**

At its height, the armed conflict following the 1994 uprising forced up to 20,000 people – mostly indigenous peasants supportive of the government – to flee their homes (CDHFBC, 12 June 2003, p.3; Hidalgo, 1999, p.23).

In February 1995, as part of the counter-insurgency campaign, the army accompanied IDPs back to their home areas. This return movement triggered the displacement of a further 20,000 people, mainly supporters of the Zapatista movement (IDMC interview with CAPISE, 23 October 2007). Despite the absence of a negotiated settlement and simmering tensions due in part to paramilitary threats in their home areas, most of these displaced Zapatista supporters gradually returned in the years after the uprising.

In December 1997, the massacre of 45 indigenous people in the community of Acteal, San Pedro Chenalhó municipality, sparked the displacement of thousands of people. However, as of October 2007, there were only around 5,500 people affiliated to the movement who remained displaced, in Chenalo, north of San-Cristobal de las Casas (IDMC interview, 24 October 2007; CDHFBC, 9 January 2005; USCR, June 2003).

## **Human rights violations accompany evictions**

In 2006 and 2007 federal and state authorities have intensified pressure to evict indigenous people affiliated to the Zapatista movement who occupied land after the 1994 uprising (CAPISE, September 2007; La Jornada, 22 March, 25 February 2007). The evictions have been accompanied by killings, death threats, destruction of crops, burning of houses and shots fired in the air by paramilitary groups in the guise of indigenous farmers' organisations (IDMC Interview, 24 October 2007; LRAN, 28 September 2007). One of these groups, the Organization for the Defense of Indigenous and Campesino Rights (OPDICC), has allegedly been responsible for the majority of the violence against the Zapatista communities since 2004. OPDICC has also initiated 68 judicial procedures to evict the Zapatistas from the land, through institutions such as the Agrarian Procurator's Office and the Secretariat of Agrarian Reform (IDMC interview, Chiapas, 24 October).

In August 2007, once such procedure led to the violent eviction of more than 30 indigenous people in the Ocosingo municipality in the area of Montes Azules, eastern Chiapas. A wide range of state and federal authorities, including the army and the police, arrived in helicopters without notice, consultation or legal authorisation, and forced the people violently from their homes. In November 2006, an eviction in the same municipality resulted in the killing of six indigenous people and the disappearance of two more, all of them affiliated to the Zapatista movement. The event has not been investigated properly and there have been no resulting indictments (CDHFBC, 21 August 2007).

The evictions in the Montes Azules area are related to the expropriation at the beginning of the 1970s of around 600,000 hectares of land in favour of 66 indigenous Mayan families from the Caribbean region, known as the Lacondon indigenous group (IDMC interview, October 2007). This violated the land rights of around 4,000 indigenous people who had settled in 47 communities since the 1950s. A 1978 decree defined more than 300,000 hectares of the Montes Azules area as a biosphere reserve, and since then the indigenous communities have constantly been harassed, expelled, displaced and threatened, mainly on grounds of environmental conservation (IDMC interview, 27 October 2007; CEDH, 1 September 2003).

The government set up an inter-institutional conciliation commission in 2001 and gave assurances that these communities would no longer be evicted. As a result of negotiations, some of the communities accepted resettlement; others who did not have in fact faced an increased risk

of eviction. The recent events in the Montes Azules area follow a pattern of unlawful evictions in which indigenous people are violently forced out of their homes, without prior notice or subsequent compensation for loss of assets, as stipulated by ILO Convention 169 and the Universal Declaration of the Rights of Indigenous People adopted by the UN General Assembly in 2006 (IDMC interview, 24 October 2007; SIPAZ, June 2003). Moreover, the evictions are alleged to have complied with requests from the World Bank and the Inter-American Development Bank to open the way to transnational firms interested in exploiting the area's biodiversity (IDMC interviews, Chiapas, 26 October 2007; CDHFBC, 29 May 2003).

In northern Chiapas, the government's military strategy has for years had the same objective – to evict Zapatista communities from land. The army has ostensibly removed 30 military barracks from the Zapatista dominated areas, but these have been replaced by Special Forces and paramilitary groups. There were still, as of 2007, more than 50 military camps in the state, most of them located near Zapatista communities (CAPISE, September 2007, p.14). The army has not attacked the communities, but its presence is reported to have caused further divisions and misery. Socio-economic hardship leads women into prostitution in the barracks, while young indigenous boys are invited to drink and socialise with the soldiers with the objective of undermining the support bases of the Zapatista communities, and finally of removing them from the land. While disputes over land and land tenure have divided local indigenous communities for decades, these actions suggest that the authorities deliberately polarise them into pro-government and Zapatista groups.

Moreover, the evictions follow a similar “divide-and-rule” pattern; in most cases they benefit indigenous communities affiliated to non-Zapatista political parties and state authorities (IDMC interviews, October 2007). Thus, by giving access to land and preferential treatment to certain indigenous communities at the expense of others, as evidenced in the Montes Azules area, the authorities are fuelling intra-communal violence between supporters of some political parties and EZLN sympathisers, a dynamic which has been exacerbated since the elections in 2006. From the political perspective, successful evictions serve to replace political opponents with political supporters (CAPISE, September 2007; CDHFBC, 14 November 2007).

### **Access to justice, social, economic and cultural rights**

In 2007, the estimated 5,500 IDPs in Chenalhó had poor access to water, sanitation and education facilities (IDMC field mission, October 2007; OHCHR, 1 January 2004). Humanitarian assistance was cut in 2004, and despite unresolved conflict and threats from paramilitary groups, most of the remaining IDPs have started returning to their home areas to cultivate the land by day, but return to the IDP sites at night due to their fear of reprisals. Only around 500 IDPs are dependent on food hand-outs, which they receive from the Zapatista movement. In 2003, self-established Zapatista institutions were turned into “good governance boards” known as “Caracoles”, largely to provide alternative public services such as health, sanitation and education, and to strengthen social cohesion within the communities (CDHFBC, 13 April 2004). While these services are reported to provide important support to the communities, including the IDPs in Chenalhó, health problems such as diarrhoea, and payment of salaries to teachers, have been reported as severe challenges (IDMC interview, 24 October). Other obstacles faced by the Zapatista communities are the impaired freedom of movement as a result of heavy military presence, barriers to the conservation of sacred sites, and the provision of electricity.

The limited access to justice for past extrajudicial killings is considered one of the major obstacles to the restoration of faith in state institutions. The government has never recognised these communities and it has sought several times to dismantle them by force, committing or permitting extrajudicial killings which have never been adequately investigated. The National Human Rights Commission held public officials and the state government responsible for the 1997 Acteal Massacre by omission or commission. The massacre took place 200 metres away from a police

post, and the authorities, including the Secretary Governor of the State of Chiapas, who had been informed of the massacre, “flagrantly” failed to prevent it and to intervene to assist the victims, according to the UN Special Rapporteur on arbitrary executions and other human rights organisations (CDHFBC, 9 February 2005; UN CHR, 23 December 2003; UN CHR, 25 November 1999, para.36). While some people have been unjustly imprisoned, as of October 2007, those behind the massacre are still unpunished, and no compensation has been made to the victims of forced displacement, murder and torture (IDMC interview, Acteal, 26 October 2007; SIPAZ, March 2005; AI, January 2005).

### **National and international responses**

The national and international responses and attention to the conflict and displacement in Chiapas have almost completely ceased. The lack of interest in the conflict and its consequences for the civilian population is reflected in the complete absence of a national and international response, with humanitarian or peace-building goals.

In 2003, the UN’s Representative on IDPs undertook a mission to Chiapas and made concrete recommendations to help the government solve the conflict and protect the rights of the IDPs. Four years later, practically none of the recommendations had been implemented (IDMC interview, 25 October 2007). Worse still, the increasing number of small-scale forced displacements as a result of paramilitary action and the coinciding legal, commercial and military objectives to evict Zapatista communities from the land they have occupied since 1994 may be a clear indication that Chiapas is closer to an escalation of the conflict than to peace.

# CAUSES AND BACKGROUND

## Background

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### Free Trade agreement undermines livelihoods in rural areas

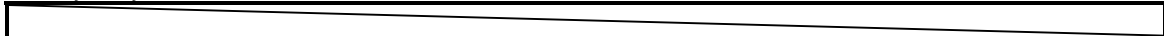
- Small farmers unable to compete with imported goods from the US
- Many migrate to the US to work in the same agricultural sector that displaced them

### Center for Policy Studies, 5 December 2007

"On Jan. 1, 2008 the last remaining tariff barriers permitted under the North American Free Trade Agreement (NAFTA) are slated to fall. Corn and beans were given the longest (15 years) liberalization schedule because they are at the core of Mexican culture and subsistence. Other key products—including sugar, milk, and chicken, which had formerly been regulated under a safeguard agreement to protect Mexican production, are also included.

The tariff removal ostensibly gives full rein to an open-market trade and investment regime between the United States and Mexico. The idea is that all products now enter into a competitive market that will self-regulate to enhance production, efficiency, investment, and, indirectly, the lives of Mexican producers and consumers.

That's the idea. But what has happened in the Mexican countryside over the past 14 years of NAFTA shows that free trade has been a disaster for small farmers in Mexico. Corn farmers forced out of business by subsidized imports from the United States have swollen the ranks of migrants to the United States, where many of them contribute their poorly paid labor to the same agricultural sector that displaced them. New generations of children in rural areas see their only future *en el otro lado*, on the other side, where their fathers, mothers, uncles, or cousins earn the money they send home that enables their families to survive."



### Land and agrarian issues at the root cause of conflicts in Mexico

- Indigenous Mexican people were the main driving force behind the agrarian revolution in 1910 and some 3 million peasants benefited
- Throughout the 20th century the agrarian reform lost impetus and during the 70 years of oligarchic rule, land holdings concentrated in the hands of a few
- In 1992 the Constitution was reformed, opening the way for the privatisation of indigenous communal lands as part of a globalisation-encapsulating economic development process, including the North American Free Trade Agreement

"A century ago, the indigenous communities that made up the majority of the population in Mexico, hard hit by the loss of their communal lands and by the poverty, exploitation and oppression under which they lived, were one of the key social forces which were to precipitate Mexico's agrarian revolution in 1910. The 1917 Constitution initiated a process of agrarian reform

which in the course of time benefited some 3 million peasants, for the most part indigenous, grouped under various landholding arrangements in agrarian communities, *ejidos* (units of communal land) and small properties. The agrarian reform, however, soon lost impetus, and numbers of landless farmers and migrant day labourers increased again, their situation aggravated by population pressure on limited natural resources.

[...] The 70 years of political control exercised by the Institutional Revolutionary Party (PRI) up to the election of President Vicente Fox Quezada in 2000, brought the institution of strong oligarchies, often accused of municipal and State nepotism and corruption. Agribusiness interests, together with the growing concentration of land in the hands of big business, put pressure on the communities which were increasingly unable to survive on the produce of their land. In 1992 the Constitution was reformed, opening the way to the privatization of indigenous communal lands as part of a globalization-encapsulating economic development process, including the North American Free Trade Agreement, which has brought great changes to the rural world in which most indigenous people live.

[...]

The national debate on these problems acquired particular relevance with the armed uprising of the Zapatista National Liberation Army (EZLN) in 1994, protesting against “500 years of oblivion”, the subsequent dialogue which led to the signing by the Government and EZLN of the San Andrés Agreements on indigenous identity and culture, and the constitutional reform of 2001 which has been strongly challenged[...].

[...]

One of the main causes of the conflicts is the question of land. While the agrarian reform benefited more than 3 million peasants as from 1917, it left in its wake innumerable unresolved problems. Social and economic inequality was maintained through corruption and deceit to benefit large-scale ownership, and added to growing population pressure on agricultural resources. An increasing number of poor peasants lack access to land, and are obliged to earn their living as agricultural day labourers, migrant workers within Mexico and in the United States, and emigrants to urban centres. This is also due to the fact that there has been no effective policy of support for the peasant economy for decades.

[...]Peasant struggles for land and resources have been made more acute by the ambiguities of agricultural rights and title deeds, disagreements as to the limits between *ejidos*, communities and private properties, conflicts over the use of collective resources such as woods and water, illegal encroachment and occupation of communal land by loggers, stock-breeders and private farmers, accumulations of property in the hands of local *caciques* (bosses), etc. The defence of the land, initially by institutional, judicial and political means, may lead to clashes with other peasants or with private owners, public authorities and the forces of order (police, military). In this context, there are reports of persistent human rights violations for which the local or State authorities and forces of law and order are on occasion not blameless, either by omission or by commission.” (UN CHR, 23 December 2003)

### **Insurgent groups seeking rights for indigenous people clashed with the Mexican army in Chiapas in 1994**

- The Zapatista uprising in 1994 protested against the neglect and marginalisation of indigenous people and peasants
- Armed conflict between the Zapatista Army of National Liberation (the EZLN, or “Zapatistas”) and the Mexican Armed Forces broke out in early January 1994

- The armed conflict led to the formation of several paramilitary groups allegedly funded and controlled by rich landowners and conservative local government officials
- Displacement has occurred since 1994, but has been concentrated to the initial period of the uprising and to the days following a December 1997 massacre in Acteal
- The government forces and the EZLN are now maintaining a tense standoff
- Since 1996, the EZLN and its sympathizers have declared 38 "autonomous municipalities" in Chiapas, which are exercising the right to self-determination and autonomy at local level
- Autonomous municipalities are not recognized by the Government, which has given rise to conflicts
- In September 2003, the EZLN established "good governance" (Juntas de Buen Gobierno, JBGs) administrative boards known as Caracoles to strengthen the practice of regional autonomy

"The national debate on these problems acquired particular relevance with the armed uprising of the Zapatista National Liberation Army (EZLN) in 1994, protesting against "500 years of oblivion", the subsequent dialogue which led to the signing by the Government and EZLN of the San Andrés Agreements on indigenous identity and culture, and the constitutional reform of 2001 which has been strongly challenged[...]" (UN CHR, 23 December 2003)

"Internal displacement began when conflict broke out in the southern state of Chiapas in early 1994. The conflict between the Mexican army and the Zapatista Army of National Liberation (the EZLN, or Zapatistas), an insurgent group seeking rights for indigenous people, displaced some 2,000 people that year. Since that time, other insurgent groups have become active in Chiapas and elsewhere in Mexico. Paramilitary groups opposing them have also emerged. The paramilitary groups are allegedly funded and controlled by rich landowners and conservative local government officials who want to suppress indigenous people's calls for greater rights.

[Internal] displacement followed a massacre in the village of Acteal in December 1997. Paramilitaries attacked the village and killed 45 displaced ethnic Tzotzils who had sought shelter there. They injured 25 others. Survivors claimed that although a police post was just 200 meters from the site of the massacre, the police did not intervene. [...] Thousands of people fled Acteal and other nearby villages in the wake of the massacre.

Following the massacre, the Mexican government dispatched additional military forces to the region, ostensibly to disarm the paramilitaries and to assist the displaced. However, in May, the military forces launched an offensive against the EZLN.

In July, the Mexican government proposed a five-point plan for negotiating an end to the Chiapas conflict. However, negotiations were delayed because the government refused to accept the EZLN's demand that the military withdraw from the conflict areas as a precondition to negotiation. Negotiations eventually began in late November but proved unsuccessful."  
(USCR 1999, Mexico)

"The government forces and the EZLN are now maintaining a tense stand-off with occasional violent encounters. Since 1996, the EZLN and its sympathizers have declared 38 'autonomous municipalities' in Chiapas. The Government has not recognized these communities, and four of them have so far been dissolved by the federal authorities. The confrontation between the EZLN and the Government has divided the local population and given rise to armed groups, which are often referred to as 'paramilitary groups'."  
(Commission on Human Rights 25 November 1999, para.19)

“During the years of conflict several developments of importance to the indigenous peoples took place. Some communities in the areas of EZLN influence and other regions, decided to set up “autonomous municipalities” outside existing institutional arrangements. They appoint their own authorities and apply their own usages and customs to solve conflicts and maintain social order, i.e. they exercise their right to self-determination and autonomy at a local level. The autonomous municipalities have had serious operational problems, in particular because they are not recognized by the State and federal authorities, because they lack the capacity to generate their own resources and because in some instances they have come up against opposing local interests and this has given rise to conflicts and tensions, particularly when the State authorities have tried to dismantle them.

[...]In September 2003, EZLN announced the establishment of “Good Government Boards” in regions with communities that are Zapatista bases, now known as *Caracoles*, in order to strengthen the practice of regional autonomy and establish local bodies for administration and dialogue with Mexican society and the Government. This may doubtless be interpreted as a peace signal on the part of EZLN, opening a window of opportunity in the search for a peaceful solution to the conflict while respecting the human rights of the indigenous peoples. It represents a creative application of the constitutionally guaranteed right of the indigenous peoples to self-determination.” (UN CHR, 23 December 2003)

“Since 1996, the EZLN and its sympathizers have declared 38 “autonomous municipalities” in Chiapas. The Government has not recognized these communities, and four of them have so far been dissolved by the federal authorities. The confrontation between the EZLN and the Government has divided the local population and given rise to armed groups, which are often referred to as “paramilitary groups”.” (UN CHR, 29 November 1999)

“The JBGs face numerous challenge to their successful functioning. The first has to do with the existent plurality in the territories that they attempt to cover. In many areas, part of the population (the majority or minority, depending on the case) opposes the project of Zapatista autonomy. For example, tensions arose in Altamirano in December when various social organizations agreed to carry out mobilizations against the local JBG. At present, the conflict has been diminished, thanks to intervention by the state government.

Another point of tension is the topic of public utilities (water, electricity and public works). The Zapatistas who act in resistance to government demands sometimes generate friction with the the population that pays for these services. Two particularly tense situations in the past few months occurred in Zinacantán (where militants from the Partido de la Revolución Democrática, or PRD, cut the water supply to Zapatista support bases) and in San Juan Cancúc (where members of PRI threatened to expell indigenous EZLN sympathizers who had refused to cooperate to receive services). Some peoples believe that such divisions within communities are a key element of the new counter-insurgency strategy.” (SIPAZ, March 2004)

### **Hopes for conflict resolution under President Fox shattered by constitutional reform and impunity (2000-2005)**

- In July 2000 the Institutional Revolutionary Party's (PRI) 71-year control ended as Vicente Fox Quesada (National Action Party 'PAN') was elected president
- President Fox withdrew some army troops from Chiapas and promised to revive the peace process in Chiapas
- Constitutional reform on indigenous rights was significantly amended and ultimately ratified by Congress in April 2001

- The reform disenfranchises indigenous people from their rights and was rejected by eleven states where 80 percent of indigenous Mexicans live, by the EZLN and by displaced communities
- The reform undermines collective indigenous rights particularly land rights, by giving rights on indigenous ancestral lands to third parties
- The reform is inconsistent with the San Andrés Accords and with the project of law of the Commission for Agreement and Pacification presented by Fox during elections
- The reform denies indigenous communities the collective use and control of resources as well as socio-political autonomy
- During 2002 there was an increase of confrontations between 'armed civilian' groups and Zapatista sympathisers and reports of excessive use of force by the army
- The most pressing human rights problems in Mexico stem from the violation of the right to justice and abuses by law-enforcement bodies
- Torture and other ill-treatment by law enforcement officials, failure to investigate and prosecute those responsible for human rights violations, corruption and lack of political will to implement justice are rampant

"Change in Government in July [2000] elections, Mexicans ended the Institutional Revolutionary Party's (PRI) 71-year control of the presidency and elected Vicente Fox Quesada, a member of the center-right National Action Party (PAN), as president.

Immediately after his election victory, Fox said that he planned to resume peace talks with Zapatista rebels in Chiapas. In his first days in office, Fox withdrew tens of thousands of army troops from roadside checkpoints in Chiapas and promised to send legislation to Congress calling for enactment of the never-ratified 1996 San Andres peace accord between the EZLN and the government, in which the government recognized the need to expand the rights of indigenous people.

In response, EZLN rebel leader Subcommander Marcos made his first conciliatory statements toward the Mexican government in years. He said Fox's statements and actions were a positive sign, and added that the EZLN was willing to negotiate for peace. Potential obstacles to a peace agreement included a divided congress, which would have to ratify any peace deal, and the difficulty of controlling the paramilitaries, who continued to perpetrate acts of violence against indigenous populations." (USCR June 2001)

"Las elecciones de 2000 inauguraron formalmente la posibilidad de modificar, a fondo, el legado de un régimen que violentó sistemáticamente los derechos políticos y que sentó las bases de un modelo económico que ha devenido en la agudización de las violaciones a los derechos económicos, sociales y culturales. Hoy se entiende que un gobierno democrático no se cimienta únicamente en los votos, sino que su legitimidad deriva de la observancia de la integralidad de los derechos humanos." (OHCHR, 1 January 2004)

"After winning the election, Fox appeared much more open to human rights reform than previous Mexican leaders. Signalling that, in August, he met first with local human rights organizations and then with U.S., Canadian, and European human rights and environmental groups. His foreign policy advisors suggested that his government, when it took office, would be more responsive to international human rights mechanisms than previous administrations. Fox also promised to establish a "transparency commission" to examine PRI excesses, including human rights issues. " (HRW 2001)



“Several of Mexico’s most pressing human rights problems stem from shortcomings in its criminal justice system. They include torture and other ill-treatment by law enforcement officials, and a failure to investigate and prosecute those responsible for human rights violations.

President Vicente Fox has repeatedly promised to address these problems and has taken important steps toward doing so—establishing a special prosecutor's office to investigate past abuses and proposing justice reforms designed to prevent future ones. Neither initiative has received adequate government support, however, and it is unclear whether President Fox will be able to advance these programs in the two years that remain in his presidency.” (HRW, 1 January 2005)

### ***Constitutional Reform undermines indigenous rights (2001)***

“El 28 de abril de 2001, la Cámara de Diputados aprobó la iniciativa de reforma constitucional en materia de derechos y cultura indígena presentada 3 días antes por la Cámara de Senadores; en los meses siguientes, dicha iniciativa fue ratificada por los Congresos Locales de 18 estados de la República, con lo cual dichas reformas pasaron a formar parte de la Constitución Política de los Estados Unidos Mexicanos. Cabe mencionar que los Congresos de Guerrero, Oaxaca y Chiapas, que concentran a más del 60 por ciento de la población indígena del país, rechazaron tal iniciativa, y que los votos a favor de estados con poca población indígena, para los cuales se trata de un problema menor, inclinaron la balanza para que esta verdadera contrarreforma formara parte de la Constitución. [...]

Dichas reformas no cumplen con los elementos básicos de la lucha por el reconocimiento de los derechos colectivos de los pueblos indígenas, que sí forman parte del Convenio N° 169 de la OIT, los Acuerdos de San Andrés y la Iniciativa de Ley de la Comisión de Concordia y Pacificación, presentada por el presidente Vicente Fox al Congreso de la Unión en cumplimiento con sus propuestas de campaña.

Los elementos de la lucha indígena que no están contemplados en las reformas constitucionales son:

El reconocimiento de los pueblos indígenas como sujetos colectivos de derecho público, ni como parte de la organización política del Estado Mexicano.

El reconocimiento de los territorios indígenas como espacio de su reproducción social, de su patrimonio histórico y cultural; tampoco se les reconoce el derecho al control y uso colectivo de sus recursos naturales, pero en cambio, la reforma otorga derechos a terceros sobre el patrimonio territorial de los pueblos, por encima de sus derechos ancestrales.

El reconocimiento de la libre determinación de los pueblos indígenas dentro de la Soberanía Nacional, la cual se expresa en las formas de autonomía que cada pueblo ejerza (como ejemplo de ello, las Juntas de Buen Gobierno y los “Caracoles” en los Municipios Autónomos zapatistas deben aún demostrar su eficacia como formación política autónoma)

[...]

México se comprometió —entre muchas otras cláusulas importantes para el derecho indígena— a reconocer a los pueblos indígenas mexicanos:

...el derecho de decidir sus propias prioridades en lo que atañe al proceso de desarrollo, en la medida en que éste afecte a sus vidas, creencias, instituciones y bienestar espiritual y a las tierras que ocupan o utilizan de alguna manera, y de controlar, en la medida de lo posible, su propio desarrollo económico, social y cultural. Además dichos pueblos deberán participar en la formulación, aplicación y evaluación de los planes y programas de desarrollo nacional y regional susceptibles de afectarles directamente.

Y de:

...tomar medidas en cooperación con los pueblos interesados, para proteger y preservar el medio ambiente de los territorios que habitan.

[...]

A pesar de la gran cantidad de voces que se alzaron en contra de estas reformas, el Ejecutivo mostró beneplácito por la aprobación de las mismas, y consideró que su papel había concluido con la presentación de la iniciativa de la COCOPA. El decreto del 14 de agosto de 2001 puso punto final a la discusión, según el presidente Vicente Fox Quesada.

Las 321 Controversias Constitucionales presentadas en contra del contenido o el procedimiento de las reformas constitucionales en materia indígena, interpuestas por gran cantidad de municipios indígenas de Puebla, Oaxaca, Veracruz, Morelos, Jalisco, Tabasco, Hidalgo, Distrito Federal, Estado de México, Michoacán, Tlaxcala, Guerrero y Chiapas, fueron rechazadas en bloque por la Suprema Corte de Justicia de la Nación; » (CEDH, 1 September 2003, pp.6-8)

"An Indian rights bill won approval from a majority of Mexican state legislature, but the law appeared unlikely to satisfy leftist Zapatista rebels [...] Zapatista military leader Subcomandante Marcos rejected the bill, which he said was watered-down and insulting to Mexico's 10 million Indians. The Zapatistas want regional autonomy for Indian areas on issues like native languages, as well as traditional government and law based on councils of elders or village assemblies rather than federal standards. Congress' version of the bill would weaken that autonomy and subject laws based on Indian customs to approval by state legislatures". (Global Exchange 13 July 2001)

"Meanwhile, in Chiapas, tension has risen in a number of Zapatista base communities following the EZLN's rejection of the reform bill. Many communities say they are on 'alert' after truckload of armed civilians appeared outside of the highland town of Oventic on May 3, while communities in the jungle have denounced a sudden increase in military personell present at the military encampments in Patihuitz, Nuevo Momon, and San Cayetano." (Project Counselling Service 'PCS' May 2001)

"No obstante que el Dictamen de las cámaras legislativas sometido a la consideración de las legislaturas estatales fue rechazado por los congresos estatales de Chiapas, Oaxaca, Guerrero, San Luis Potosí, Hidalgo, Estado de México, Morelos, Sinaloa, Baja California, Sur y Zacatecas, que concentran el 80% de la población indígena de México, la reforma siguió adelante." (FIDH, June 2003, p. 10)

### **Chronology of internal displacement in Chiapas (1994-2004)**

- Internal displacement is not a new phenomenon in Chiapas – before 1994 displacement was caused by competition over land and other income sources
- In 1994, approximately 35.000 peasants fled the armed conflict between the EZLN and the army
- During this first phase of displacement, most IDPs fled from the fighting in the rural areas to the municipal centres
- Most of these IDPs were affiliated with the governing PRI political party
- In a second wave of displacement, initiated after an army offensive in February 1995, militant Zapatista supporters fled to the mountains
- During this phase, the PRI supporters stayed in their communities and reportedly looted some of the displaced Zapatistas' properties
- NGOs denounce the army as the main agent of displacement during this phase. However, PRI supporters are also reported to have engaged in violent acts provoking the displacement of Zapatista sympathizers
- In a third phase of forced displacement (from March 1995), some 12 paramilitary groups, present in 20 municipalities, have caused displacement through violent acts against anyone perceived to be sympathetic to the Zapatistas

- The paramilitary groups operate regionally and strive to control territories
- They reportedly control roads and charge for free passage, destroy residential and agricultural property, close down catholic churches and harass church staff, including former Bishop Samuel Ruiz
- On December 22, 1997, paramilitaries carried out a massacre of 45 residents in the village of Acteal, causing numerous survivors to flee the area

"El desplazamiento de la población indígena, campesina de Chiapas no es reciente. En otros momentos, su causa principal ha sido de carácter económico, motivada primordialmente por la búsqueda de tierras y fuentes de trabajo.

A partir del alzamiento del EZLN, el 1 de enero de 1994, este fenómeno adquiere otro carácter y dimensión. Miles de hombres, mujeres y niños se desplazan, esta vez motivados por el miedo a perder la vida. [...]

#### Primera etapa, 1994

Esta primera etapa se inicia en enero de 1994, cuando se registran los primeros enfrentamientos entre el EZLN y el Ejército. La población desplazada proviene principalmente de las zonas aledañas, donde se registran acciones de tipo militar, y se movilizan a las zonas urbanas más cercanas, como Ocosingo, Las Margaritas, Altamirano, Comitán, La Independencia, San Cristóbal, Oxchuc y Chanal. [...]

Este desplazamiento tenía la característica de dirigirse de la zona rural a las zonas urbanas y la podemos calificar de desplazamiento "exterior" porque se da hacia fuera de la zona de enfrentamiento. En aquella ocasión el número de desplazados fue aproximadamente de 35 mil personas, mientras que algunas ONG's hablaban de hasta 40 mil indígenas desarraigados. En su mayoría, esta población estaba afiliada al partido oficial (PRI). [...]

#### Segunda etapa, 1995

Esta etapa inicia con la ofensiva del Ejército el 9 de febrero de 1995, que pretendió capturar a la Comandancia General del EZLN. Si bien esto no se logró, se recuperó el territorio que estaba en manos de los zapatistas. Como producto de esta ofensiva, se genera una segunda etapa de desplazamiento de la población. Los desplazados son principalmente militantes zapatistas que se resisten a trasladarse a las zonas urbanas y huyen hacia la montañas. [...]

En la primera etapa del desplazamiento, son los priistas quienes huyen de sus lugares de origen, en tanto que en la segunda se quedaron en sus comunidades y en muchos sitios, aprovechando para robar y destruir propiedades de los zapatistas. Asimismo, es importante recordar que es durante este periodo que el Ejército organizó y reinsertó a grupos de desplazados para que representaran un punto de choque contra los zapatistas y organizaciones independientes. [...]

Si bien durante la segunda etapa el actor principal que provoca el desplazamiento lo constituye el Ejército, posteriormente son los propios priistas quienes, vía métodos violentos, tanto físicos como psicológicos, provocarán desplazamientos de población simpatizante del EZLN. [...]

#### Tercera etapa, 1997

Las raíces de esta etapa del desplazamiento pueden rastrearse desde 1995, aunque cobra mayor fuerza a partir de 1996-1997. Los actores que le dan origen son los grupos paramilitares, quienes, presumiblemente, fueron organizados y preparados por el Ejército a principios de 1995.

Estos grupos supuestamente comenzaron a operar entre febrero y marzo de 1995, en los municipios de las zonas Norte, Selva y Centro: Tila, Sabanilla, Tumbalá, Salto de Agua, Chilón, Palenque, Venustiano Carranza, Ocosingo, Sitalá y Chenalhó. Las primeras acciones violentas, atribuidas a los grupos paramilitares Paz y Justicia y Los Chinchulines, se caracterizan por estar dirigidas contra la población identificada como base de apoyo zapatista, PRD, catequistas o sociedad civil organizada, es decir, contra todo aquello que no perteneciera al partido oficial (PRI).

En el transcurso de los últimos años se han multiplicado las organizaciones paramilitares, de tal manera que se conoce hoy la existencia de 12 grupos que tienen presencia en 20 municipios del estado de Chiapas. Entre ellos destacan, además de los dos mencionados: MIRA, Máscara Roja, Frente Civil, Los Tomates, Los Plátanos, Los Chentes, Priistas Amados, Los Puñales, Alianza S. Bartolomé de los Llanos, Los Quintos, entre otros.

Las acciones de estos grupos paramilitares son regionales y tienen por finalidad tomar el control de un territorio determinado. Operan ocupando los caminos, destruyen y queman viviendas y la producción, atemorizan a la población, cobran cuotas por pasar en determinados caminos, han cerrados 45 capillas (Paz y Justicia y grupos de priistas), profanan templos y realizan emboscadas, de las cuales ha sido víctima la población local identificada con el zapatismo, el PRD, la Iglesia católica, personalidades internacionales, incluyendo a los obispos Samuel Ruiz y Raúl Vera López de la Diócesis de San Cristóbal, suceso que ocurrió el 4 de noviembre de 1997."

(Castro/Hidalgo 1999, p. 21-26)

### ***Timeline of events***

February, 16, 1996: Signing of the San Andrés Accords The Zapatistas and the Mexican Government sign the San Andrés Accords on Indigenous Rights and culture. In the accords, the Mexican government agreed to recognize indigenous communities in the Constitution, increase their political participation and representation, promote indigenous culture, guarantee indigenous access to basic needs and education, and ensure the legal rights of indigenous peoples to govern themselves. The second set of talks, dealing with Democracy and Justice, were scheduled to begin in San Andrés on March 5th, 1996.

[...]

March 21st, 1996: Negotiations on Democracy and Justice Begin Government representatives refuse to discuss the EZLN's proposals, claiming that they are only interested in solving local issues of "democracy and justice," not national reform.

[...]

August 29th, 1996: EZLN Suspends Dialogue Process Due to a lack of cooperation on the part of the Mexican federal government and increasing militarization in the Chiapas, the EZLN suspended dialogue with the Mexican government until it met the following five conditions: 1. Installation of the Implementation and Verification commission for the San Andrés Accords, as well as the fulfillment of the part of the San Andrés Accords that specifically addressed the issues of indigenous rights and cultures. 2. The federal government present a proposal that specifically addresses issues of democracy and justice, as well as commitment to reach an accord. 3. Liberation for the political prisoners accused of being Zapatistas (as had already been agreed upon during the construction of the Dialogue and Conciliation Laws that the Mexican government signed on March 11, 1995). 4. End to the low-intensity warfare initiated by the Mexican government, including disarmament of paramilitary groups in the northern zone of Chiapas. 5. Appointment of a government negotiating team willing to negotiate and respect the Zapatista delegation with decision-making capacity.

November 29th, 1996: EZLN and Mexican Government Agree to COCOPA's Proposal of Constitutional Reforms on Indigenous Rights and Culture After the suspension of the dialogue process, the Commission of Concordia and Pacification (COCOPA), the federal congress'

monitoring body in charge of overseeing the dialogue process, took a more active role in looking for a more just and dignified way to resolve the conflict in Chiapas. The role of COCOPA, which is made up of members from the three most established political parties in the Mexican Government: PRI, PAN, and PRD, took on the responsibility of converting the San Andrés Accords, that dealt with Indigenous Rights and Culture, into official legal legislation. The initiative was officially presented to both the Mexican Federal Government and the EZLN during November of 1996. After conferring with the legislative commission of the National Indigenous Council, the EZLN agreed upon the terms presented by COCOPA and signed the proposal on the 29th of [...]

December 5th, 1996: Mexican Government Rejects COCOPA's Proposal The Interior Ministry informs the COCOPA that it no longer supports the proposal.

[...]

December 19th, 1996: COCOPA Receives Zedillo's Revisions Although both parties had agreed to a simple "yes" or "no" at the beginning of the negotiations, Zedillo returned the document to the COCOPA with 27 changes.

December 22, 1997: Acteal Massacre A paramilitary group affiliated with the PRI attacks the pacifist community of Acteal while they are in church, killing 45 indigenous people, mostly women (most of whom were pregnant) and children. President Zedillo later sends in the army to disarm the Zapatistas without addressing the paramilitary problem.

January 11th, 1997: EZLN Rejects Zedillo's Revisions The EZLN meets with the COCOPA in La Realidad and rejects Zedillo's changes. Subcomandante Marcos calls on the COCOPA to defend its original proposal and announces that the EZLN will await such a public announcement before making any more decisions.

February 1st, 1997: Zapatistas March on Chiapas Capital 9,000 civilian Zapatistas march through San Cristóbal de las Casas, Chiapas, to demand that the government honor the San Andrés Accords and that it accept the COCOPA's original proposal on constitutional reforms.

March 4th, 1997: COCOPA Withdraws Its Proposal The COCOPA publicly announced that it was withdrawing its constitutional reform proposal from legislative consideration. The EZLN strongly criticized their decision.

[...]

March 1, 1998: México's "New Strategy for Peace" Interior Minister Francisco Labastida announces a so-called new strategy and says the Mexican government will unilaterally introduce a new initiative on indigenous rights and culture into Congress for approval, without regard for the position of the EZLN, the National Intermediation Commission (CONAI), or the COCOPA.

March 12, 1998: PAN Presents Its Initiative For Reforms In a surprise move, the PAN presents an initiative that places its own political program regarding indigenous issues (as opposed to fulfillment of the San Andrés Accords) into the Constitution. The CONAI condemns this proposal.

June, 1998: Bishop Samuel Ruíz García ends his efforts to mediate in peace negotiations, accusing the government of preferring repression.

March, 1999: Over 3,000,000 Mexicans vote that the San Andrés Accords should be Implemented.

July 2, 2000: Vicente Fox is Elected President Ending 71 years of PRI control, Vicente Fox of the conservative PAN party is elected president. Part of his campaign platform was to solve the problems in Chiapas "in fifteen minutes."

December 5, 2000: Fox Introduces Constitutional Reforms prepared by the COCOPA Although the reforms would have given indigenous communities autonomy, control over their natural resources and respect for their customs, Fox handed the reforms over to Congress with a series of secret commentaries that would modify the Cocopa proposal significantly.

February 24, 2001: Zapatistas Begin "Zapatour" and March to México A rebel delegation composed of 23 indigenous commanders and Subcomandante Marcos began an unarmed march towards México to press for congressional approval of the constitutional implementation of the San Andrés Accords.

March 11, 2001: Zapatistas Appear Before Congress When the Zapatour arrives in México City, more than 200,000 citizens are waiting to welcome the Zapatistas to the capitol.

April 27, 2001: Congress Passes the Bill

April 29, 2001: Zapatistas Break Off Peace Negotiations with Mexican Government After Congress passed the Indigenous Rights Law that the Zapatistas said did not adequately recognize the legal status of indigenous communities, the right to autonomy and rights over natural resources, the Zapatistas formally ended dialogue with the Mexican government.

[...]

July 18, 2001: Congress Passes Gutted Indigenous Rights law The bill was passed in an unorthodox "fast track" legislative procedure in an inside deal between the conservative National Action Party (PAN) and the former ruling Institutional Revolutionary Party (PRI).

July 19, 2001: Indigenous Groups Condemn the Senate's Ratification of the Law Indigenous groups widely oppose the new law, which they see as an attempt by the Mexican government to renege on agreements reached between the Zapatista National Liberation Army and the administration of former president Ernesto Zedillo in San Andrés Larrainzar, Chiapas, in 1996. Among the Zapatista demands were the right to collective use of natural resources, the right to representation at a national level, the right to their own media channels and recognition of indigenous communities as legal entities.

[...]

December, 2001: Fox Delivers Indigenous Rights Initiative to Congress Fox delivered to Congress an indigenous rights initiative set as a condition for restarting peace talks by the Chiapas-based Zapatista Army of National Liberation (EZLN).

[...]

September 6, 2002: Supreme Court rules against the 320 complaints filed against the Indigenous Rights Law The Supreme Court of Mexico announced its decision on the 320 complaints filed against the Indigenous Rights Law and its relation to the Mexican Constitution. The Court decided against accepting the complaints, claiming that it does not have the jurisdiction to address such complaints. The ruling was roundly denounced by national and international civil society organizations as a serious blow to the stalled peace process." (Global Exchange, 13 September 2002)

Brief history of the conflict in Chiapas: **1994-2004**

<http://www.sipaz.org/crono/proceng.htm>

### **Structure and history of land tenure in Mexico**

- Half of Mexico's territory is collectively owned land as a result of an agrarian reform from the beginning of the 20th century
- The Constitution amended in 1992 to open up for privatisation of the collectively owned land

- Fewer than 11,000 haciendas controlled 57 percent of the national territory at the beginning of the 20th century
- 95 per cent of the rural population was landless
- Article 27 of the Constitution—in force until 1992—allowed the expropriation of large landholdings to create small individual or communal properties
- The Constitution before the amendment of article 27 paved the way for three kinds of property; small private property, communal property, and ejidal property
- The rights of the ejidatarios and communal landholders over agrarian properties were historically inalienable, imprescriptible and not subject to embargo
- Still, in practice land titles have been bought and sold in ejidos and rented to capitalist entrepreneurs from outside the agrarian community for long periods

### **Ana de Ita**

"In many countries, the World Bank promotes so-called market-based agrarian reform—the neoliberal avenue for granting peasants access to land. In the case of Mexico, where a profound agrarian reform followed the revolution of 1910, and where half of the country's surface area is the property of ejidos and communities—constituting the social sector—neoliberal planners, as of 1992, and under World Bank recommendations, drove a series of counter-reforms to the agrarian legislation established in Article 27 of the Constitution, with the objectives of making land tenancy more secure in terms of private property, and legally disentangle all land owned by the social sector to promote its placement in the market.

The Program for Certification of Ejidal Rights and Titling of Urban Patios (PROCEDE) was set into motion in 1993 as the instrument that would give juridical certainty to land tenancy, regularize agrarian rights, and grant individual property certificates to ejidatarios.

While those pushing the reforms intended to certify the vast extension of the social sector's area in just two years (1993-1994), their critics assumed that the Program would be rejected, as a concrete manifestation of opposition to the spirit of the counter-reforms. After ten years of operation neither has occurred. The arable land area of Mexico has still not been entirely certified, yet there was also no massive rejection of PROCEDE. [...]

At the beginning of the twentieth century the agrarian question represented one of Mexico's major problems. Fewer than 11,000 haciendas controlled 57 percent of the national territory, while 15 million peasants—95 percent of rural families—lacked land. By 1910 the degree of land concentration in Mexico was greater than in any other Latin American country. During the dictatorship of Porfirio Diaz, the climax of the liberal period, indigenous communities had lost 90 percent of their lands Klooster, [...]

The Mexican Revolution of 1910-1920 had an essentially agrarian character. Thousands of communities demanded the restitution of their lands, and the reinstatement of the traditional rights that they had lost during the colonial period, and especially during the porfiriato [...]

The Mexican Constitution of 1917 was one of the most radical of all constitutions. Article 27—in force until 1992—allowed the expropriation of large landholdings in order to create small individual or communal properties, and it prohibited Church institutions from possessing any land that was unrelated to their functions. It established the State's ownership over lands and waters, and its right to transfer their control to particular entities, giving origin to three types of property: small private property, communal property, and ejidal property. Communal property, known as "communities," was basically indigenous lands either granted by the Spanish Crown or through restitution thereafter, while ejidos were collective landholdings created by land distribution. It limited the extension of private property to 100 irrigated hectares, or their equivalent in rain fed land.

Land—the nation's property—was given to members of an ejido for their use and usufruct. The rights of the ejidatarios and communal landholders over agrarian properties were historically inalienable, imprescriptible, not subject to embargo, and non-transferable.

Over some 80 years, the agrarian reform gave out 103 million hectares—52 percent of the 196 million hectares that make up the Mexican territory, or 56 percent of its agrarian land, and 70 percent of its forests 65 percent of the country's forests are property of ejidos and indigenous communities. Gonzalez Pacheco, 1981, cited in Merino, L. Op. Cit. p.88.—to 3.5 million ejidatarios and communal landholders, integrated in 30 thousand 322 ejidos and communities that constituted the social sector."

### **Tierramerica, 7 September 2007**

"The post-revolutionary governments of the period 1911-1934 did undertake some land reform, but it was premised on the idea that capitalism would remain dominant in the countryside: what was to be abolished was a supposedly parasitic, "traditional" landlordism. The vision of Mexico's rural future envisaged by the reformers was one of large scale modern agroindustries and prosperous medium-scale private capitalist farms. Land grants to peasants were seen as a transitional measure, part of the process of dismantling the great estates, the haciendas. In the longer term, private property would replace the state property associated with land reform: the ejido. The term ejido, which now means a land reform community, is a colonial one, denoting public land (what in England we call commons) attached to a settlement. Post-revolutionary land reform beneficiaries may receive a plot of land individually, or ejidos can be collective, based on collective work on land held in common. Ejidatarios, the beneficiaries of land reform, only received rights to use the land in legal theory, and could not alienate it as if it were private property: if an ejidatario could no longer farm his or her land, and had no successors in the family able to do so, the plot should revert to the community for redistribution to some other potential beneficiary. In practice, however, land titles have been bought and sold in ejidos, and ejidal land might be rented to capitalist entrepreneurs from outside the agrarian community for long periods. But these were informal and illegal practices up to December 1991, when the neoliberal administration of President Carlos Salinas de Gortari (elected in July 1988 amid widespread accusations of electoral fraud) amended constitutional Article 27 in ways which will in practice make legal sales of ejido land possible for the first time and allow peasants to put up their land as collateral for a loan."

### **Conflict in Lacandona bio-reserve has roots in legal confusion created in the 1970s**

- Violent campaign to evict indigenous people from bio-reserve
- Land distribution in the 1970s flawed
- The region contains abundant natural resources

### **Colectivo de Solidaridad de Barcelona con la Rebelion Zapatista**

"La zona vive una guerra contra la población que habita la Selva Lacandona y sus Cañadas, y no sólo contra el Ejército Zapatista de Liberación Nacional. Por eso también los mapas muestran la posición de los cuerpos policiacos, militares y paramilitares que intentan el control represivo de la región. Por último, apuntan algunas preguntas en torno a los motivos de la conservación, ahora que algunas empresas parecen traficar con los recursos de la biodiversidad que se encuentra en la zona.[...]

Este reparto agrario fue una estafa. Las superposiciones en la dotación agraria a partir de 1970 son responsables de la mayoría de las "irregularidades" en la tenencia de la tierra que hoy provoca, como entonces, la tentación de desalojo por parte de las autoridades.

Baste decir que supuestamente la superficie agraria de Chiapas es de unos 7 millones 500 mil hectáreas. Sin embargo, en el censo de 1990 se contabilizaron 500 mil hectáres más.

Para principios de los setenta más de 3 mil familias campesinas tzeltales y choles (más de 30 poblados) tenían ya años viviendo en los alrededores del Valle de San Quintín y en otras áreas



que seguían las rutas de la explotación de la madera y contaban ya con Resoluciones presidenciales, ejecutadas y sin ejecutar, o trámites pendientes. En la selva había ya 100 mil migrantes. [...]

La Lacandona es una de las más extensas selvas altas perennifolias del país, la segunda selva tropical más importante de Latinoamérica después de la Amazonia, uno de los ecosistemas más complejos y diversos que se conocen. Incluye una porción significativa de la biodiversidad mexicana.

Las 331200 hectáreas la Reserva Integral de la Biosfera Montes Azules (RIBMA), representa un quinto de la Selva Lacandona original, y en ella se encuentra el 70% de la vegetación original remanente: unas 4000 variedades de plantas vasculares y 1500 de árboles. Entre 20 y 25 % de las especies animales mexicanas están presentes en Montes Azules: más del 33% de las especies mexicanas de aves (345); cerca del 25% de especies de mamíferos (112); un 44% de las especies de mariposas diurnas (800).

Su macizo forestal permite la regulación hidrológica regional, mantiene la humedad de los suelos y el control de la erosión. La cuenca Usumacinta-Grijalva contiene un tercio de los recursos de agua dulce de México. El sistema Grijalva genera más del 30% de la energía eléctrica del país.

Cuenta con amplias reservas de petróleo y gas; yacimientos de uranio, hierro, aluminio, cobre.

Varias de estas riquezas están en la mira de algunas empresas porque le son indispensables a los campos de la biogenética, la microelectrónica y la nueva tecnología de materiales. Sus reservas de petróleo siguen siendo codiciadas.

¿Conservación?

El argumento de conservación de la Reserva de la Biosfera Montes Azules desenterró en el peor momento el antiguo conflicto agrario con la Comunidad Lacandona. En la amenaza de desalojar a las comunidades o en la posible privatización de las áreas naturales protegidas no se ha considerado que varios de los poblados emplazados no se encuentran en la ribma sino en la Comunidad Lacandona; que varios otros están legalmente constituidos, han sufrido las dilaciones de las instituciones agrarias o tuvieron que refugiarse en la selva ante el acoso del ejército federal o los paramilitares.

Si los mapas de la Lacandona caminan es porque se han adaptado a los intereses en turno — madereros, petroleros, agrarios o de bioprospección— a los que hoy se agregan los objetivos militares del gobierno mexicano.

Y mientras las políticas hacia la selva no se diseñen y se ejecuten con la participación de las comunidades, articulando conservación de recursos con prosperidad de quienes ahí viven, la selva y sus habitantes seguirán en peligro."

## **Causes of displacement**

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### **Chiapas; Escalation of violence, unlawful evictions and forced displacements (2007)**

- Brutal campaign against Zapatista communities
- 56 military camps in the indigenous territory of Chiapas
- Agrarian institutions are part of the strategy to uproot people from their land
- The strategy consist of organising assemblies in territories controlled by the Zapatista guerrilla and affiliated communities
- Zapatista supporters are subsequently removed from the list of newly established "ejido" and replaced with supporters of political parties and paramilitary groups

- Hundreds of Zapatista supporters risk being forcedly displaced from their land as a result of the strategy

#### **CAPISE, September 2007**

"En lo que representa una feroz ofensiva no vista por lo menos desde los últimos 9 años --- cuando en tiempos de gobierno de Roberto Albores Guillen y Ernesto Zedillo Ponce de León se ordenó el desmantelamiento de los municipios autónomos zapatistas---, los pueblos autónomos zapatistas padecen una brutal embestida por manos del Estado mexicano a través de sus instituciones agrarias, de instancias de "Seguridad Pública", del Ejército Federal mexicano y de la conformación de grupos paramilitares. La escalada de agresiones y pretensiones de despojos y desalojos forzosos se agravó alarmantemente."

"La sumatoria marca un total de 79 campamentos militares permanentes en el estado de Chiapas, 56 de ellos en el territorio indígena de Chiapas. [...]"

El papel que actualmente juegan las instituciones agrarias en el marco de la guerra de contrainsurgencia se ha tornado relevante, estratégico y garante de la concretización de despojos de tierra contra pueblos zapatistas. "Legalizar" los despojos de miles de hectáreas de tierra y de territorios ha llevado al límite máximo los conflictos entre organizaciones indígenas oficialistas y organizaciones paramilitares, contra pueblos y autoridades zapatistas.

La Procuraduría Agraria (PA) avala supuestas Asambleas comunitarias donde da cabida y certificación de la conversión a Ejidos de lo que ahora es tierra recuperada por el EZLN desde 1994 e inmediatamente después, certifica esos nuevos ejidos al PROCDEDE, asignando a su vez estos nuevos Ejidos a miembros de grupos indígenas oficialistas y de organizaciones paramilitares.

Cientos de familias y decenas de poblados zapatistas se encuentran en grave riesgo de ser despojados y desalojados forzosamente de sus tierras y territorios"

#### **Causes of displacement rooted in political and agrarian conflicts, religious tensions and historical marginalisation of indigenous groups (2005)**

- Main causes of displacement in Mexico result of armed conflict, generalized violence, and violation of human rights, religious and agrarian conflicts including illegal invasions, drug trafficking and forcible evictions
- The government has hidden the real political and agrarian causes of the conflict and tried to influence public opinion by emphasizing religious, and inter-communal violence or even "custom"
- IDPs in Chiapas have fled because of armed conflict but also forced expulsions caused by religious or political factionalism
- Mexican authorities reportedly identify inter-community conflicts, inter-ethnic conflicts and religious conflicts as the root causes of displacement
- The Representative to the Secretary-General on IDPs mentions causes of displacement as follows: 1994 Zapatista uprising, conflict between Mexican military and the EZLN and ongoing harassments by paramilitary, government and armed civilians
- Other causes of displacement include acts of religious intolerance by extremist groups, disputes over land and drug trafficking

- Human rights observers report that the principal causes of displacement are paramilitary activity, armed conflict, violation of human rights and land disputes

“Los gobiernos estatal y federal durante dos administraciones, se han negado a reconocer las evidencias que señalan el origen de la masacre, ya que la procuración de justicia con sus acciones ha pretendido confundir a la opinión pública sobre los verdaderos motivos, señalando que se trata de un problema religioso, intracomunitario e incluso de usos y costumbres, recurriendo para ello a lagunas legales como parte de su estrategia de ocultar la verdad.” (CDHFBC, 9 February 2005)

“Al momento actual no existe un recuento disponible y preciso de todos los grupos desplazados que están en esta situación o que no han resuelto los efectos de su desplazamiento aun retornados, tampoco existe un diagnóstico general que distinga los desplazamientos involuntarios consecuencia del conflicto armado y la acción paramilitar, de las expulsiones forzadas por fraccionalismo religioso o partidista que tampoco han cesado ni están resueltas, o de las ocupaciones de tierras motivadas por la falta de oportunidades de trabajo para la población básicamente campesina en extrema pobreza.” (SEPI & CDHFBC, May 2002, p4)

“Entre las condiciones de conflicto que producen estos desplazamientos se pueden identificar dos grandes conjuntos:

- a) aquellos que son efecto directo de los hechos del levantamiento zapatista de 1994 por diferencias ideológicas y políticas en Tila, Sabanilla, Salto de Agua y Ocosingo, hasta antes de 1997; y
- b) aquellos que se produjeron por disputas en la posesión de tierras donde la población entró en conflicto, entre grupos desagregados o contrarios a la filiación priísta y grupos de esa adscripción en los grupos de Villa Corzo, Socoltenango, Tenejapa y Maravilla Tenejapa-Independencia, que son posteriores a 1997. En ambos casos están acumuladas tensiones y desatenciones.” (SEPI & CDHFBC, May 2002, p.13)

“Among some of the conclusions we can draw concerning the causes of the phenomenon of displacement, are: cacique interests in the regions, and the imposition of political power groups tied to the official party; the Low Intensity Warfare strategy, aimed at wearing down the indigenous population, using military, paramilitary and police forces designed to reduce the democratic social forces; to undermine the resistance of the communities, the EZLN and their support bases; strong economic interests in the subsoil (mineral, hydrocarbon, and so on), in the exploitation of natural resources, in agro-export investment or in highway, hydroelectric, tourist infrastructure, etcetera.

The explanation from the government, from the official party, from some actors from different churches, as well as from some businesspersons, as to the origin of the displacement, involves: inter-community conflicts (for various reasons, families, etc.); inter-ethnic conflicts (between Chols and Tzeltals for example); partisan conflicts (between PRI-PT and PRD); conflicts over land ownership (community property against ejidales; predio, ejidal or communal possession against leasing or sales); religious conflicts (between Evangelicals and Catholics); conflicts between campesino organizations (official and independent, or those with the EZLN, etcetera).” (CIEPAC 28 August 1999)

“Si bien México es un Estado laico en el que las diversas concepciones religiosas coexisten pacíficamente, ello no significa que esté exento de conflictos de esta índole, como lo constatan los informes de la Relatoría Especial de Naciones Unidas sobre la Intolerancia Religiosa correspondientes a los años de 1998, 1999 y 2000 que registran problemas aislados de esta índole en el estado de Chiapas. Por su parte, la Comisión Estatal de Derechos Humanos de la misma entidad federativa reporta que entre las principales causas de desplazamiento interno

forzado está los conflictos por razones religiosas que en ocasiones son soslayados por las autoridades.” (OHCHR, 1 January 2004)

“Although instances of displacement for a variety of reasons have occurred in Mexico for decades, including in the states of Oaxaca, Tabasco and Sinaloa, current displacement is largely concentrated in the state of Chiapas and is mostly attributed to the 1994 Zapatista uprising, the 1995 counter-insurgency operations by the military, the 1997 massacre in the village of Acteal by paramilitary groups, on-going harassment and intimidation by groups described by some as paramilitary and by the Government and others as armed civilian and criminal elements, acts of religions intolerance by extremist groups, disputes over land and drug trafficking.” (UNCHR, 28 August 2002)

“While forced displacement in Mexico has multiple causes, the conflict in Chiapas is primary; no peace agreement between the parties to the conflict has been reached that effectively addresses the political, economic and social grievances of the indigenous population, which are at the heart of the conflict. [...]

Large-scale and long-term displacement in the state of Chiapas can be mainly attributed to several developments: the armed confrontation between the Mexican military and the Zapatista Army of National Liberation (known as “Zapatistas”), which commenced in 1994; the 1995 counter-insurgency operations by the military; and the 1997 massacre in Acteal by paramilitary groups. While most of the displacement in the southern state of Chiapas occurred in the second half of the 1990s, continued smaller-scale displacement has been documented more recently, mainly due to ongoing harassment and intimidation of indigenous people by groups described by some as paramilitary and by the Government and others as armed civilian and criminal elements.” (UNCHR, 10 January 2003, para.10,12)

“Si bien es cierto que con el conflicto armado se genera, entre otras situaciones, **múltiples violaciones a los derechos humanos como han sido, detenciones arbitrarias, desapariciones, ejecuciones, casos de tortura, ejecuciones extrajudiciales, faltas al debido proceso, etc**, sin embargo, no podemos dejar de mencionar que en el estado de Chiapas, ha habido comunidades desplazadas por la situación de violencia estructural que ha prevalecido frente a las políticas implementadas por los diversos gobiernos en turno, teniéndose como una de las principales causas, la falta de atención y solución de la situación agraria y a la marginación histórica de los pueblos indígenas; problemática que sigue siendo un factor de contradicción y conflicto, no sólo por lo que representa la tierra en cuanto medio de producción, sino particularmente por la disputa de los territorios indígenas, que en el actual contexto nacional e internacional, la riqueza de los recursos que existen estos, son de carácter estratégico el control y explotación de estos.

Otra causante del desplazamiento, que genera la persistencia de graves violaciones a los derechos humanos, es la que se ha propiciado a través de conflictos político- religiosos, en donde grupos de poder local, buscan bajo la justificación de la libertad religiosa, imponer formas y conductas que **atentan contra lo libertad de expresión religiosa y de asociación, frente a la imposición de políticas implementadas por caciques locales como ha sido el** municipio de Chamula, municipio en que ha habido el desplazamiento de más de 50,000 personas, que han sido despojadas de sus pertenencias, de sus tierras y se les ha obligado a salir forzosamente, obligándolas a renunciar a sus derechos.

[...]

Las razones primordiales que han puesto en riesgo su vida son:

- los grupos paramilitares.
- el conflicto armado interno.
- la represión y violencia generalizada.
- las violaciones masivas de derechos humanos.

· el uso de la violencia en el conflicto social que se genera alrededor de la lucha por la tenencia de la tierra.” (CDHFBC, 12 June 2003, pp.2,5)

***Political violence:***

“El pasado sábado 25 de Mayo del 2002 un grupo de aproximadamente 60 priístas de la comunidad de Sitim, Municipio de Chilón, entraron a la comunidad de S. Pedro Buenavista, Municipio de Sitalá, como a las 8:00 de la mañana, portando armas fuego, machetes y palos. Amenzaron a las mujeres diciéndoles: "Damos plazo de tres horas, si no salen en tres horas salen a golpes". Como los hombres andaban en el campo, los priístas empezaron a golpear mujeres, quines junto con sus hijos salieron de ahí sin poder sacar sus pertenencias.

Las mujeres avisaron a los hombres pero cuando regresaron estos a la comunidad no pudieron entrar a sus casas porque estaban rodeadas por los priístas armados y ya habían tomado posesión de la tierra. Las 8 familias desalojadas cuyos miembros suman un total de 25 personas entre hombres, mujeres y niños, actualmente están viviendo en dos casas que les prestaron en Sitalá. Según los afectados las familias son agredidas por ser simpatizantes zapatistas.

Antes del desalojo se ha presentado otros incidentes de agresiones, en el mes de diciembre del 2001 llegaron los mismos priístas armados a cortar café en los cafetales de las familias de S. Pedro Buenavista; durante este tiempo hubo maltrato y golpes para las familias de la Comunidad; les prohibieron acarrear agua, rodearon a las mujeres con las armas y las amenazaron de llevarlas a la montaña. Dos jóvenes llegaron para defenderlas, y uno de ellos fue lesionado con machete por Antonio Morales Aguilar. Lo que cosecharon durante este tiempo, una semana, lo llevaron directamente a las casas de los priístas. No pasó mucho tiempo y regresaron, entraron a las casas y robaron todo el café que tenían cosechado, aproximadamente 20 bultos de café, 100 Kg. de maíz y 25 de frijol por familia. Dejaron a las familias sin nada.” (SEPI & CDHFBC, 31 May 2002)

**New strategy to displace indigenous people (2007)**

- New strategy to uproot people include legal actions in addition to violent methods
- Zapatista communities systematically displaced by paramilitary groups linked to authorities
- The army has regrouped units in areas of dispute between Zapatista supporters on one side and other indigenous organisations affiliated to political parties and paramilitary groups on the other side
- Paramilitaries emerged in Chiapas in the mid-1990s when the Plan de Campaña Chiapas 94 was developed by the National Defense Secretariat and included the creation of paramilitary troops
- Paramilitaries were reportedly trained and sponsored by the Mexican army
- Paramilitaries had reportedly easy access to local pro-PRI politicians or landowners and therefore enjoyed their patronage
- According to human rights observers, paramilitary groups displace people often in cooperation with the police, the military and with the tacit agreement of local authorities

**Blanche Petrich, 28 September 2007**

"El Ejército reagrupó sus unidades en el territorio indígena de Chiapas en los dos pasados años, desplegando fuerzas especiales en la modalidad de agrupamientos o grandes unidades en todas las cañadas y regiones donde existe conflictividad entre comunidades zapatistas y poblados controlados por grupos de la Organización para la Defensa de los Derechos Indígenas y Campesinos (Opddic), la Asociación Rural de Interés Colectivo (ARIC) y la Unión de Uniones, de

filiación priísta o perredista, que en los últimos años han encabezado el hostigamiento contra los municipios autónomos y las juntas de buen gobierno.

La consecuencia de esta reorganización, detectada por el Centro de Análisis Político e Investigaciones Sociales y Económicas (CAPISE) en un estudio de campo, es que al plan constrainsurgente vigente desde hace 13 años se ha sumado una estrategia de despojo de tierras contra las bases de apoyo zapatistas en las zonas de la Selva, las Cañadas, los Altos y el norte del estado. En este nuevo accionar se ha incorporado un factor que no se había observado anteriormente, explica el director del CAPISE, Ernesto Ledesma: "Hay una articulación flagrante entre el Ejército federal, la Secretaría de la Reforma Agraria, la Procuraduría Agraria y los grupos campesinos hostiles al zapatismo". El objetivo principal, concluye la investigación, es quitar a las comunidades que surgieron del levantamiento rebelde de 1994 todas las tierras recuperadas en el periodo inmediatamente posterior al levantamiento de ese año.

La más reciente investigación del CAPISE, elaborada por brigadas de observación de los pobladores zapatistas y los miembros del centro de análisis, logró levantar un mapa de la zona, en el cual se aprecia con claridad que justamente en las zonas donde hay mayor tensión entre comunidades priístas y zapatistas, siempre por conflictos de tierras recuperadas que los grupos hostiles a los rebeldes pretenden apropiarse, siempre hay una, dos y hasta tres posiciones militares. En todos los casos se trata de fuerzas especiales o cuarteles que alojan dos brigadas de infantería."

#### **Centro de Derechos Humanos Fray Bartolomé de Las Casas, 15 August 2007**

"Miembros de la OPDDIC y elementos de la Policía Sectorial de Chiapas realizan acciones conjuntas en desplazamiento forzado a poblaciones civiles. • Seis personas de las familias desplazadas permanecen detenidas arbitrariamente. En torno a los casos que el Centro de Derechos Humanos Fray Bartolomé de Las Casas, A. C. ha documentado por agravios sistemáticos cometidos en contra de poblaciones indígenas, la situación de desplazamiento forzado que sufren pobladores del Ejido Busilja, municipio de Ocosingo, Chiapas es representativo del conflicto que mantienen latente integrantes de la Organización para la Defensa de los Derechos Indígenas y Campesinos, (OPDDIC). En una década, este Centro ha documentado tres eventos de desplazamiento interno perpetrado en contra de 7 familias tseltales: el primer evento de desplazamiento fue documentado en el mes de Julio de 1997, un segundo evento en Febrero del año 2006 y el tercero en Noviembre del mismo año; en estos hechos se han identificado como presuntos perpetradores principalmente a dos actores que han realizado acciones conjuntas: integrantes de la OPDDIC y miembros de la policía sectorial adscritos a la Secretaría de Seguridad Pública Estatal. De los eventos citados, los testimonios recabados citan lo siguiente: "(...) Más o menos en 1995, empieza la división política PRI y EZLN. Lo más grave es que los del PRI se incorporaron a las filas de la Organización para la Defensa de los Derechos Indígenas y Campesinos (OPDDIC). (...) En el año de 1997... empeoró la división política porque las autoridades ejidales que eran miembros de la OPDDIC veían mal que estuvieran viviendo en el ejido, las familias zapatistas. En una reunión de la OPDDIC, en la cual participo el diputado Pedro Chulín Jiménez, se acordó expulsar a las 12 familias zapatistas. Los miembros de la OPDDIC empezaron a presionar a la población para que se armaran y ayudaran a expulsar a los zapatistas. Los que no querían participar en la expulsión eran amenazados con quitarles sus tierras..."

#### **UN CHR, 23 December 2003**

"The violence amidst which the indigenous communities of Chiapas live is partly the aftermath of action in the 1990s by paramilitary groups linked to local and State authorities which played a violent role in the region's political and social conflicts with their toll of murders, injuries, disappearances and displacements. Although they have kept a lower profile under the present administration, it is reported that they have not been disbanded or disarmed.

[...]

[...]The Government authorities stoutly maintain that there are no paramilitary groups in Mexico. Following the Zapatista uprising, the army presence in Chiapas increased considerably and there have been many complaints about the militarization of indigenous areas. There is speculation as to the number of troops in the area, and the Ministry of National Defence reports that 15,000 soldiers are currently based in military region VII. The presence of military camps and bases near indigenous communities, and military patrols and checkpoints on the roads, contribute to a climate that is ripe for provocation and friction with the civilian population. Under the current administration the army has made efforts to expand its “social work” among the population. In 2001 the Government ordered the Mexican Army to fall back from the seven military positions requested by EZLN in order to resume dialogue, and released the majority of the prisoners involved in the conflict.”

“El 9 de febrero de 1995 se inaugura una etapa militar que define el conflicto armado en Chiapas hasta la fecha. La llamada ofensiva Zedillo no es más que la implementación de una estrategia desarrollada por la Secretaría de la Defensa Nacional llamada Plan de Campaña Chiapas 94.

El 3 de enero de 1998, Carlos Marín publica en el semanario Proceso un artículo denominado “Plan del Ejército en Chiapas, desde 1994: crear bandas paramilitares, desplazar a la población, destruir las bases de apoyo del EZLN...”. En él describe un documento fechado en la SEDENA en octubre de 1994 y titulado “Plan de Campaña Chiapas 94”, que confirma lo que el Centro de Derechos Humanos Fray Bartolomé de Las Casas había venido denunciando desde 1995: la existencia de grupos paramilitares en una lógica de guerra de baja intensidad o guerra irregular.[...]

De acuerdo a dicho documento citado en el artículo, dicho Plan tenía como “*Objetivo Clave: romper la relación de apoyo que existe entre la población y los transgresores de la ley. Los servicios de Inteligencia Militar debían organizar secretamente a ciertos sectores de la población civil; entre otros a ganaderos, pequeños propietarios e individuos caracterizados con un alto sentido patriótico, quienes serán empleados en apoyo de nuestras operaciones. A cargo de instructores del Ejército quedaban el asesoramiento y apoyo a las fuerzas de autodefensa u otras organizaciones paramilitares.*”

[...]

“*Entre milicianos y guerrillas locales se han detectado a 4,784 efectivos.*

(b). *Las organizaciones de masas se estiman en 200,000 personas.*”

[...]

“*En la zona de expansión, su principal tarea es la destrucción o neutralización de las guerrillas locales, milicianos y comandos y la seguridad y defensa de las instalaciones vitales.*

*En esa misma zona ejercerá dirección, coordinación y control sobre todas las fuerzas de seguridad pública, haciéndolas responsables de la eliminación de los comandos urbanos y la desintegración o control de las organizaciones de masas.*”

[...]

Es en esta región donde se recrudeció la presencia de grupos paramilitares. El Plan de Campaña añade entre sus metas:

“*r. Organizar secretamente a ciertos sectores de la población civil, entre otros, a ganaderos pequeños propietarios e individuos caracterizados con un alto sentido patriótico, quienes serán empleados a órdenes en apoyo de nuestras operaciones.*

De acuerdo al artículo de Marín, El capítulo *h* contiene un *Plan de asesoramiento*:

*Este anexo describe actividades del Ejército (sic) en el adiestramiento y apoyo de las fuerzas de autodefensa u otras organizaciones paramilitares, lo cual puede ser el principio fundamental de la movilización para las operaciones militares y de desarrollo. Incluye además el asesoramiento y ayuda que se presta a otras dependencias del gobierno y a funcionarios gubernamentales*

*locales, municipales, estatales y federales. En caso de no existir fuerzas de autodefensa, es necesario crearlas.*

*(...) Las operaciones militares incluyen el adiestramiento de fuerzas locales de autodefensa, para que participen en los programas de seguridad y desarrollo."*

Los grupos paramilitares comenzaron a actuar casi a la par de la ofensiva de febrero de 1995. Si bien su presencia no es exclusiva en la llamada Zona de Expansión, es en ella donde su papel tuvo una mayor repercusión y efectividad para los planes del Ejército mexicano.

Los grupos paramilitares son responsables entre 1995 y 2000 del desplazamiento de más de 10,000 personas de las aproximadamente 12,000 censadas por el Centro de Derechos Humanos Fray Bartolomé de Las Casas [...], ejecuciones, masacres y desapariciones forzadas de mayor cuantía. Es en esta región donde se desarrolló el grupo paramilitar Paz y Justicia, y donde ocurrió la masacre de Acteal en manos de un grupo paramilitar similar al primero.

[...]

Ya la Comisión Interamericana de Derechos Humanos en su informe 98 señalaba:

*"Ya la Sin embargo, en la zona (norte de Chiapas) han ocurrido numerosos atentados de índole criminal, consistentes en amenazas y ataques contra líderes y comunidades civiles, que son imputados a grupos identificados como paramilitares que actuarían apoyados por las autoridades y ganaderos de zonas cercanas, y con la implícita protección del Ejército mexicano, en forma coordinada contra los grupos opositores al gobierno, o más favorables a las reivindicaciones indígenas. Su acción parece en especial orientada contra los líderes que apoyan la acción catequista de la Iglesia Católica. Sin embargo, según información recogida por la Comisión, los enfrentamientos no son de base religiosa sino política. Tal es así, que en ambos grupos se pueden encontrar tanto católicos como protestantes."*

#### **UN CHR, 25 November 1999**

"EZLN, other groups and individuals complained of killings by what they described as paramilitary groups operating in Chiapas. In the last three years, an increasing number of violent attacks, including killings of members and supporters of EZLN, have been attributed to these armed groups. EZLN vehemently alleges links between the paramilitary groups and the Government.

[...]

The Special Rapporteur met many private individuals and members of civil society who believed that the paramilitaries were trained and sponsored by the Mexican army. She also received a copy of a manual prepared by the army describing counter-insurgency techniques as evidence of army-sponsored training of such groups. It was alleged that the paramilitaries had easy access to local pro-Government politicians or landowners and therefore enjoyed their patronage. Members of the PRD are also victims of violence by paramilitary groups. They claim that 292 party activists were killed between July 1988 and January 1995, mostly by paramilitaries. It was also pointed out that the paramilitaries were in possession of an abundance of automatic weapons, which would appear to be beyond the means of the ordinary peasant to procure. Mr. Gilberto López Rivas, a federal deputy from PRD recently published a report in which he described the various paramilitary groups and argued that many of these groups had appeared after the army became visibly active in Chiapas.

[...]

However, one government official admitted that the Government was reluctant to disarm the armed groups in Chiapas as they had to protect themselves and their supporters from EZLN which was well armed."

"Regarding DPJ members ['development, Peace and Justice' paramilitary group], they say they already existed prior to 1994, "but before they were called PRI" (indicating their clear ties with the ruling party). Various statements from members of DPJ indicate that their organization, including taking up arms, began in order to defend themselves from attacks by the Zapatistas. As is



explained in 'Neither Rights, Nor Human,' : "Terror and death began to reign throughout the Ch'ol region[, Chiapas]. No one worked in peace any longer. They had to dedicate all their time to political-religious activism. The movement was everything. You had to go out under the shadow of night, masked, attacking, robbing, kidnapping, and assassinating community leaders who were against you. The slogan was, 'everyone is part of the Nocturnal Ants' [Arrieras Nocturnas, the Spanish translation for the Ch'ol name, Abu Xu]." (CDHBC 1999, sect. V)

#### **CDHB 1998, sect.V, “Desplazamiento Interno en el Estado de Chiapas**

“Una consecuencia del conflicto en Chiapas es el desplazamiento masivo de la población amenazada por la violencia en el estado. La creación de grupos paramilitares, instrumentos de la Guerra de Baja Intensidad, ha significado que las poblaciones e individuos que no están de acuerdo con la política oficial se vean obligados a huir de sus comunidades de origen. Los grupos paramilitares, calificados por el gobierno como 'grupos civiles armados', poco a poco han generado tensión en las comunidades, empezando por amenazar a sus oponentes, cobrando multas o exigiendo 'cooperaciones para la protección', obligando a la gente a afiliarse al PRI, realizando asesinatos selectivos, emboscadas, quemas de templos y detenciones arbitrarias hasta que finalmente la población inconforme no resiste más y sale de la comunidad.”

“Los responsables materiales de [los] desplazamientos en la zona norte es el grupo paramilitar "Paz y Justicia". Mientras que en la zona de Chenalhó opera un grupo paramilitar que no se le conoce por ningún nombre. Algunos se la atribuyen al grupo paramilitar conocido como Máscara Roja, que opera en San Andrés Larráinzar, pero nada de esto se ha podido comprobar. Lo es cierto es que son grupos militantes del PRI y del Partido Cardenista armados que continúan actuando impunemente.” (CIEPAC March 1998, sect. “La Situación de los Desplazados de Guerra”)

For a chronology of violations perpetrated by paramilitary group Justicia y Paz, click here [External Link]

<http://www.laneta.apc.org/cdhbcasas/genocidio/anexo4.htm>

#### **The Acteal Massacre forced thousands to flee in 1997 (2005)**

- The Acteal massacre was one of the results of the national military plan 94, aimed at finishing off with “mass organisations”, or indigenous populations suspected of sympathising with the Zapatistas
- Weeks before the massacre talks between EZLN sympathizers and supporters of the PRI were brought to an end by the killing of an indigenous PRI member by EZLN forces
- In 1997, before the massacre 25 people had already been killed but state authorities failed to prevent further violence
- The Secretary of the Interior of Chiapas who had been informed that the massacre was taking place, failed to take action and the police patrol stationed 200 meters from the massacre did not intervene
- The National Commission for Human Rights concluded that state authorities were responsible for serious human rights violations by omission and for a number of other irregularities
- The Attorney’s General Office concluded that authorities had contributed in fuelling conflict by failing to take appropriate action
- Arrests following the Attorney’s General Office were highly irregular and left for an unacceptable margin for mistakes such as wrong convictions and selective impunity
- The investigation did not address the flagrant failure of authorities to intervene or prevent the massacre

- The serious flaws in the administration of justice contribute to the distrust of state authorities and may lead to further tensions and reprisals
- The National Commission for Human Rights established that public officials and State government were responsible for the 1997 Acteal massacre which led to the displacement of indigenous people
- While some people have been unjustly imprisoned for the Acteal massacre, the individuals who masterminded the massacre are still unpunished
- The Centre Fray Bartolomé de las Casas calls the government to cooperate with the Inter-American Commission on Human Rights to investigate and punish those responsible for crimes against humanity in Chiapas

“Los orígenes de la masacre nos dan muestra clara y contundente que forma parte de una estrategia de ataque a la población civil, donde un grupo de paramilitares ligados con las autoridades municipales, estatales y federales incluyendo al Ejército mexicano, han sido el instrumento con el cual se intenta acabar con lo que el propio Ejército denomina “organización de masas”.

Esta brutal masacre se inscribió en un contexto de guerra irregular preparada por la Secretaría de la Defensa Nacional, ideada por el General de División Miguel Ángel Godínez Bravo, ordenada por el entonces presidente Zedillo en febrero de 1995, y ejecutada por el General de División Mario Renán Castillo, en el que las acciones paramilitares fueron la clave en el plan de campaña del Ejército en Chiapas. La impunidad en el caso Acteal no es un agravio únicamente para las víctimas, sino para todos los mexicanos, ya que es imposible hablar de un estado de derecho efectivo cuando ni siquiera se respetan las reglas mínimas del derecho internacional humanitario.” (CDHFBC, 9 February 2005)

“The tragic events in Acteal occurred against a background of long-standing disputes, often over land ownership, which have for decades divided the local indigenous communities. These divisions have been further exacerbated by religious and political tensions in Chiapas, stemming from the confrontation between the Government and opposition groups, particularly EZLN. Clashes between supporters of the governing Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) and EZLN sympathizers have claimed a large number of victims during the last five years. This political confrontation has effectively pitted local communities against each other, and as a consequence the indigenous population has paid a heavy price in terms of human suffering and remains under the constant threat of renewed violence.

[...]

Reports indicate that the attack on Acteal was preceded by threats against the village, which was known to have a number of EZLN sympathizers among its residents. It should be noted that in the weeks preceding the massacre, members of the PRI-led municipal council of Chenalhó, EZLN sympathizers representing the “Polhó Autonomous Municipal Council” and “Las Abejas” (“the Bees”) a society established and registered as a non-profit organization in 1992, were engaged in talks aimed at resolving the mounting political and inter-community problems in the region. These negotiations, the so-called Las Limas talks, came to an abrupt end on 17 December 1997, when an indigenous PRI member, Agustín Vázquez Secum, was killed in an ambush in the village of Quextic by an armed group believed to be EZLN sympathizers. This incident was the culmination of a series of clashes between local EZLN elements and government supporters in the months preceding the massacre in Acteal. By mid-December 1997, some 25 people had reportedly lost their lives as a result of this violence.

[...]

27. It would appear that the state authorities, including the police, although doubtless aware of the mounting tension and the grievances in the Chenalhó region, took no concrete measures to pre-empt further violence. Reports by non-governmental sources allege that government officials, including the Secretary of the Interior of Chiapas, having been informed that the incident was

taking place, failed to take action. At the time of the massacre the closest police patrol was reportedly stationed only 200 metres from the scene but did not intervene. It is also reported that the local police seriously tampered with the scene of the massacre, and allegedly even tried to remove some of the corpses before proper investigations had begun.

28. Based on its investigation into the incident at Acteal, on 8 January 1998, CNDH issued recommendation 01/98 addressed to the Governor of the State of Chiapas and the federal Attorney-General, in which it pointed to a series of omissions and irregularities on the part of the state authorities which it considered amounted to human rights violations.

[...]

30. On 1 April 1998, PGR [Procuraduría General de La República] established the Office of the Special Prosecutor to investigate the crimes committed in Chenalhó municipality, State of Chiapas.

[...]

In the document PGR explained the Acteal massacre as the culmination of long-standing and unresolved conflicts between local indigenous communities, and concluded that the authorities had contributed to the increasing tensions and insecurity by failing to take appropriate action to investigate a series of crimes committed in the region before the incident on 22 December 1997.

[...]

While the Special Rapporteur recognizes the pressure under which PGR was working in terms of delays in the investigations and the constant demands for convictions, she is compelled to note that the procedures for arrest and investigation were highly irregular and left an unacceptable margin for mistaken identification. The information furnished by the authorities, NGOs and private individuals does not convince the Special Rapporteur that justice has been fully served in the investigations and trials following the incident in Acteal. The official records did establish the involvement of state police agents in assisting the perpetrators in obtaining firearms and in clandestinely transporting the weapons. However, the investigation did not satisfactorily address the flagrant failure of the entire police command structure to intervene to prevent the massacre on the day of the incident and to address the rapidly deteriorating security situation in the region in the months preceding.

37. The Special Rapporteur is concerned that the shortcomings and irregularities referred to above left room for wrongful convictions and selective impunity, especially when it comes to identifying the real perpetrators of the crime and establishing the responsibility of persons in positions of authority and command. The serious doubts that persist among the local population as regards the independence and transparency of the official inquiries into the case also contribute to the overall distrust of the state authorities on the part of the local population. This in turn may lead to more tensions, frustrations, and even ultimately reprisals in misconceived attempts to achieve justice where the official system set in place for that purpose is seen to have failed." (UN CHR, 25 November 1999)

"The slaughter of 46 unarmed civilians in Acteal in December 1997 by a group of individuals armed with high-powered weapons is probably the most serious and dramatic incident that has occurred in the conflict in Chiapas. The National Human Rights Commission established that various public officials in the State government were responsible by commission or omission. Many people in the municipality of Chenalhó were arrested, charged and tried for these murders. Although some were subsequently released for lack of evidence, it is reported that others remain unjustly imprisoned and regard themselves as victims of religious intolerance.

The human rights organizations assert that the individuals who masterminded the massacre are still free and unpunished. Six years after the events, the crime has not been fully clarified nor has justice been done, while the population affected continues to suffer the consequences." (UN CHR, 23 December 2003)

“Don Samuel Ruiz García y Don Raúl Vera López, representantes del Consejo Directivo del Centro de Derechos Humanos Fray Bartolomé de Las Casas, hacen un llamado al presidente Fox para que el gobierno federal colabore con la Comisión Interamericana de Derechos Humanos (CIDH) para una investigación eficaz, deslindar responsabilidades y castigar a los culpables, reparar los daños y establecer medidas de no repetición en los crímenes de lesa humanidad cometidos en la Zona Norte del Estado y por la Masacre de Acteal.” (CDHFBC, 15 February 2005)

### **Violations of religious freedom in Chiapas have displaced 30,000 indigenous people since the 1970's (2000)**

- The majority of expulsions have happened as a result of conflicts between traditionalist Catholics and Evangelicals
- Many of these expulsions have been politically manipulated

“The majority of cases of expulsion have happened as a result of conflicts between traditionalist Catholics and Evangelicals. The first expulsions happened towards the end of 1970 in San Juan Chamula. They included that of the Catholic priest because the traditionalists refused to accept the direction of the diocese. In succeeding years, more than 30,000 indigenous who had converted to different Evangelical churches were expelled. The current mayor of Chamula claims that, *“Evangelical religion goes against the tradition of the Chamula people.”* This affirmation alludes to the fact that members are not allowed to participate in traditional fiestas since they do not buy candles, posh [...], soft drinks, etc. This threatens the power of the local political caciques [...] that often are also store owners.

[...]

The political manipulation of the expulsions also stands out. Several Evangelical families recently displaced from Plan de Ayala (*County of Las Margaritas*) went back to their community in the presence of representatives of the state government from whom they received compensation and offers of economic help to reconstruct their houses. Nevertheless, the Evangelical leaders themselves, such as Pastor Esdras Alonso, criticize the government for not upholding laws that allow for freedom of religious worship and that prohibit the expulsions. On the other hand, in the case of the northern region where the government signed agreements for the return of several displaced families (*mainly Catholics from an opposition organization*), promises of compensation have still not been met after five years and some have not even been allowed to return to their homes.” (SIPAZ, May 2000)

## **Peace efforts**

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### **1996 San Andrés Agreement and peace dead-locked (2005)**

- In 1996 the San Andrés Agreement between the Government and the Zapatistas was signed
- The Agreement was developed by the Peace and Concord Commission (COCOPA) of the National Congress which was never implemented under the former administration
- When President Fox took office he promised to pursue the 1996 San Andrés Agreement but significantly departed from it
- The 2001 constitutional reform which did not involve the participation of indigenous people and was ejected by the national indigenous movement and States with the largest indigenous population for violating ILO Convention 169

- The Mexican Academy of Human Rights as well as the UN Special Rapporteur on Indigenous issues called for a revision of the 2001 reform
- Since 2001 peace talks over the conflict in Chiapas are stalled
- Recent statement by President Fox indicates unwillingness to lessen military presence in Chiapas or move forward with the peace process

"Immediately after his election victory, Fox said that he planned to resume peace talks with Zapatista rebels in Chiapas. In his first days in office, Fox withdrew tens of thousands of army troops from roadside checkpoints in Chiapas and promised to send legislation to Congress calling for enactment of the never-ratified 1996 San Andres peace accord between the EZLN and the government, in which the government recognized the need to expand the rights of indigenous people." (USCR June 2001)

"Finally, while promoting the peace process is outside the mandate of the Representative of the Secretary-General on Internally Displaced Persons, and, therefore, outside the objectives of the mission, it goes without saying that the best remedy to the crisis of internal displacement, would be the achievement of peace and national reconciliation, which, in turn, depend on addressing the underlying causes of the conflict.

It was intimated to the Representative by all sides that there is currently an impasse in the peace process primarily due to the amendments by Congress to the 1996 San Andres Agreement between the Government and the Zapatistas. There is a need to break the impasse, restore a degree of functional confidence, reactivate the peace process, and work towards reconciling differences." (UNCHR, 28 August 2002)

"During the first months of the year, Mexican president Vicente Fox and the EZLN actively engaged in talks to achieve peace in Chiapas. In April, the national legislature passed a modified indigenous rights bill (which became law in July) that Subcommandante Marcos, the leader of the EZLN, declared "a betrayal" of Fox's pledge to protect and promote the rights of indigenous communities. Immediately after the law was passed, the EZLN declared an end to the dialogue with the government." (USCR, June 2002)

"The 1995 negotiations did not culminate in a peace agreement and provide a solution to the Zapatista proposals; latent conflict continues, making the protection of human rights in the area a highly precarious business. The current Coordinator for Dialogue and Negotiation in Chiapas has been unable to re-establish contact with EZLN despite the action undertaken, according to the Government, to resume dialogue, and he has concentrated on promoting development in indigenous communities. There are, however, two issues of special concern to the Special Rapporteur: displaced persons and reports of paramilitary activity and an excessive military presence.

[...]

The San Andrés Agreements between EZLN and the Federal Government in 1996 pointed to a political way out of the conflict in the form of the legislative initiatives drawn up by the Peace and Concord Commission (COCOPA) of the National Congress. Since this was not taken under the previous administration, President Fox decided in 2000 to pursue it as an initiative of the new Government. The ensuing constitutional reform included some aspects of what was known as the COCOPA Act, but departed significantly from it in other aspects of fundamental importance to the indigenous peoples.

[...]As a result, the reform was rejected by the official national indigenous movement and the States with the largest indigenous populations did not ratify it. More than 300 indigenous municipalities later submitted constitutional challenges to the Supreme Court of Justice, seeking annulment of the procedure, but the Court declared them inadmissible. The indigenous peoples

felt betrayed and sidelined by these manoeuvrings. The fact that Congress had not carried out a wide-ranging consultation on the constitutional reform, as it should have done in accordance with the commitments Mexico had made in ratifying ILO Convention No. 169, also prompted complaints to ILO.

[...]The reform of the Constitution has given rise to the most diverse legal interpretations. The Mexican Academy of Human Rights considers that the text approved “denatured constitutional recognition of the indigenous peoples”, in particular because it assigns such recognition to the State legislatures, “thus making indigenous matters a local affair”. The Academy, whose opinion is widely shared, concludes that there are “adequate legal grounds for indigenous opposition to the text approved in 2001” and that the text should be revised. Another organization considers that “the decision of the Supreme Court of Justice shows the inability of the courts to consider the case on its merits and leaves it to indigenous communities, peoples and organizations with no legal resources to oppose the constitutional reform”.

[...]

The constitutional reform of 2001, a late and adulterated product of the San Andrés Agreements between the Federal Government and EZLN, formally recognizes the right of the indigenous peoples to self-determination but hems it round with restrictions which make it difficult to implement it in practice. For this reason the reform has been challenged by the official indigenous movement which insists that it should be revised as a necessary condition for achieving peace in Mexico and ensuring the human rights of the indigenous peoples. Furthermore, the reform did not respect the principles of ILO Indigenous and Tribal Peoples Convention No. 169 (1989), ratified by Mexico, particularly as regards the obligation of consulting the indigenous peoples.

[...]

In 2003, legislation on the linguistic rights of indigenous people was passed and a new State institution was established: the National Commission for the Development of the Indigenous Peoples. Present State policy towards the indigenous peoples is designed to produce negotiated solutions to the conflict “hot spots”, to promote and support productive activities and provide various social services to the communities. It does not depart significantly from the trend that has characterized indigenous policy for more than half a century, but it is very much restricted by the limitations and cuts in the public budget and the clear fact that the problem of the indigenous peoples is not one of high priority for the Mexican State. Indigenous bilingual and +intercultural education has been one of the most visible results of indigenous policy in Mexico, and certainly contributes to the cultural rights of the indigenous peoples; the indicators for this educational sector, however, are still below the national average.” (UN CHR, 23 December 2003)

“The recent speech by President Vicente Fox Quezada on the EZLN states it as *“practically a thing of the past with everyone looking towards the future”*. This radically affects any civil and political initiative for resolving the conflict. It also clearly expresses the posture from above that denies the existence of armed conflict in Chiapas.

The declaration by the President of the Republic, who refrains from referring to the reasons for the heightening of military bases and headquarters since 1994, doesn’t explain, or consider, not to mention question the presence, threat, permanent hassling and guard of the military towards the EZLN and the civil population. Therefore, it denies the possibility of demilitarisation and lessening of tensions in Chiapas. Peace isn’t built through military threat.

The declarations by the President and the Governor Pablo Salazar Mendiguchía clearly demonstrate that the policies towards the State of Chiapas fail to include any intention of transforming the conflict and war into proposals that can surpass the ancestral marginalisation of the indigenous communities, but maintain the military strategy of exhausting the EZLN and their support bases.” (SIPAZ, 14 January 2005)

# POPULATION FIGURES AND PROFILE

## Global figures

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### **Between 10,000 and 12,000 people were still displaced in Chiapas (2005)**

- The president of the Commission for Indigenous Affairs estimated in the beginning of 2005 that there were at least 20,000 indigenous persons displaced in Chiapas
- No official statistics on IDPs in Chiapas exist as of 2005 due to the lack of a governmental entity mandated to monitor the phenomenon and the volatile and temporary character of displacement
- As of June 2003 CDHFBC still considered about 12,000 people to be IDPs in Chiapas, including those returned and resettled whose demands for sustainable return have not been met
- Human rights organization reports in 2003 that government of Mexico estimated about 13,000 people displaced in at least 20 municipalities in Chiapas
- ICRC assisted 10,000 IDPs in camps and villages in 2002 and estimated about 7,000 IDPs lived in camps in 2001
- Some estimates vary between 14,000 and 24,000 displaced people in Chiapas since the 1950s (2003)
- In 2001 estimates of IDPs varied between 8,000 to 20,000 people and USCR estimated that about 15,000 persons remained displaced in Chiapas
- In 1994 NGOs counted up to 35,000 IDPs in Chiapas many of whom were returned to their communities by the army in 1995

"México tiene al menos 20 mil indígenas desplazados por el conflicto armado en el estado de Chiapas, informó este domingo en un comunicado la Cámara de Diputados. "Se habla de más de 20 mil desplazados por el conflicto chiapaneco", apuntó en el documento Javier Manzano, presidente de la Comisión de Asuntos Indígenas de la Cámara de Diputados." (La Jornada, 17 January 2005)

"No se dispone en México de estadísticas oficiales sobre desplazados internos, y las estimaciones varían considerablemente. Se tomó una fuente que habla de entre 3 mil y 21 mil, pero otras estimaciones llegan hasta 60 mil. En Chiapas y Guerrero se han llevado a cabo conteos más amplios, con la participación de ONG locales e internacionales, diócesis eclesíásticas locales, dependencias gubernamentales y organismos humanitarios. En el Diagnóstico se identificaron dos obstáculos para la medición: su naturaleza inestable y temporal y el hecho de que ninguna dependencia, gubernamental o no, tiene un mandato explícito para dar seguimiento a estos desplazamientos.

En lo que hay coincidencia es en que son uno de los grupos más desprotegidos, porque generalmente carecen de medios para subsistir y de cualquier mecanismo para hacer valer sus derechos. Por su invisibilidad enfrentan altos riesgos de abusos, explotación e inclusive de ser privados de la vida." (OHCHR, 1 January 2004)

### ***IDP estimates in 2005***

“Los acontecimientos en estas dos zonas son claras consecuencias de la implementación de una política deliberada de Estado encaminada a cometer ataques generalizados y sistemáticos en contra de la población civil y con conocimiento de dichos ataques, consistentes en Asesinatos, Traslado forzoso de población (en la zona altos y norte se desplazaron aproximadamente 10,000 personas de un total de 12, 000 en el estado de Chiapas), Privación grave de la libertad física, Tortura, Persecución de una colectividad con identidad propia fundada en motivos políticos (opositores al PRI), étnicos (todas las víctimas son indígenas), y religiosos (miembros activos de la Diócesis de San Cristóbal de Las Casas), además de Desaparición forzada de personas, por medio de la creación, financiación, adiestramiento y encubrimiento de grupos paramilitares.  
[...]

Los grupos paramilitares son responsables entre 1995 y 2000 del desplazamiento de más de 10,000 personas de las aproximadamente 12,000 censadas por el Centro de Derechos Humanos Fray Bartolomé de Las Casas<sup>[5]</sup>, ejecuciones, masacres y desapariciones forzadas de mayor cuantía. Es en esta región donde se desarrollo el grupo paramilitar Paz y Justicia, y donde ocurrió la masacre de Acteal en manos de un grupo paramilitar similar al primero.” (CDHFBC, 9 February 2005)

“No official statistics on internally displaced persons in Mexico are available. It is therefore difficult to assess their numbers, location, specific needs and how they are being met. The authorities acknowledged this problem and expressed interest in addressing it. The indigenous population of Mexico, which represents approximately 17.8 million persons, has suffered the greatest internal displacement, concentrated in particular in the state of Chiapas. Local NGOs and certain international organizations have estimated the numbers of the internally displaced population in Chiapas to be between 16,000 and 21,000. [...] Although the numbers of displaced in Mexico are relatively small compared to many other countries affected by internal displacement, their suffering due to their situation is very real and should not be understated.” (UNCHR, 10 January 2003, para.9)

*From the breakdown below produced by the Centre for Human Rights Fray Bartolomé de las Casas, there were **11,735** people internally displaced in Chiapas as of June 2003.*

“COMUNIDADES DESPLAZADAS \*\*\*

ZONA SELVA-NORTE [...]  
TOTAL FAMILIAS 887 PERSONAS 3545

ZONA SELVA [...]  
TOTAL FAMILIAS 172 PERSONAS 912  
ZONA ALTOS [...]  
TOTAL FAMILIAS 1,338 PERSONAS 6,332

ZONA SELVA FRONTERIZA [...]  
TOTAL FAMILIAS 138 PERSONAS 793

ZONA CENTRO [...]  
TOTAL FAMILIAS 28 PERSONAS 153

[...]

\*\*\* Hemos decidido mantener en la lista a las comunidades retornadas y reubicadas porque, a pesar de haber retornado, hasta la fecha el gobierno federal y estatal no les ha resuelto sus demandas de justicia que tienen que ver con la verdad, juicio justo, indemnización y compra y regularización de tierras. Además del reconocimiento de los Acuerdos de San Andrés.” (CDHFBC, 12 June 2003, pp. 24-27)



« El gobierno estatal reconoce que permanecen en situación de desplazamiento forzado cerca de 13 mil personas, distribuidas en al menos 20 municipios [...], aunque diversas fuentes sitúan esta cifra entre 14 y 24 mil personas, la gran mayoría pertenecientes a alguno de los pueblos indígenas, los cuales se han visto obligados a abandonar sus lugares ancestrales y de culto, desde mediados de los años 50 del siglo pasado hasta la actualidad. Los diversos grupos desplazados han abandonado sus tierras y posesiones, por un gradiente de causas o una concatenación de éstas, como son: cambio de adscripción política o religiosa, disputas por posesión de tierras, control de recursos naturales, falta de oportunidades de desarrollo económico, y en todos los casos, falta de acceso a la jurisdicción del Estado y amenazas a las garantías de integridad física. » (CEDH, 1 September 2003, p.3)

#### **“Los Altos**

The ICRC carried on providing food assistance to some 4,700 civilians in Los Altos. It continued to cooperate with the National Society's medical teams, which worked with IDPs in the region, assisting some 10,000 beneficiaries in camps and villages.” (ICRC, 19 June 2003)

#### ***IDP estimates in 2002***

“Approximately 15,000 Mexicans remained internally displaced in Chiapas. [...]

The U.S. Committee for Refugees estimates that approximately 12,000 persons remain displaced in Chiapas. Some 1,300 to 2,000 displaced persons returned home beginning in August 2001, despite concerns for their safety and ability to survive. The UN's Special Representative for Internally Displaced Persons visited Mexico in August and found that the displaced continue to lack adequate assistance. The special representative stressed the need to reactivate the peace process so that the displaced can return home.” (USCR, June 2003)

« Sin embargo, existen aproximaciones recientes de distintas instancias del gobierno y no gubernamentales que, dependiendo de los criterios utilizados, calculan un universo que va de las 12 mil a las 50 mil personas, que estarían distribuidas en cerca de 500 grupos de población indígena, desplazados en condiciones de violencia armada hasta antes de la actual administración, el recuento de resultados concretos ya obtenidos no existe.” (SEPI & CDHFBC, May 2002, p.4)

#### ***IDP estimates in 2001***

“Reports of the number of the displaced in Chiapas vary widely: in 2001, estimates ranged from 8,000 to 20,000.

USCR estimates that approximately 15,000 persons remained displaced in Chiapas because of continuing conflict between the government forces and the EZLN. A number of people are also internally displaced in the states of Guerrero and Oaxaca, but because few international observers monitor these areas, no accurate estimate of the number of displaced is available.” (USCR, June 2002)

“The returnees had had to flee their homes owing to incursions of armed groups and had been living in camps for the past four years. The ICRC had already been providing assistance in the camps, where 7,000 people are still living, in the form of medical care, water and sanitation facilities, and food and hygiene items when needed.” (ICRC 7 September 2001)

#### ***IDP estimates in 2000-1999***

“Although reports of the number of the displaced in Chiapas vary widely, in 1999, local nongovernmental organizations (NGOs) estimated that about 16,000 persons remained displaced in Chiapas because of continuing conflict between government forces and the EZLN.” (USCR June 2001)

### ***IDP estimates in 1994***

“En 1994 la Coordinadora de Organismos No Gubernamentales por la Paz (Conpaz) contabilizó 17 mil 139 desplazados en los municipios de Comitán, Las Margaritas, Ocosingo y Altamirano (citado por Hidalgo, O. y Castro G. op.cit.)

Este desplazamiento se caracterizaba por dirigirse de la zona rural a las zonas urbanas y el número de desplazados aumentó a 35 mil personas. Entre los meses de marzo a mayo de 1994. Es de señalar que fenómeno fuerte de desplazamiento se da entre los años 1994 al 2000. En los años recientes se han dado nuevos desplazamientos pero en menor medida. En el transcurso de estos años muchos de los hombres que estaban desplazados empezaron a visitar esporádicamente sus comunidades para cuidar sus terrenos y paulatinamente empezaron a retornar.

Después de la ofensiva militar del ejército el 9 de febrero de 1995, éste toma posesión de territorios ocupado por los zapatistas. Para los meses de junio a agosto, como parte de su estrategia de contrainsurgencia el ejército organiza a los desplazados que todavía permanecían en albergues, los acompaña en su retorno y los reinserta en sus comunidades de origen. La finalidad era iniciar la confrontación entre indígenas militantes del partido oficial (PRI) y los zapatistas.” (CDHFBC, 12 June 2003, p.3)

### ***People displaced by natural disasters or infrastructural programmes***

“La situación se agrava si se toma en cuenta que año con año aumenta el número de personas que deben abandonar sus lugares de origen, producto de los desastres causados por fenómenos naturales. Entre 1997 y 1999 aproximadamente 154 mil personas dejaron sus pueblos o comunidades a consecuencia de huracanes, terremotos, incendios, sequías o lluvias excesivas. Aunque México cuenta con el Fondo Nacional de Desastres Naturales (FONDEN), los gobiernos estatales y municipales no acceden con rapidez a los recursos económicos para responder con prontitud a las necesidades de los afectados; según Coalición Hábitat México, entre 1997 y 1999 cerca de 84 mil perdieron en su totalidad sus viviendas, y a la fecha sólo un pequeño porcentaje pudo recuperar bajo este esquema su patrimonio.” (OHCHR, 1 January 2004)

“In other indigenous regions of Mexico there are also displaced persons who are never mentioned. These are people who were relocated without their consent to build a dam or some other project many years ago and are still waiting for the compensation the Government offered them.” (UN CHR, 23 December 2003)

“En otras regiones indígenas del país también existen desplazados de los que no se habla. Se trata de quienes fueron reubicados sin su consentimiento por la construcción de alguna presa u otra obra años atrás, y que aún esperan recibir las compensaciones que el gobierno les ofreció.” (OHCHR, 1 January 2004)

### **Socio-political profile of the displaced: indigenous, rural and poor (2003)**

- Reported in 1999 that approximately 5.3% of the indigenous population from the Tojolabal, Tzeltal, Chol and Tzotzil ethnic groups were displaced
- People becoming victims of discrimination and displacement because of their indigenous identity
- Mexican President Vicente Fox has acknowledged the indigenous rights and their legitimate demands
- Indigenous people represent about 12% of the Mexican population, count about 13 million people divided in 62 different ethnic groups

- In Chiapas, Guerrero and Oaxaca indigenous people represent the majority of the population
- Two percent of the IDPs identify themselves as supportive of the government (the Institutional Revolutionary Party - PRI) and the paramilitary group 'Peace and Justice'
- Generally speaking the IDPs belong to or identify with: the Catholic Church, the PRD, the EZLN and independent farmers and indigenous organizations

"The municipalities where the displaced population are concentrated have approximately 634,240 residents. Of these, 62% are indigenous. 5.3% of this indigenous population is displaced, and they belong to the Tojolabal, Tzeltal, Chol and Tzotzil ethnic groups." (CIEPAC 28 August 1999)

"[...] In Mexico too, the displaced are mainly indigenous [...] In Mexico, displaced children are said to be 'the targets of discrimination and abuse, not only because of their poverty and their vulnerability but because of their indigenous race'.

[...] Mexican President Vicente Fox, who came into office at the end of 2000, introduced a new approach to the problems confronting indigenous populations, numbering about 10 million. He acknowledged that these populations and the insurgencies representing them have legitimate demands, namely equal treatment under the law, better schools, health care and job opportunities, the return of expropriated land and a measure of self government." (Cohen and Sanchez-Garzoli May 2001)

"The indigenous population of Mexico currently accounts for approximately 12 per cent of the total. Although proportionally less large than it was, it increased in absolute terms to almost 13 million in 2000. It is spread unevenly through the country, being mainly concentrated in the States of the south and south-east. Although predominantly rural, in recent years it has increased considerably in urban areas, some of which have programmes for the indigenous population. In numerous municipalities, particularly Oaxaca, Guerrero and Chiapas, indigenous people are in the majority. Traditionally, experts have used ethnolinguistic criteria to classify the indigenous population, which they currently divide into 62 ethnic groups." (UN CHR, 23 December 2003)

"Concerning the social and political identity of the displaced, 98% identify themselves as being opposed to the regime or to the official party, under seven different identities: the Democratic Revolutionary Party (PRD), "Las Abejas" civil society, EZLN support bases, the ARIC-Independent and the Emiliano Zapata Campesino Organization (OCEZ). Only 2% identify themselves as being in support of the regime, under the Institutional Revolutionary Party (PRI) and the alleged paramilitary group, "Peace and Justice." Generally speaking, the displaced who are opposed to the regime are identified with the Catholic religion. And so, the identities of the displaced are generally marked by well-defined polarities: PRI vs. PRD, Catholics vs. Evangelicals, EZLN vs. paramilitaries, independent campesino and indigenous organizations vs. official campesino and indigenous organizations." (CIEPAC 28 August 1999)

## **Geographical distribution**

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### **Most IDPs fled municipalities of the state of Chiapas (2005)**

- Reported in 1999 that approximately 5.3% of the indigenous population from the Tojolabal, Tzeltal, Chol and Tzotzil ethnic groups were displaced
- Distribution: Los Altos region (9.902) ;northern region (5.557), the border region (4.905), the central region (405) and the jungle (290)

- There were in 1999 approximately 44 camps or places where the displaced resided, located in 13 of the 111 municipalities in Chiapas

“De acuerdo a los datos recabados a lo largo del conflicto por el Centro de Derechos Humanos Fray Bartolomé de Las Casas, en la Zona Norte del Estado se registraron entre 1995 y el año 2000, 122 víctimas, de las cuales 85 se refieren a ejecuciones y 37 a desapariciones forzadas, además del desplazamiento forzado de 3,618 personas que siguen viviendo las secuelas del desplazamiento. ([Anexo 2 Cuadro de Víctimas Zona Norte](#); [Anexo 3 Cuadro de desplazados Zona Norte](#)).

En la Zona Altos esta estrategia se desarrolla después, aproximadamente a partir de marzo de 1997 y se ve truncada por la conmoción mundial que provocó la masacre de Acteal en diciembre de ese mismo año. En ese período el Centro de Derechos Humanos registró 6,332 personas desplazadas, que incluye la pérdida de bienes y la quema de sus casas, 62 muertos de manera violenta y 42 heridos. Todo esto generado en un clima de tensión, hostigamientos y amenazas del grupo identificado con el PRI y promovido por la presidencia municipal de San Pedro Chenalhó, que actuaba con armamento de uso exclusivo del Ejército, uniformes y con el amparo de la Policía y del Ejército mexicano.” (CDHFBC, 9 February 2005)

"The municipalities where the displaced population are concentrated have approximately 634,240 residents. Of these, 62% are indigenous. 5.3% of this indigenous population is displaced, and they belong to the Tojolabal, Tzeltal, Chol and Tzotzil ethnic groups.

[...]

The displaced are in zones of political conflict, where there is the greatest concentration of alleged armed groups and paramilitaries, of the military (camps, barracks, checkpoints, military regions, centers of operation), of state and federal police forces (Public Security Police - PSP, State Judicial Police - PJE, Department of Justice of the Republic - PGR), and of the National Immigration Institute (INM). All of these municipalities also fall within the Diocese of San Cristóbal de Las Casas.

The largest number of the displaced are in the region of Los Altos, with 9902 indigenous, followed by the Northern region, with 5557, the Border, with 4905, the Center, with 405 and the Selva, with 290 persons. [...] The greatest number of those displaced by violence are in the municipalities of Chenalhó, Tila, Sabanilla and Palenque.

[...]

There are approximately 44 camps or places where the displaced reside. Many of them have finally taken shelter in already established communities, after having passed one stage of refuge in camps, the mountains or outside the population centers. These camps are located in 13 of the current 111 municipalities, affecting 11.7% of the total [municipalities]. There are 10 camps or places of refuge in Chenalhó; in Sabanilla, 11; in Tila, Salto de Agua and San Cristóbal, one each; in Las Margaritas, Ocosingo, Huitiupán, Venustiano Carranza, Tumbalá and El Bosque, 2; and in Chilón and La Independencia, one respectively. These figures are approximate.”(CIEPAC 28 August 1999)

# PATTERNS OF DISPLACEMENT

## General

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### Displacement often local and predominantly rural (2003)

- IDPs from the municipalities of Las Margaritas, Ocosingo, Altamirano, San Andrés, El Bosque, Tila, Tumbalá fled to urban areas
- People from the municipalities of Salto de Agua, Sabanilla y Chenalhó fled to the mountains
- Very few displaced flee to urban centers
- The majority of the displacements take place within the same rural areas
- Some displacement occur across municipal (8.2%) or even state lines

“En 1995, como parte de esta misma ofensiva del ejército se dan acciones como: secuestros, desapariciones, tortura, saqueo, destrucción de plantíos y pertenencias, en este marco se da el retorno de algunos grupos de desplazados, sin embargo, se generan otros desplazamiento de militantes zapatistas y de organizaciones civiles independientes de los anteriores gobiernos. Los municipios donde se generaron la mayoría de los desplazamientos son Las Margaritas, Ocosingo, Altamirano, San Andrés, El Bosque, Tila, Tumbalá. Salto de Agua, Sabanilla y Chenalhó, población que se resisten a trasladarse a las zonas urbanas y huyen hacia la montaña. Como producto de esta estrategia 12 mil personas se desplazan, muchas de ellas ya no regresaron a su comunidad.” (CDHFBC, 12 June 2003, p.4)

“Within the phenomenon of displacement, there are municipalities that expel the population to other nearby municipalities, or even out of the state, such as neighboring Tabasco. On the other hand, there are municipalities that are the recipients of the displaced, such as Salto de Agua and San Cristóbal de Las Casas. Very few of the displaced move to the urban areas of the municipal seats, once again, such as Salto de Agua and San Cristóbal de Las Casas, but also Chilón and Venustiano Carranza. The majority of the displacements take place within the same rural areas, and in some cases the exile has been forever. This has not been the case in the rural areas, where, up until now, the struggle for land continues to be present in all the alternatives: return, voluntary relocation or the taking of new lands.

[...]

The greatest number of those displaced by violence are in the municipalities of Chenalhó, Tila, Sabanilla and Palenque. They left Chenalhó for San Cristóbal, from Tila for Sabanilla and Salto de Agua, from Sabanilla to Tila, and from Palenque to Salto de Agua. Approximately 1740 indigenous left their municipalities of origin, representing about 8.2% of all the displaced. Subsequently, there were also displacements from the municipalities of Tenejapa, Pantelhó, Sitalá and Salto de Agua.”

(CIEPAC 28 August 1999)

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## Physical security

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### Human Rights groups finds the government guilty of crimes against humanity in Chiapas during the 1990s (2005)

- Most displacements and murders were committed by paramilitary groups linked to the PRI
- The attacks were carried out with weapons belonging to the military, perpetrators wore uniforms belonging to the military and to public security authorities, and enjoyed the protection of the latter
- The CDHFBC identified a clear strategy of attack against the civilian population through paramilitary groups, as outlined in the "Campaign Plan Chiapas 94" of the National Defence Secretariat
- Confessions from a paramilitary commandant confirm the state policy of genocide and crimes against humanity
- Neither previous nor current presidents have properly investigated these events and the investigation of high level state, federal government and army officials have been omitted
- The government dissolved the Special Unit for the Investigation of Presumed Armed Civil Groups of the PGR
- The government dismantled two special entities created to investigate crimes in Chiapas including those committed by paramilitaries
- Impunity and injustice persist including for IDPs and returnees as the recommendations made by the Representative to the Secretary-General for IDPs have not been implemented
- The current government does not recognize the presence of paramilitary groups, nor State responsibility in order not to undermine the investigation into the responsibility of military officials in crimes against indigenous people
- The lack of investigation and implementation of justice creates a situation whereby the conditions which led to displacement remain unchanged
- In February 2005, the CDHFBC made public a complaint about human rights violations in the Northern Region of Chiapas which had previously been submitted to the Interamerican Human Rights Commission

"El Centro de Derechos Humanos Fray Bartolomé de las Casas (CDHFBC) acusó ante la Corte Interamericana de Derechos Humanos (CIDH), por delitos de lesa humanidad, al ex presidente Ernesto Zedillo, en su carácter de comandante supremo de las fuerzas armadas en el periodo 1994-2000; al general Enrique Cervantes Aguirre, ex secretario de la Defensa Nacional, como el creador e impulsor de la política contrainsurgente en Chiapas, y al general Mario Renán Castillo, comandante de la séptima Región Militar, como el brazo ejecutor del *Plan de Campaña Chiapas 94*, informa el coordinador de dicho centro, Michael Chamberlain.

Explica que el gobierno del presidente Vicente Fox mantiene intacto y vigente en la zona de conflicto el plan militar diseñado y ejecutado desde la embestida de Zedillo en contra del Ejército Zapatista de Liberación Nacional (EZLN), el 9 de febrero de 1995, y el verdadero control político militar en Chiapas sigue estando bajo la responsabilidad de la Secretaría de la Defensa Nacional (Sedena).

Agrega que Fox, al igual que Zedillo, no reconoce que en los asesinatos perpetrados por los grupos Paz y Justicia, Los Chinchulines y Máscara Roja, existe "responsabilidad de Estado"; asimismo intenta "no tocar" al Ejército Mexicano en las investigaciones por los crímenes contra indígenas, y no existe interés por solucionar el conflicto con el EZLN; "sólo le interesa administrarlo, que no le estorbe".

[...]

Por el contrario, el procurador Rafael Macedo de la Concha, quien fuera procurador militar en el sexenio pasado, disolvió la Unidad para la Investigación de los Grupos Civiles Armados, "precisamente para no tocar al Ejército y no atender la justicia".

[...]

-¿El mapa militar en Chiapas se encuentra como hace diez años?

-Se encuentra igual. Existen actualmente cerca de 91 campamentos militares; el Ejército Mexicano ha ido avanzando, sobre todo a partir de 2000, en la expropiación de los terrenos que ha ocupado desde 1995.

[...]

-¿Qué pasa con los grupos paramilitares?

-Están ahí, siguen armados, están organizados; algunos están divididos. Ahí el factor político ha influido, pero se están reorganizando y muchos están empezando a tomar los poderes que les permitieron actuar con impunidad en el pasado: los poderes municipales. Y es cosa de encontrar los mecanismos de quiénes les dan cobertura para poder actuar.

[....]

"Evidentemente ninguna de las investigaciones se dirige hacia altos mandos; no están considerando el contexto del conflicto y la acción de la Sedena como una estrategia de guerra de atacar a la población civil, y se sigue pensando que el problema es intercomunitario." (La Jornada, 10 February 2005)

"The violence in Chenalhó has been documented by CDHFBC since February 1994. The effects of paramilitary actions in Chenalhó on 22nd December, 1997 were: 6,332 persons displaced, which included the lose of goods and the burning of homes; 62 people violently killed and 42 left injured, without mention of those detained and tortured by the same group. The group responsible for all of these events was identified with the PRI. They carried out the acts with arms regulated as military exclusive, uniforms of the Military and Public Security, with the protection of these same state entities, and promoted by the Municipal President of San Pedro Chenalhó.

In a similar manner in the Northern Zone (Zona Norte) of the state, in the ch'ol region, between 1995 and 2000 the paramilitary group Peace and Justice (Paz y Justicia) destroyed the population with the support of the military and Public Security resulting in more than three thousand displaced persons, and of those documented by DCHFBC 37 persons disappeared and 85 executed (totaling 122).

[...]

Evidence demonstrates clearly and conclusively a strategy of attack on the civilian population were diverse paramilitary groups linked with municipal, state, and federal authorities including the Mexican Military, have been an instrument in the effort to complete the Military's own designated Campaign Plan Chiapas 94, to "organize the masses". [...]

A review of the events in these zones based on the documents of SEDENA, and more recently the testimonies of a commandant from paramilitary group Peace and Justice (*Paz y Justicia*) [...]. confirms the connections of these groups with our own Military and state and federal government, and makes clear evidence of the implementation of a **STATE POLICY OF GENECIDE AND CRIMES AGAINST HUMANITY**.

[...]

Neither the administration of President Zedilla nor that of President Fox has investigated these events in the reality of their dimensions. The few open cases follow the legal process of individual responsible actors, including the massacre at Acteal. They have completely omitted the investigation of high level state and federal government functionaries and particularly the Military.

This approach to the realization of justice has served to confuse public opinion about true motives, indicating a treatment of the conflicts as religious and intercommunity, and resorting to legal tactics as part of a strategy to hide the truth. We should remember that it was General Macedo de la Concha in his role as the Attorney General of the Mexican Republic, who in 2001 dissolved the Special Unit for the Investigation of Presumed Armed Civil Groups of the PGR.

The conflict has still not ended, Indigenous territory in Chiapas remains militarized, presence of paramilitary groups and their arms persists, and they foster dangerous political conditions for their organic reconstitution.

[...]

Esta etapa del conflicto que se establece desde 1995, constituye una política deliberada de Estado encaminada a cometer ataques generalizados y sistemáticos en contra de la población civil y con conocimiento de dicho ataque, consistentes en Asesinatos, Traslado forzoso de población, Privación grave de la libertad física, Tortura, Persecución de un grupo o colectividad con identidad propia fundada en motivos políticos (opositores al PRI), étnicos (todas las víctimas son indígenas), religiosos (miembros activos de la Diócesis de San Cristóbal de Las Casas), y Desaparición forzada de personas por medio de la creación, financiación, adiestramiento y encubrimiento de grupos paramilitares, todos ellos delitos reconocidos como de Lesa Humanidad, en términos del artículo 7 del Estatuto de Roma y que implican una negación flagrante de los principios fundamentales consagrados en las Cartas de la Organización de los Estados Americanos y de las Naciones Unidas .

La identidad de las víctimas tanto en la Zona Norte como en la Zona Altos es: indígenas, bases de apoyo zapatistas o miembros activos de la Diócesis de San Cristóbal o miembros del PRD. Estas filiaciones desde la perspectiva del Ejército, las sacaban de la categoría “ajenos al conflicto” o “sociedad civil” para ubicarlos como parte de la “organización de masas” y como tales en “objetivos de guerra”.

[...]

La desaparición de la Fiscalía Especial para la atención de los delitos cometidos en el estado de Chiapas, así como de la Unidad Especializada para la atención de delitos cometidos por probables grupos civiles armados, demuestran la intención de la autoridad de minimizar los hechos y la poca importancia que a la fecha dan al asunto.

La impunidad y la injusticia no sólo permanecen para las víctimas de Acteal, sino también para las cientos de familias desplazadas que aún hoy viven en condiciones infrahumanas; los Principios Rectores sobre el Desplazamiento Interno de la Organización de las Naciones Unidas, así como las recomendaciones emitidas al Estado Mexicano por parte del Representante del Secretario General de las Naciones Unidas sobre los desplazados internos, aún no han sido cumplidos ni siquiera en el caso de las familias retornadas, dado que los riesgos de violencia en las comunidades y de reactivación de los grupos paramilitares, siguen vigentes.” (CDHFBC, 9 February 2005)

“La desaparición en la administración Fox, de la Fiscalía Especial para la Atención de los Delitos Cometidos en el Estado de Chiapas, así como de la Unidad Especializada para la Atención de Delitos Cometidos por Presuntos Grupos Civiles Armados, ambas de la PGR, demuestran la intención de las autoridades de minimizar los hechos y la poca importancia que le dan a las víctimas de un conflicto armado no resuelto.” (CDHFBC, 22 December 2004)

“Por otro lado, la falta de una investigación seria ha permitido que las condiciones que llevaron a la comisión de los delitos señalados permanezcan intactas. Los paramilitares no han sido desarmados y siguen organizados, y la presencia militar persiste de manera desproporcionada y en control del territorio que ocupan los Pueblos indígenas en Chiapas, por lo que la población



civil sigue amenazada de sufrir hechos como los que ahora denunciarnos a la CIDH.” (CDHFBC, 15 February 2005)

“The Fray Bartolomé Human Rights Center specified that, the same as in the Ch’ol region, justice still hasn’t been served in Acteal (December 2004 marked the seventh anniversary of the massacre), among other cases. The group denounced the fact that paramilitary groups have neither disarmed nor disbanded, that those responsible for planning and carrying out the attack remain unpunished, and that no reparations have been made to the victims of forced displacement, murder, disappearances and torture. The Center’s complaint emphasizes that an “invisible war” still continues in Chiapas.” (SIPAZ, March 2005)

“Luego vino la masacre, y según la Procuraduría General de la República, instancia que atrajo las investigaciones, ésta derivó de una "venganza" por la muerte de un indígena llamado Agustín Álvarez Secum, a manos de presuntos prozapatistas.

El hecho es que derivado de los múltiples actos violentos que se registraron durante los meses anteriores, y las diferencias intercomunitarias que existían en los poblados, al menos 300 personas habían tenido que abandonar sus lugares de origen, y la víspera de la masacre se habían refugiado en la comunidad de Acteal.” (La Jornada, 22 December 2004)

### **IDPs are the most unprotected citizens in prey to abuses, exploitation and deprivation of life (2005)**

- The lack of serious investigations into the crimes against humanity committed in the massacre of Acteal (1997) allow that the conditions which led to these violations remain unchanged
- Government of Mexico declared it was unable to address the security problems of the ‘autonomous communities’
- Displacements were accompanied by violent deaths, disappearances, massacres, arbitrary detentions, tortures, looting and destruction of the means of livelihood
- The Government of Mexico expressed concern to the Representative about its inability to address the security problems due to the activities of paramilitary and armed civilians
- The ‘autonomous communities’ in Chiapas prefer not to have the presence of the army
- The Representative suggested ‘safe passages’ or ‘neutral zones’ to access the IDPs with basic services and humanitarian assistance
- Autonomous communities requests to the government include peace, to be recognized as a specific group with indigenous culture, end to intimidation, harassment and marginalisation
- IDPs complained to the Representative that the army and the police supported the paramilitary groups
- In 2005, Mexico ratified the International Criminal Court and reformed the constitution accordingly.

“En lo que hay coincidencia es en que son uno de los grupos más desprotegidos, porque generalmente carecen de medios para subsistir y de cualquier mecanismo para hacer valer sus derechos. Por su invisibilidad enfrentan altos riesgos de abusos, explotación e inclusive de ser privados de la vida.” (OHCHR, 1 January 2004)

“Por otro lado, la falta de una investigación seria [en la masacre de Acteal] ha permitido que las condiciones que llevaron a la comisión de los delitos señalados permanezcan intactas. Los paramilitares no han sido desarmados y siguen organizados, y la presencia militar persiste de manera desproporcionada y en control del territorio que ocupan los Pueblos indígenas en

Chiapas, por lo que la población civil sigue amenazada de sufrir hechos como los que ahora denunciamos a la CIDH.” (CDHFBC, 15 February 2005)

“El desplazamiento de estos hombres y estas mujeres, de niñas y niños [...], fue además acompañado de muertes violentas, desapariciones, masacres, encarcelamientos, golpes, tortura, detenciones arbitrarias, violación física y psicológica a mujeres, emboscadas, quema de casas, destrucción de templos, robos de herramientas, mercancía, aparatos y productos agrícolas, saqueos, amenazas, humillaciones y hostigamientos constantes [...]” (CDHFBC, 12 June 2003, p.6)

“Of particular concern is the lack of access to displaced people living in the so-called “autonomous communities” under the control of the Zapatistas. The Representative was told that these communities do not accept any assistance from the Government and depend mainly on the limited assistance provided to them by the MRC, the ICRC, and some local groups since these are the only organizations that have access to them. The Government expressed concern over its inability to assist these communities, in particular its inability to address the security problems reportedly due to the activities of paramilitary or armed civilian groups. While the Representative was told that the communities prefer this situation to the presence of the army, he believes that it is important for all parties to agree on alternative measures (such as the opening of “safe passages” or “neutral zones”) to ensure, at least, access by the internally displaced to basic services and humanitarian assistance.

During his visit to the “autonomous community” of Polho, the Representative addressed this issue with the community leaders. He was able to see that people living in these communities have suffered greatly, and some may have been traumatized. One woman told the Representative that she could not remember where she came from, recalling only that her entire family had been killed. People in this community told the Representative that they wanted peace and for the Government to respond to their demands as a distinct group. They wanted their culture to be recognized and they resented what they saw as the intimidation and marginalization of the poor indigenous people. They complained to the Representative about the presence of the army, which, together with the police, they claimed supported paramilitary groups. From the perspective of the Government, the security situation in the area makes the deployment of the military imperative. The Representative was indeed informed about the social work being carried out by the military forces on behalf of some communities of returnees, such as in the community of Los Chorros, where they have been distributing food and other aid. On the other hand, there is a clear and urgent need to protect the internally displaced population from the widely acknowledged acts of intimidation and harassment by paramilitary or armed civilian groups and other such actors. The displaced also complained that the food rations provided to them by the Red Cross had recently been cut in half, noting in particular that they did not have any land to cultivate around the village. Further, they explained that most of the nearby land was under the control of the paramilitary groups.” (UNCHR, 10 January 2003, para.26-7)

### **Human rights organizations report continued paramilitary threats against returned IDPs and autonomous communities (2003)**

- In 2002 the paramilitary group ‘Justice and Peace’ still active in San Pedro Chenalhó, threatening the returned civil society from ‘Las Abejas’ who fled the Acteal massacre
- The authors responsible for the Acteal massacre are unpunished while only a few members of the paramilitary group of Chenalhó were jailed
- Human rights observers received reports of attacks and threats from paramilitary groups against the returned people of Acteal

- The community returned to Tila are terrorized by the presence of paramilitary group 'Paz y Justicia' and murders in 2002
- Jose Saramago (1998 Nobel Prize for Literature) point to the lack of army action against the paramilitary groups as evidence that the armed forces actually collaborate with these groups

"San Juan Chamula es, con toda probabilidad, el municipio que históricamente ha expulsado a la mayor cantidad de personas en los últimos años, sin que por ello se reste importancia a conflictos similares en municipios cercanos, como Zinacantán, (con los recientes enfrentamientos entre perredistas y priistas por el control del Municipio) San Pedro Chenalhó (donde los conflictos intercomunitarios permanecen vivos, a pesar de los retornos en agosto 2001 de miembros de la Sociedad Civil "las Abejas", sobrevivientes de la matanza de Acteal, quienes siguen reportando hostigamiento y presencia de grupos civiles armados en el municipio) y Zona Norte del estado (principalmente en los Municipios de Sabanilla, Tila, Tumbalá, y Yajalón, donde permanecen activos grupos civiles armados, casi todos integrantes o ex integrantes del grupo "Paz y Justicia". El actual gobierno de Pablo Salazar Mendiguchía no ha establecido acciones tendientes al desmantelamiento de estos grupos civiles, que actúan con total impunidad, incluso con acciones de hostigamiento a las autoridades autónomas de las recién instituidas "Juntas de Buen Gobierno" zapatistas en agosto del presente año." (CEDH, 1 September 2003, p.4)

"En el caso del grupo paramilitar de Chenalhó que ejecutó a los 45 indígenas en Acteal en 1997, mayoritariamente mujeres, ancianos y niños, sólo han sido encarcelados algunos de los sicarios, sin embargo ni los autores intelectuales de la masacre han sido detenidos, ni el grupo paramilitar que opera en la región ha sido desarticulado, a pesar de la numerosa presencia del ejército mexicano y de la policía en la zona. El CDHFBC ha documentado la responsabilidad de diferentes funcionarios de gobierno en la masacre, la respuesta ha sido mínima por parte de las instituciones de administración de justicia. Durante los últimos meses las amenazas y rumores de ataques por parte de los paramilitares siguen atemorizando a la población, ahora retornada.

[...]

#### **Nuevo Limar, Tila**

Familias. 98 - 350 personas

Desplazados el 14 de julio de 1995

Retornaron el 04 de septiembre de 1995

Idioma: Chol

[...]

La situación actual es de tensión en la zona y de recientes hechos como asesinato el 2 de agosto 2002. La tensión se debe a la prevalencia del grupo armado Paz y Justicia que a pesar de ya no actuar abiertamente con agresiones continúa utilizando la estrategia de crear un ambiente de miedo, rumores y hechos que mantiene a la población aterrorizada y a la expectativa de lo que pueda pasar." (CDHFBC, 12 June 2003, p.12-3)

"It is absolutely clear that the Army does not protect the displaced. The fact that the army and paramilitaries are thick as thieves is hidden only to those with no do not wish to see or to understand. Acts such as Acteal can only occur with the Army's blessing. There would be nothing simpler than for the Army to identify the paramilitaries and to disarm them. If they do not do so, it is because they do not want to do so. Logic exists, and it must be respected; if not, we are accomplices to those fabrications with which they wish to deceive us". (Jose Saramago, 1998 Nobel Prize for Literature) (CIEPAC 7 November 1998, sect. "Exacerbating the Damage")

#### **Members of organisations working with IDPs commonly receive death threats (2004)**

- Anthropologist denouncing the responsibility of paramilitary groups in the conflict was assaulted by paramilitaries in 2004
- The Attorney's General Office has taken no measures to dismantle these groups or investigate on their crimes
- In 2002 the special office in charge of investigating crimes committed by paramilitaries was closed without providing any information
- Human rights activists working with displaced are being harassed and receiving death threats
- A change in attitude is currently taking place with President Fox, who has pledged to make human rights a priority in Chiapas

"El pasado 29 de febrero, el antropólogo Andrés Aubry, junto con tres acompañantes, sufrió un intento de asalto a mano armada a la altura de la comunidad de Nachitón, Mpio. de San Andrés Larráinzar. Los hombres que los atacaron estaban vestidos de negro, traían el rostro cubierto con vendas blancas y pintarrajeados de rojos, sólo se les podían ver los ojos y los labios, asimismo portaban armas largas de fuego.

[...]

Este hecho no se puede ver aislado, ni dejar de prestarle atención necesaria en un contexto de un conflicto armado no resuelto. Cabe traer a la memoria que desde 1995 se han denunciado acciones de grupos paramilitares en esta zona y que a la fecha la Procuraduría General de la República no ha realizado ninguna acción de fondo que lleve al desmantelamiento de estos y menos aún ha investigado sobre los responsables de su formación y adiestramiento. En el 2002 se cerró la oficina de Fiscalía Especial para la investigación de presuntos grupos civiles armados, sin que a la fecha haya rendido ningún informe sobre su actuación." (CDHFBC, 12 March 2004)

"In September a man identifying himself as a member of the Federal Investigation Agency entered the office of the Fray Pedro Lorenzo de la Nada Human Rights Committee in Ocosingo, Chiapas State, intimidating staff and threatening to arrest them." (AI, 1 January 2005)

"In Mexico, former President Ernesto Zedillo also reflected his government's suspicion toward those helping the displaced when he publicly stated in January 2000: 'We do not need the self-nominated representatives of civil society, now called NGOs, to speak in the name of the poor in the developing countries'. Not surprisingly, human rights workers and clergy working with the displaced in Chiapas reported receiving death threats, and international NGOs seeking to visit Chiapas were harassed and dozens expelled in 1999. However, a change in attitude is currently taking place with President Fox, who has pledged to make human rights a priority and to resolve the conflict in Chiapas." (Cohen and Sanchez-Garzoli May 2001)

## **Freedom of movement**

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### **Military presence in Chiapas a means to control Zapatistas and civil society organisations (2005)**

- The presence of the military in Chiapas is particularly concentrated in areas of Zapatista support, and along the roads where members of solidarity groups transit
- Military camps are reportedly set up close to the IDP settlements to enforce the federal Firearms and Explosives Law and to carry out social work programmes
- IDPs leaving or returning to their settlements are frequently interrogated at army checkpoints
- The presence of the army produces a sense of "being controlled" among the displaced

"Es importante hacer mención de la fuerte presencia del Ejército Federal Mexicano en los Municipios de San Andrés Larráinzar y El Bosque, tal como se evidencia con los campamentos militares en la Cabecera municipal de San Andrés, y en las comunidades de San Cayetano y Puerto Caté. Cuyo argumento de su presencia se basa en aplicar la Ley de Armas de Fuego y Explosivos y el Combate al Narcotráfico, sin embargo su presencia es evidente y se ubica en una zona altamente zapatista y por cuya carretera transitan diariamente jóvenes estudiantes que van a la Escuela Autónoma, así como miembros de organismos solidarios, de sociedad civil y de organizaciones sociales o de comunidades que van a tratar puntos a la Junta de Buen Gobierno, en el Caracol de Oventik." (CDHFBC, 12 Marzo 2004)

"The Constitution provides for the right of free movement, and the Government does not restrict the movement of its citizens into, out of, or within the country, except in Chiapas where the Government attempts to keep persons away from EZLN areas.

The army and federal immigration authorities maintain strict checkpoints in parts of Chiapas. The focus of the checkpoints is the verification of tourist activities by persons with tourist visas. They also serve to stem illegal immigration. Church and human rights activists claim that the Government is fostering an antiforeigner climate [...]" (US DOS February 2001)

"The presence of the military camps in the places of displacement is in response to the enforcement of the federal Firearms and Explosives Law, to give security to the displaced and to the social work campaigns.

In this same regard, many denunciations exist of the controls of the military checkpoints at the various entrances to the locations of the displaced. (and other places in the State). The inspections are more of a police interrogation, where they are more interested in who one is, where one is going and what one is doing, than what one might have in one's backpack. In fact, they barely check at all for the alleged carrying of weapons.

Because of all of this, the presence of the federal Army promotes the sense of a lack of freedom, and the perception of control of the population. Nor do the displaced feel secure, in any way due to their presence: rather, they have the enemy present in an official way. Fear is maintained, and it is experienced day after day. The feeling of impotence is exacerbated by not being able to remove the soldiers from their lands; their presence and treatment perpetuates the humiliations they experience. The entrance of the army into the camp of X'oyep in Chenalhó is sufficient to demonstrate the imposition on, and humiliation of, the displaced population." (CIEPAC 7 November 1998, sect. "Exacerbating the Damage")

## **SUBSISTENCE NEEDS**

### **General**

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#### **Living conditions of IDPs in the camps visited by the Representative for IDPs were very poor (2003)**

- The three states with the highest indigenous populations (Chiapas, Guerrero and Oaxaca) recorded the lowest HDI
- In Mexico as in other countries women and children make up most of the IDPs
- Recently created camps lacked regular access to drinking water and basic services

“During meetings with the internally displaced, several persons described their needs, the type of assistance they received and their overall situation. As in most countries affected by displacement, women and children make up the great majority of the displaced population in Mexico. The Representative received reports that thousands of the displaced have been suffering food shortages and malnutrition, in particular children and women. The living conditions of the internally displaced in the camps were very poor. Some of the camps, especially those more recently created, lacked regular access to drinking water and other basic services.” (UNCHR, 10 January 2003, para.29)

“In 2002 Mexico occupied the fifty-fourth position out of 173 countries with a Human Development Index (HDI) of 0.796. The three southern States with the largest indigenous populations (Chiapas, Guerrero and Oaxaca) have the lowest HDI (literacy rate, life expectancy at birth index and GDP) in Mexico.

[...]

More than 12,000 persons have been displaced by the conflict. Some received aid from the Government or from national and international humanitarian organizations. Generally speaking, their conditions of existence are extremely difficult.” (UN CHR, 23 December 2003)

#### **The specific needs of displaced indigenous women have not been addressed (2003)**

- Human rights observers report that the consequences of structural violence fall disproportionately on displaced women as they need to take on many roles at the same time as their workload increases
- Displaced women’s reproductive health and nutrition needs have not been met
- Displaced widows have not received any specific assistance

“Con el desplazamiento forzado se ha constatado una vez más la feminización de la guerra: sobre carga de trabajo, asumir varios roles dentro de la familia, impotencia y frustración constante y enfermedades físicas y emocionales frecuentes. Los testimonios de las mujeres y las niñas son un grito frente a los atropellos a su dignidad humana.” (CDHFBC, 12 June 2003, p.33)

“En algunas comunidades de población desplazada, al realizar los talleres de Recuperación de la Memoria. Existen pocos espacios de atención a la mujer desplazada. Para las mujeres el

aspecto de educación es poco posible, y la situación y condiciones de salud son graves al no ser atendidas en los aspectos más importantes como lo es la salud reproductiva y la nutrición.

Con el desplazamiento y los conflictos en la Zona Norte y en la Selva sobretodo, aparece un nuevo sector que no ha recibido la atención correspondiente: **las viudas**. En los principios rectores del desplazamiento interno se hace énfasis en la atención a grupos como las mujeres y los niños y niñas, sin embargo hasta ahora no han recibido ningún tipo de atención especial. Los testimonios que hemos documentado sobre la vida de las mujeres deja claro que dentro de la violencia estructural una de las víctimas más gravemente afectadas son las mujeres.

Mujeres que tuvieron que parir en la montaña, bajo la lluvia, sin lo mínimo necesario para el ser por llegar. Mujeres ancianas caminando toda la noche en el lodo, sufriendo graves caídas. Mujeres que han muerto por falta de atención a su salud y por tristeza de haber perdido sus tierras.

Las mujeres merecen una atención especial en la situación de desplazadas, en contraste hay pocos grupos de apoyo u organismos civiles que trabajen con programas de atención a la mujer desplazada." (CDHFBC, 12 June 2003.p.8)

## Food

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### **IDPs receive hardly any nutritional assistance except for the efforts of some Good Governance Boards (2005)**

- In collaboration with indigenous organisations and the CDI the government participated in the programme of school canteens, providing milk to indigenous people in schools in the states of Chiapas, Guerrero and Oaxaca
- 56% of indigenous children in Mexico suffer from malnutrition
- ICRC cut food rations by half to IDPs in Los Chorros in 2003
- IDPs in Los Chorros have no access to land most of which is controlled by paramilitary groups
- In Polhó, the Junta de Buen Gobierno provides food assistance to IDPs

"Sin condiciones de seguridad para retornar a sus comunidades debido a la constante actividad paramilitar, 5 333 hombres, mujeres y niños sobreviven desde hace 8 años con escasa y a veces nula alimentación, sin agua potable ni luz eléctrica en la mayor parte de los campamentos, bajo techos de cartón y paredes de plástico. Pero los desplazados zapatistas se mantienen en resistencia, muy lejos de la declaración presidencial de que pertenecen al pasado.

"La situación es difícil y delicada", afirma Andrés, presidente del consejo autónomo de Polhó, comunidad de 400 familias a la que, huyendo de la violencia y el acoso paramilitar, arribaron en 1997 más de 10 mil personas procedentes de más de 20 comunidades de Los Altos que abandonaron casa y tierra.

La falta de alimento es el principal problema en los nueve campamentos, diseminados entre las laderas que rodean la cabecera municipal autónoma. "No hay maíz, y si no hay maíz pues no hay nada", dice Ramón, desplazado de la comunidad de Los Chorros.

La Junta de Buen Gobierno con sede en Oventik les proporciona actualmente de 28 a 30 toneladas mensuales de maíz, 5 kilos por persona. Esta dotación, sin embargo, alcanza de 5 a 10 días, dependiendo si se es adulto o menor." (La Jornada, April 2005)

“La Secretaría de Educación Pública, a través de la Dirección General de Educación Indígena, y la CDI [Nacional Commission for the Development of Indigenous Populations] han participado coordinadamente en la operación del *Programa Albergues Escolares*. Uno de los objetivos específicos de los albergues escolares indígenas ha sido el de proporcionar a los beneficiarios alimentación adecuada y hospedaje seguro para favorecer su permanencia en la escuela. A los niños inscritos en los albergues escolares indígenas se les proporciona leche durante los diez meses que comprende el ciclo escolar. La mayor presencia del programa se registra en los estados de Oaxaca, Chiapas y Guerrero.” (CDI, 1 January 2005)

“The few data available on indigenous children are alarming. According to official figures, 56 per cent of the indigenous children in Mexico suffer from malnutrition and at least 690,000 under 4 years of age have serious nutritional and growth problems. Infant mortality is much more frequent among indigenous children than in the average child population.” (UN CHR, 23 December 2003)

“The Representative was indeed informed about the social work being carried out by the military forces on behalf of some communities of returnees, such as in the community of Los Chorros, where they have been distributing food and other aid. On the other hand, there is a clear and urgent need to protect the internally displaced population from the widely acknowledged acts of intimidation and harassment by paramilitary or armed civilian groups and other such actors. The displaced also complained that the food rations provided to them by the Red Cross had recently been cut in half, noting in particular that they did not have any land to cultivate around the village. Further, they explained that most of the nearby land was under the control of the paramilitary groups.” (UNCHR, 10 January 2003, para.27)

## Health

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### **Unlawfully evicted people not treated for health problems (2007)**

- Forced evictions violate human rights
- Imprisoned and inhumanly treated
- Evicted people having health problems

#### **Centro de Derechos Humanos Fray Bartolomé de Las Casas, 10 October 2007**

“Los desalojos forzados son violaciones a derechos humanos y deben ser repudiados por la sociedad civil. El Estado mexicano incumple viola sus obligaciones internacionales en la materia.

- Liberados los 6 presos por desistimiento de la Fiscalía General del Estado de Chiapas, presentan

problemas de salud y denuncian tratos indignos en la cárcel.

- Las 7 mujeres y 26 menores también presentan problemas de salud. Han sido trasladadas a San

Cristóbal de Las Casas para encontrarse con sus esposos, ser alojados de manera digna y para ser atendidas por médicos, con el apoyo de la sociedad civil. El Gobierno debe responder.”

### **Deplorable health conditions in IDP settlements (2003)**

- The state of Chiapas is one of the most backwards in terms of reproductive health



- The already high degree of malnutrition among indigenous communities in Chiapas made worse due to the unhealthy conditions in the displacement camps
- Lack of enough running water, pots and firewood makes boiling the water difficult, which often leads to gastrointestinal, parasitical, diarrhoeal and infectious diseases
- Lack of winter clothes and shoes (especially for the children) result in respiratory diseases
- Lack of food and an unbalanced diet produce malnutrition and illnesses

“The situation of indigenous women and children is a matter of particular concern. Chiapas, Guerrero and Oaxaca are the most backward States in matters of reproductive health. [...] Women in Chiapas have suffered disproportionately from violence in its different forms.” (UN CHR, 23 December 2003)

**“Maravilla Tenejapa, mpio. Maravilla Tenejapa**

Familias: 26- 160 personas

Originarios de: Ejido Maravilla Tenejapa, Maravilla Tenejapa

Desplazados: 28 de Febrero de 1995

Asentados en Rancho la Ilusión, Municipio la Independencia, Ejido Nuevo Jerusalem, del municipio de Maravilla Tenejapa, Rizo de Oro y San José Berlín, del Municipio de Las Margaritas.

Idioma: Tseltal

[...]

Las condiciones de vivienda son de hacinamiento, sin servicios de agua entubada, energía eléctrica, salud, y educación. Prevalcen las enfermedades gastrointestinales, respiratorias y la desnutrición en todas las personas, afectando principalmente a la población infantil y a las mujeres. ” (CDHFBC, 12 June 2003, p.20)

“The percentage of first grade malnutrition in the indigenous population under 17 years in Chiapas is 51 %, and 80% of the inhabitants of the Jungle and the Highlands suffer from some grade of malnutrition. In comparison with the United States of America where infant mortality is at 8 for every 1000 live births, in Chiapas this number is 55 to 65.

Because of the unhealthy conditions in the displacement camps, this situation becomes worse [for the displaced]. In the majority of the camps there is not enough running water, the lack of pots and firewood makes boiling the water difficult and therefore there are many cases of gastrointestinal, parasitical, diarrhetical and infectional diseases.

The houses do not protect enough from the elements which causes diseases like pneumonia, flues and serious colds. The lack of winter clothes and shoes especially for the children worsens these respiratory diseases.

The change and lack of food and the unbalanced diet produce malnutrition and illnesses. In Masojá Yoshijá, municipality of Tila, almost all the children’s bellies are inflated.

In Acteal, the latrines were made for the short term, which means that after more than a year they are in a terrible state of hygiene.” (CDHBC 1999, sect. V)

“Por las condiciones de insalubridad en los campamentos de desplazados, [la] situación [de salud] se agudiza. En la mayoría de los campamentos no hay suficiente agua entubada, la falta de ollas y leña hace difícil hervir el agua para desinfectarla y por lo tanto existen numerosos casos de enfermedades gastrointestinales, parasitosis, diarreas e infecciones. Un promotor de salud en Tzajalchen comentó a observadores de paz que hay muchos problemas de parásitos y

dolor de estomago y de intestinos, problemas de tos y catarro (sobre todo en niños), problemas de ojos (rojos y con lagañas).

Las casas no brindan suficiente protección contra los elementos, lo cual es causante de enfermedades como la pulmonía, gripa y resfríos graves. La falta de ropa de abrigo y zapatos, sobre todo en los niños, agudiza dichas enfermedades de las vías respiratorias. En Xoyep, según reportes de observadores, las enfermedades más frecuentes son respiratorias y también se han presentado casos de cólera y paludismo. Hay actualmente varios casos de tifoidea, por lo que se ha iniciado una campaña de prevención.

El cambio en la alimentación, la escasez de comida y la dieta no balanceada produce desnutrición y enfermedades. Los desplazados se quejan de la falta de verduras, frutas y carne que antes era parte de su dieta porque tenían huertos y animales de corral. En Acteal el uso de Maseca en vez de maíz fresco produjo diarreas en adultos y niños y además la falta de leche en las madres en lactancia. En Masojá Yoshijá, municipio de Tila, los vientres de la mayoría de los niños son abultados y su alimentación depende de la cantidad de alimentos que la comunidad desplazada logre juntar. En ocasiones pueden organizar cocinas comunitarias, cuando la cantidad de comida es lo suficiente para no ocasionar conflictos entre ellos. Ante la ausencia de alimentación, la nutrición infantil se basa únicamente en pozol y una ración de frijol.

En Acteal, las letrinas fueron construidas para el corto plazo, lo que significa que después de más de un año están en pésimas condiciones de higiene provocando el crecimiento de la población de mosquitos que pueden llevar enfermedades infecciosas.

Los más afectados son los ancianos y los niños. En Tzajalchen en agosto de 1998 los niños sufrieron de inflamación e infección de los ojos. En Polhó, en los 13 meses después de la masacre de Acteal esta situación ha cobrado la muerte de cuando menos una persona a la semana. Además, han cundido la salmonelosis y los resfriados graves.

Se han observado con frecuencia casos en donde las enfermedades son de origen psicológico. El inicio data de incidentes de alta tensión o de crisis personal. Momentos como la salida forzada de su comunidad por amenazas de muerte en su contra, tener que dejar todas sus pertenencias, etc.. En el municipio de Chenalhó después de la masacre en Acteal y en enero durante el corte de café en sus lugares de origen. La carga emocional es tan fuerte que en muchos casos se expresa con enfermedades psicosomáticas. María Gómez, desplazada en Acteal sufre de tos, fiebre, dolor e inflamación de garganta, agudizándose en ciertos períodos. Comenta que le iniciaron estos síntomas días después de la masacre en donde murió su suegro. Lo quería como a mi padre, mi tristeza es profunda, no hay con quien convivir mas lo que sentía yo y me pasaba lo compartía yo, ahora ya no tengo con quien. Ha recibido diferentes tratamientos y hasta la fecha no ha encontrado alivio.”(CDHBC 1998, sect. V)

### **IDPs discriminated upon access to health care in Chiapas (2003)**

- NGOs accuse the Mexican government of violating international standards of medical neutrality by discriminating against health care providers that work in pro-rebel communities
- Mexican health NGO working with IDPs call the medical assistance provided by the army a “Trojan Horse for penetrating the communities”
- According to NGO reports government health services in Chiapas are discriminatory, exacerbate political divisions, and fail to address the real health needs of the population

**“Los desplazados de algunos municipios como Villa Corzo y Cintalapa han sido también víctimas de discriminación al no ser atendidos en las clínicas de salud, ni aceptados en**

**comunidades mestizas y en las escuelas**, por lo que no se está atendiendo al principio rector 1 que señala *“No serán objeto de discriminación alguna en el disfrute de sus derechos y libertades por el mero hecho de ser desplazados internos”* (CDHFBC, 12 June 2003, p.6)

“The discrimination that independent health care providers experience at the hands of the government helps shed light on the motives of the Federal Army's recent Social Labor Program. Marcos Arana, Director of Defending the Right to Health, an NGO working with displaced communities in Chiapas, told Global Exchange in a recent interview: ‘The medical assistance provided by the army is no more than a Trojan Horse for penetrating the communities. In other words, medical treatment has become yet another weapon of war against the EZLN support bases. It is also a violation of international humanitarian law, which states that medical attention in situations of armed conflict should be provided by neutral third parties.’

Non-governmental health organizations are not only concerned about the deterioration in community health arising from military occupation, but accuse the Federal Government of actively creating conditions that prevent Zapatista support bases from obtaining the health services they need.

In December 1997, Physicians for Human Rights carried out a fact-finding mission to Chiapas in which they investigated the politicization of health care and treatment in the conflict zone. The conclusion of their report was as follows: ‘Evidence collected by PHR strongly suggests that Mexican government programs to alleviate poverty and social inequality in Chiapas are cosmetic in nature, and that the government has abdicated its responsibility to ensure the provision of politically neutral health care to civilians in the conflict zone. At best, government health and other services are subordinate to and distorted by government counterinsurgency efforts. At worst, these services are themselves components of repression, manipulated to reward supporters and to penalize and demoralize dissenters. In either case, government health services in the zone are discriminatory, exacerbate political divisions, and fail utterly to address the real health needs of the population.’ (Violations of Human Rights: Medical Ethics and Medical Neutrality in Chiapas, Mexico, Physicians for Human Rights, December 1997)

The report details how the Mexican government is violating international standards of medical neutrality ‘based in international humanitarian law, particularly the 1949 Geneva Conventions and subsequent protocols,’ by discriminating against health care providers that work in pro-rebel communities: ‘While public health-care providers in the zone do suffer from significant shortages in supplies and staff, non-government providers who work in and with pro-rebel communities lack access to funding, supplies and other support from the public health system, often working without basic medicines and immunizations. As a result, health conditions in pro-rebel villages are noticeably worse than those in pro-government villages.’ (Global Exchange, June 1998, sect. “Impact on Health Care Access”)

### **IDPs’ mental health severely affected in Chiapas (2003)**

- The displaced live in daily fear due to the paramilitary strategies of war including threats, intimidations, torture and massacres
- Prevalent impunity does not facilitate mourning processes
- Precarious living conditions cause emotional stress to IDPs
- Affective disorders such as profound sadness, uncontrollable crying, anxiety, profound feelings of loss, feelings of defenselessness and insecurity common among IDPs

- Psychosomatic disorders such as loss of speech, epileptic attacks, spontaneous abortions, amenorrhea or menorrhagia, headaches, and stomach problems detected in the displaced communities
- Behavior disorders such as alcoholism, passivity-inactivity and a general increase in aggressive behaviors also common among the displaced
- In the indigenous worldview, loss of social identity in the community often leads to mental health problems, which partly explains the mental health challenges faced by the displaced in Chiapas

“Acciones que afectan traumáticamente a la población, generando bloqueos afectivos, miedos, cansancio mental y emocional que debilita la capacidad de pensar, la elaboración de los procesos de duelo y la reconstrucción de la memoria. Los mecanismos de terror que utilizaron los agresores en el desplazamiento, hacen que el miedo se constituya como parte de la vida cotidiana, generando limitaciones en el desarrollo como seres humanos.” (CDHFBC, 12 June 2003, p.6)

“Cuando se vive en condiciones infrahumanas como las que padecen los hombres, mujeres, niños y niñas, jóvenes, ancianas y ancianos indígenas desplazados, reubicados o retornados, en pleno monte al cobijo de los cielos y la tierra, entre el lodo y la lluvia, en chozas de cartón, plástico, bejuco, paja, ojas de palma o cartón, en barrios de la periferia, la salud mental se ve seriamente afectada, por la carga psicológica y la ansiedad frente a la situación de conflicto armado que viven.

[...]

Como decíamos antes, el desplazamiento de estos hombres y estas mujeres fue además acompañado de muertes violentas, desapariciones, masacres, encarcelamientos, golpes, tortura, detenciones arbitrarias, violación física y psicológica a mujeres, emboscadas, quema de casas, destrucción de templos, robos de herramientas, mercancía, aparatos y productos agrícolas, saqueos, amenazas, humillaciones y hostigamientos constantes. Acciones que afectan traumáticamente a la población, generando bloqueos afectivos, miedos, cansancio mental y emocional que debilita la capacidad de pensar, la elaboración de los procesos de duelo y la reconstrucción de la memoria.

Los mecanismos de terror que utilizaron los agresores en el desplazamiento, hacen que el miedo se constituya como parte de la vida cotidiana, generando limitaciones en el desarrollo como seres humanos. Los traumas causados por los asesinatos, juicios sumarios, desapariciones, pérdida de territorio y de proyectos de vida, junto con la dificultad de espacios de expresión, se constituye en una clara dificultad para la elaboración de los duelos. La intención de silenciar y olvidar los hechos es clara por parte de los victimarios mediante las estrategias utilizadas antes y durante el desplazamiento a través de los hostigamientos y mecanismos de impunidad impuestos.” (CDHFBC and Salud, 30 May 2002)

“The traumatic experiences which the displaced population has experienced have had a clear impact on their mental health. What we have been able to see up to this point is:

On the one hand, in the area of thought processes: Lack of control of thoughts. Problems in concentration and in memory, specific or generalized fears, 'much worrying,' ideation of death, psychological weakness, nightmares, recurrent thoughts...

Disorders in the affective arena: profound sadness, uncontrollable crying, anxiety (persecution, existential), profound feelings of loss (generalized sadness: over belongings, persons, physical), 'attacks of nerves', feelings of defenselessness and insecurity, depression (wanting to die, fear, lack of interest in work, lessening of self-esteem, insomnia), "being scared".

Psychosomatic disorders: Loss of speech, epileptic attacks during traumatic situations (we still do not know whether they existed prior to the situation, or whether they were provoked by it), spontaneous abortions due to 'fright', amenorrhea or menorrhagia, headaches, stomach problems.

Behavior disorders: Increase in aggressive behaviors, alcoholism, passivity-inactivity.

The displaced are experiencing a great variety of emotions: fear, lack of reality, terror, defenselessness, the sensation of being imprisoned and lack of liberty, persecution anxiety, feelings of loss, disorientation, chaos, confusion and insecurity, blocking of thoughts, loneliness, anger, weakness, vulnerability, instability, experiences of physical injury.

In the indigenous worldview, mental health is intimately related to the function which each person has within his community; if he loses that function, damage is produced, which, in Western terms, we call mental health. In this way, the inactivity-passivity causes injury to the socio-cultural system itself (which is what determines the concept of disorder and its psychological manifestations)." (CIEPAC 7 November 1998, sect. "The Damage to the Mind and the Heart" and "Wounds which are not Accidental")

## **Water and sanitation**

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### **Lack of water leads to health problems in camps (2004)**

- Most lands in Chiapas, Oaxaca and Guerrero are deprived from water and sanitation facilities
- The majority of IDPs in Chiapas do not have access to sufficient water
- Lack of water has resulted in health and pollution problems, leading to a proliferation of insects in and around camps
- As a result, the following health problems have been registered in the camps: lice, fleas, fungus, skin disease, scabies and conjunctivitis
- If the drinking water is contaminated there could be an outbreak of typhoid, cholera or hepatitis among the malnourished IDP population

"Sin embargo, los datos detallados revelan que existe gran discrepancia entre las zonas urbanas y rurales y entre los estados federales. La disponibilidad de terrenos provistos de servicios de agua y saneamiento es particularmente baja en los estados más pobres agrupados en el *Programa para la incorporación de suelo social –Piso–*, como Chiapas, Oaxaca y Veracruz." (OHCHR, 1 January 2004)

"Las fuentes de abastecimiento de agua no son suficientes para la mayoría de los grupos de desplazados. Cuando hablamos de "suficiencia" nos referimos a los parámetros óptimos para la salud. [...]"

La creación de sistemas de aguna en el centro de los poblados donde se ubican los desplazados permite cubrir lo necesario para el consumo en algunos casos, pero no para otras actividades, como baño, lavado de ropa, etcétera. [...]"

Las dificultades en el abastecimiento han originado problemas de salud, insalubridad y contaminación, que a su vez ha favorecido la proliferación de insectos. En los campamentos ya se están presentando enfermedades causadas por la falta de agua, como sarna, piojos, pulga blanca, hongos, infecciones de piel y conjuntivitis. Las más graves, sin embargo, son las

ocasionadas por la carencia de agua potable. Una prioridad de la población desplazada es evitar que se contamine la escasa agua con la que se cuenta; si esto ocurre, o la higiene no se da por falta de agua, las enfermedades que se presenten pueden ocasionar epidemias. Aparte de las parasitosis y disenterías, las más frecuentes, existe el peligro de un brote de tifoidea, cólera o hepatitis, que puede ocasionar estragos en una población desnutrida."  
(Castro/Hidalgo 1999, p. 48)

## **Shelter and non-food items**

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### **Precarious housing facilities for the displaced (2004)**

- Programmes to facilitate access to housing to IDPs and other vulnerable groups are inexistent
- The government recognizes that there is hardly any information about the situation of IDPs
- About 12 million indigenous people live in Mexico, in about 2,315 municipalities, which all register indicators of access to shelter, and services considerably lower than the national average
- Most indigenous people in rural areas live in huts made of earth with dirt ground and no running water
- The UN Special Rapporteur on Housing described the living conditions of 16 displaced indigenous families living in two wooden huts in Chiapas as an emergency situation
- In many cases the houses are made out of plastic that let in the wind, the cold and the rain
- The barracks where IDPs are deprived from running water or electricity
- When IDPs constructed their shelter with wood instead of plastic the landowner threatened to evict them
- Some 45 IDPs lived in houses of 15 by 5 metres in Xoyep

“La ausencia de esquemas de facilitamiento del acceso a la vivienda y de protección de la seguridad de la tenencia para sectores de bajos recursos y grupos vulnerables, tales como población indígena, mujeres, población rural, población en situación de pobreza extrema, población con discapacidad, víctimas de desastres naturales y población desplazada.

[...]

No hay información pública disponible o datos precisos sobre la situación que guardan los grupos de desplazados, desalojados y damnificados. El propio gobierno reconoce este hecho.

[...]

En México viven aproximadamente 12 millones de indígenas en 39,866 comunidades. En 2,315 municipios la población es predominantemente indígena y la disponibilidad de viviendas y de acceso a servicios comunitarios es considerablemente inferior a la media nacional; la mayoría de los indígenas de las zonas rurales alejadas viven en chozas de tablillas y barro con piso de tierra y sin acceso a agua corriente. La expropiación de tierras por empresas privadas y la degradación del medio ambiente han causado mayor deterioro de la situación de la vivienda y las condiciones de vida y han contribuido a los fenómenos de la migración urbana y la invasión de tierras.”  
(OHCHR, 1 January 2004)

“Overall, the Special Rapporteur observed that there would have to be sharper focus on the poor in the current housing policies and programmes. Poor housing conditions reflect, and deepen, the deprivation of the right to adequate housing, which in turn also affect enjoyment of other rights such as those to health, water, education and food. The Special Rapporteur is deeply concerned

at the precarious housing conditions of the poor and the indigenous people, in both urban and rural areas. In Chiapas, he visited one indigenous community outside of Tenejapa, in which 16 families live in two small wooden huts located on a hillside. These families were members of a community which had been displaced from its original land nine years ago, and had migrated to outside of Tuxtla, only to be evicted again several years later. The community has no access to water and no accessible roads. With no cultivable land around, these families often go without eating for one day or two days at a time. They are at present living in extreme poverty, in an emergency situation, with an uncertain future. In other indigenous communities in Chiapas the Special Rapporteur visited, where people have been displaced by conflicts and paramilitary presence, people are suffering from emotional and psychological problems, in addition to inadequate housing and living conditions.” (UN CHR, 27 March 2003)

### **“La Piedrita, Villa Corzo**

Familias 18 – 89 personas

Desplazados el 4 de Septiembre de 1998

Asentados en el Rancho La Piedrita, Municipio de Villa Corzo

Idioma: Tzeltal y Tsotsil

[...]

Las condiciones en las que vive este grupo son infrahumanas, aparte tienen la amenaza latente del propietario de la tierra, de desalojarlos, apenas hace unos dos meses levantaron sus casas con un estructura más sólida (madera), ya que permanecieron por más de 1 año viviendo de forma hacinada bajo hules de nylon, sin mayor protección. No cuentan con servicios de salud, ni agua entubada, ni energía eléctrica, ni educación.

“Space is extremely limited in the refugee camps and the houses are improvised, shared between various families. Certainly one cannot call these barracks 'decorous and dignified housing' as the Mexican Constitution establishes. In Xoyep, a community that before November 1997 had 12 families, now hosts 1,300 people more. The 45 displaced, adults and children, live in houses of 15 by 5 meters.

This situation causes multiple problems, practical as well as emotional. There is no space for the daily activities or for the children to play or run freely. The adults complain about feeling imprisoned.

In many cases the houses' walls are made out of plastic that let in the wind, cold and rain. The fireplaces are on the earthen floors exposed to the humidity and thus making cooking much more difficult.” (CDHBC 1999, sect. V)

# ACCESS TO EDUCATION

## General

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### **Displaced indigenous children's development threatened by the lack of access to education (2005)**

- Despite the fact that indigenous education programmes exist since 1960, teachers have not been adequately trained and not enough resources were invested, as a result 25% of indigenous youth over 15 are illiterate
- The government provides assistance to 1,145,000 pupils from 47 indigenous groups in the form of 50,300 teachers in 19,000 educational centres through its bilingual and intercultural education programme as of 2004
- IDP children often lack access to education due to lack of financial means
- During 1997-1999 there were no teachers, no materials, no school in the Chenalhó displacement camp
- IDPs often lack personal identification or birth certificates required to enrol
- The lack of activities for children inhibits their integral, physical and psycho-motoric development thereby halting their academic growth
- Parents claim school activities could help children overcome traumas resulting from exposure to violence

"In Mexico the Government provides assistance to 1,145,000 pupils from 47 indigenous groups in the form of 50,300 teachers in 19,000 educational centres through its bilingual and intercultural education programme; the academic performance of indigenous pupils, however, falls far below that of the non- indigenous population.

[...]

In the 1960s in Mexico the Office of the Secretary of Education launched an indigenous education programme in State primary schools that was ultimately staffed by thousands of bilingual teachers. Curriculum content and teaching methods adapted to indigenous cultures were designed, and readers were produced in most indigenous languages, but the training of bilingual teachers was inadequate. The programme in fact never received the support and resources from the authorities needed to make it a real educational option for indigenous children. Despite the efforts made, 25 per cent of the indigenous population over the age of 15 is illiterate, and of this group a higher proportion are women. Thirty-nine per cent of the indigenous population between the ages of 5 and 24 does not attend school. Three indigenous universities and a National Institute of Indigenous Languages have been established." (UN CHR, 6 January 2005)

"Most internally displaced persons do not have land to cultivate and therefore must accept work at menial, low-paying jobs which do not enable them to support their families. NGOs reported that indigenous children and women in displaced families have become more vulnerable to exploitation, and displaced children often have difficulty accessing the public school system for a variety of practical reasons, including lack of financial means for transport and other necessities." (UNCHR, 10 January 2003, para.29)

"In the displacement camps in Chenalhó children do not receive classes. For two years now, there are no teachers, no materials, no space for a school. The children's passivity inhibits their



integral, physical and psychomotoric development and their process of academic growth is halted. According to the parents in Acteal, the children cannot recover from the pain of the massacre because they don't attend school or activities to distract them.

The education in the displaced communities in the northern zone is irregular due to the constant inattendance of the teachers who on occasions belong to the group SOCAMA (Solidaridad Campesino Magisterial), and according to the displaced serve as informants for the paramilitaries.

In Xoyep, Acteal, Polhó and in the camps in San Cristóbal different people organize weekly artistic or game activities for the children. However, these efforts cannot replace the formal education of the children." (CDHBC 1999, sect. V)

"Además, para otros desplazados se suma el problema de no contar con la documentación de identificación o actas de nacimiento para inscribir a sus hijos en los ciclos escolares, como es el caso de los niños del campamento de Poconichim." (Castro/Hidalgo 1999, p. 47)

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## General

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### **Paramilitary violence blocks displaced farmers' access to income generating activities (2003)**

- IDPs reported that while food rations had been reduced they could not access farming land as it was under paramilitary control
- Many displaced cannot go to work because their agricultural fields are in "paramilitary territory" where they fear for their lives
- Women can no longer collect firewood because of the dangers posed by the paramilitary presence
- In the municipality of Chenalhó coffee picking brigades were organized by NGOs to avoid that the displaced would lose their harvest again

"The displaced also complained that the food rations provided to them by the Red Cross had recently been cut in half, noting in particular that they did not have any land to cultivate around the village. Further, they explained that most of the nearby land was under the control of the paramilitary groups." (UNCHR, 10 January 2003, para.27)

"The work in the indigenous communities is working the land, the earth is what maintains the family. The displaced men generally cannot go to work because their fields are in "paramilitary territory" where they fear for their lives. The impossibility to work and maintain the family causes feelings of anguish and impotence, especially in the family fathers. On the other hand, members of the communities that expelled and plundered are harvesting the products of the displaced.

In the municipality of Chenalhó coffee picking brigades were organized to avoid that the members of the group Las Abejas would lose their harvest again as they did in the 1997/1998 season. These brigades were organized by the National Human Rights Commission, the Mexican Red Cross and this Human Rights Center." (CDHBC 1999, sect. V)

"El trabajo en las comunidades indígenas es el del campo, la tierra es la que mantiene la familia y normalmente son los hombres que la trabajan. En la zona de los Altos siembran maíz, frijol, calabaza para el autoconsumo y café como fuente de ingreso. Las posibilidades de trabajar, de mantener a la familia, de cubrir con el propio esfuerzo las necesidades básicas y desempeñar el papel que le corresponde a cada uno en la comunidad es parte importante del mantenimiento del proyecto de vida y de la salud mental de la persona. Los hombres desplazados en general no pueden salir a trabajar sus tierras porque éstas se encuentran en "territorio paramilitar" donde temen por su vida. Cuando huyeron, también tenían que abandonar sus parcelas y la mayoría de las comunidades que les ofrecen refugio no tienen tierras para prestar a los desplazados; cuando lo hacen, adquieren el mismo estatus que los desplazados. En Xoyep, los habitantes originales comparten sus solares con los desplazados y así también comparten los mismos problemas que ellos. No pueden sembrar sus hortalizas, ni mantener sus animales como lo podían antes. En la Zona Norte, la cosecha en general fue mala para los desplazados, además de que se dio en parcelas prestadas por los huéspedes. Por otra parte, los miembros de las comunidades que desalojaron y despojaron, según informaron los propios afectados, observaron un superávit en su economía, pues cosecharon el café, maíz, frijol y otros productos agrícolas que los

desplazados alcanzaron a sembrar antes del desalojo. Hasta el momento, los miembros del grupo paramilitar Paz y Justicia siguen usufructuando las tierras de los desplazados.

Hay un cambio drástico en las actividades cotidianas. Antes del desplazamiento, el buscar leña para la casa era trabajo de las mujeres. Sin embargo, por la situación de inseguridad, ahora son los hombres que se ocupan de esta tarea. Además porque en su terreno reducido ya no hay madera muerta, la que se acostumbraba usar como leña, se ven obligados a cortar árboles vivos. La imposibilidad de trabajar y de mantener a su familia causa un sentimiento de angustia e impotencia sobre todo en los padres de familias.

En el municipio de Chenalhó se está intentando resolver este problema con las brigadas de corte de café. Durante la cosecha del invierno 1997/98 tanto los miembros de Las Abejas como las bases de apoyo zapatista perdieron todo su café. Para evitar que sucediera lo mismo este invierno en curso, Las Abejas pidieron un acompañamiento a los campesinos para el corte de café, lo cual fue organizado por la Comisión Nacional de Derechos Humanos, la Cruz Roja Mexicana, y este Centro de Derechos Humanos." (CDHBC 1998, sect. V)

### **Limited access to land forces displaced to identify new sources of income (1999)**

- IDPs either rent land, are allowed free access by their host communities or try to use uncultivated steep hill sides
- New economic activities have had to be initiated due to IDPs' lack of access to land.
- Women have organized to sell handicraft and other IDPs are cleaning up coffee plantations.
- IDPs in the urban areas have found work in the service sector or in construction

"Algunos [IDPs] rentan tierra; otros la comparen con sus anfitriones, como en el caso de Acteal, X'oyep y Polhó. En estos lugares se reparten la tierra por grupos de origen, varias hectáreas para la siembra colectiva que se destinan principalmente a productos hortícolas. La dificultad para acceder a terrenos cercanos para trabajar limita la autosuficiencia. Algunas comunidades receptoras en Chenalhó prestaron pequeños terrenos para los desplazados. En el caso de Acteal, Polhó y X'oyep se les permitió sembrar en 7.5 hectáreas para toda la población desplazada. Pese a las dificultades del terreno, en algunos campamentos ubicados en laderas, los desplazados lograron sembrar hortalizas con pocas herramientas de labranza.

En otros casos se han creado fuentes de empleo en la propia comunidad de refugio, por ejemplo las mujeres, que han logrado organizar grupos de artesanías para vender sus productos. En Tzajalchén, el desplazado obtiene 15 pesos al día por limpiar cafetales vecinos con la ayuda de sus hijos, quienes no reciben pago. Los desplazados que han tenido más opciones de trabajo han sido los pocos que están ubicados en la zona urbana, porque se emplean en algunos comercios o cafeterías, o como pintores y albañiles, entre otros oficios. (Castro/Hidalgo 1999, p.44)

## **Public participation**

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### **The displaced have organised marches and demonstrations and resistance groups (2004)**

- People displaced by paramilitaries in the municipality of Tila, Chiapas decided to resist paying their electricity bills accumulated in their absence and formed the Civil Resistance Alliance of the State of Chiapas in 2004 (2004)
- In March 2001 the EZLN marched to Mexico to defend indigenous rights during pending constitutional reform
- Some 100,000 supporters attended the meeting with EZLN in Mexico March 2001
- The displaced in Chiapas are generally viewed as supporters of the EZLN
- The displaced have regularly organized, demonstrated and staged marches to demand the necessary conditions for return to their home areas
- In October 2000 indigenous groups began an 800-mile march to Mexico city to call attention to their plight

"Another form of resistance is known as the '*civil resistance movement*,' created specifically by an organization in resistance to paying for electricity. In the municipality of Tila, the majority of civil society organized against the government during the conflict, and was thus displaced by the violent presence of the '*Paz y Justicia*' paramilitary group. Their resistance began when they returned to their houses, after having narrowly escaped with their lives, and encountered bills with all of the debt accumulated during the time they had been displaced. The impossibility of paying such high bills, and indignation at being in debt to the CFE after having been forcibly displaced from their land, led to community members resisting against the CFE and later joining together as the civil resistance movement. Members of the movement refuse to pay while there are unjust rates. The organization Alianza Estatal de Resistencia Civil del Estado de Chiapas - or the "*Civil Resistance Alliance of the State of Chiapas*" - was formed in April of this year to lead the movement with the goal of fighting for a just electricity rate that is "*consistent with the economic reality*" of the population." (SIPAZ, 1 December 2004)

"On March 11, the EZLN's Subcomandante Marcos and 23 fellow leaders concluded a 2-week trip through 12 states designed to promote the bill, which was pending before Congress. Their trip, which included a 2-day congress of indigenous people culminated in a meeting in the main square of Mexico City with some 100,000 supporters in attendance." (USDOS, 4 March 2002, sect 5)

"Political labelling has extended to other parts of the Americas as well. In Mexico, the displaced in Chiapas are generally viewed as supporters of the Zapatista Army of National Liberation (Ejercito Zapatista de Liberacion Nacional –EZLN), which in 1994 began a violent struggle to achieve equal political and economic rights for the Indian population.

In Mexico, displaced persons have regularly organized, demonstrated and staged marches to demand the necessary conditions for return to their home areas. One organization, Las Abejas, made up of 30 displaced communities, organized a demonstration in August 2000 calling for government action against the violence of paramilitary groups as well as compensation for lost land and property. And in October indigenous groups from all over the Chiapas region organized a pilgrimage to Mexico City to call attention to their plight. Both President Fox and the new governor of Chiapas, Pablo Salazar, have shown themselves ready to hear the concerns of the displaced." (Cohen and Sanchez-Garzoli May 2001)

"However, in 2000, violence continued in Chiapas, and in August, hundreds of indigenous people staged a march to ask the government to take action against the paramilitary groups and to fulfil its commitment to pay indemnification to the displaced. In October, indigenous people began an 800-mile march to protest living conditions and their inability to return home." (AI 2001)

### **In only few Mexican states legislation on indigenous affairs was promulgated (2003)**

- The Constitution states that indigenous people should have the right to self-determination and autonomy
- Legislation on indigenous matters has only been ratified by the states of Chihuahua, Nayarit, Quintana Roo, Oaxaca, San Luis Potosí
- In 2003 Congress adopted the Act on the Linguistic Rights of Indigenous Peoples
- Mexico has ratified the ILO Indigenous and Tribal Peoples Convention No. 169

“The new article 2 of the Constitution (anticipated in a 1992 reform) states that the Mexican Nation is single, indivisible and multicultural and based originally on its indigenous peoples; the communities composing an indigenous people are those forming a social, economic and cultural unit, established on a territory and acknowledging their own authorities in accordance with their customs and practices. The right of indigenous peoples to self-determination is to be exercised in a constitutional framework of independence ensured by national unity. Indigenous peoples and communities are to be recognized in the constitutions and laws of the federal States ... which are to establish the characteristics of self-determination and autonomy that best express the situations and aspirations of the indigenous peoples of each State; however, legislation on indigenous matters has only been promulgated in some States (Chihuahua, Nayarit, Quintana Roo, Oaxaca, San Luis Potosí), for the most part prior to the reform of the Constitution.

[...]

In 2003, Congress adopted the General Act on the Linguistic Rights of Indigenous Peoples and the National Institute of Indigenous Languages was established. Mexico has signed the main international human rights instruments, and in 1990 ratified the ILO Indigenous and Tribal Peoples Convention No. 169.” (UN CHR, 23 December 2003)

### **Impunity for perpetrators of massacre involving state agents (2007)**

- The state allegedly involved in massacre that caused massive displacements in 1997
- Impunity ten years after
- Many Indigenous people do not speak Spanish and are not provided with interpreters during trials and judges are not aware of indigenous legal customs
- Indigenous people are often detained without arrest warrant for unlimited periods and reportedly often physically abused
- People involved in demonstrations are treated as criminals, illegally detained, harassed, abused, detained in order to intimidate
- Mexican Constitutional rights do not recognize indigenous people as having specific rights appropriate to their different culture
- Indigenous people are discriminated before the law compared with other Mexican citizens

### **La Jornada, 8 November 2007**

“El obispo emérito de San Cristóbal de las Casas, Samuel Ruiz García, afirmó que durante el sexenio de Ernesto Zedillo “no se investigó” con seriedad la matanza de Acteal, en el estado de Chiapas. Desde entonces, agregó, se ha pretendido “negar la responsabilidad que tuvieron las fuerzas del Estado y el Ejército”, y omitir la autoría intelectual del ex mandatario en el crimen de lesa humanidad contra los tzotziles. Consideró que el resultado de la indagatoria de esa administración quedó “muy al margen de lo que en realidad sucedió”.

Acerca del debate que se ha dado sobre la revisión de los hechos que cobraron la vida de 45 indígenas chiapanecos, Samuel Ruiz afirmó en entrevista que “da la impresión” de que el Estado echó a andar una maquinaria para borrar la historia, porque “se ha visto que hay una complicidad en marcha, porque detrás de este articulista está alguna indicación oficial. No se ve otra intención”.

Consideró que la actual administración federal carece de determinación para alcanzar la verdad sobre las *ejecuciones* en Acteal, y “lo que estoy viendo es que hay una complicidad, porque se quieren borrar los hechos en lugar de que se haga una investigación a fondo”.

—A 10 años de los hechos, ¿cómo debe mirarse la masacre de Acteal?

—Un crimen lo es a 10 años o a 20, lo grave es que no se ha hecho justicia y que recientemente alguien trata de borrar los acontecimientos y las reflexiones sobre lo sucedido. La masacre no ha tenido una investigación a fondo. Y parece que con el artículo publicado pierde calidad el periodista que lo escribió, tratando de negar acontecimientos que están a la mano.

“The reports received indicate that many indigenous suspects are helpless when facing a public prosecutor or judge since they do not speak or understand Spanish and there is no interpreter into their own language, although this right is laid down by law. Official defence lawyers operating in indigenous areas are few in number and generally poorly trained, and for the most part people have neither the resources nor the opportunity to contract the services of a defence lawyer.”

[...] The detention of suspicious or presumed criminals without an arrest warrant, pre-trial detention for periods exceeding the statutory limit, house searches, thefts of victims' belongings and other abuses and denial of due process are widespread practices among the municipal and State police, and sometimes police patrols and even army personnel. A recurrent topic is the physical abuse and torture of indigenous detainees and the ineffectiveness of complaining about it. There are written and aural accounts of indigenous people who have died in unexplained circumstances while in the hands of the authorities. The Special Rapporteur received numerous complaints in this regard in the course of his mission.

[...] Trials involving indigenous people are frequently riddled with irregularities, not only because of the lack of interpreters and trained defence lawyers but also because the public prosecutor and judges are usually unaware of indigenous legal customs. On occasion the judgements handed down are out of all proportion to the offences, as in cases of environmental or health offences or breaches of federal laws on weapons and telecommunications.

[...]

A recurring pattern in the regions in conflict is that those involved in protests, denunciations, resistance and social mobilization are treated as criminals: this frequently leads to accusations of numerous offences, the fabrication of offences that are difficult or impossible to prove, the illegal detention of the accused, physical abuse, delays in judicial proceedings from the preliminary investigations onwards, etc. There are reports of arrests, raids, police harassment, threats to and prosecutions of community authorities and leaders, the officials and members of indigenous organizations and their defence counsel. “Transitional disappearances” - where individuals are illegally deprived of their freedom for a period of time - are also reported, as means of disrupting legitimate social activity and intimidating those involved.” (UN CHR, 23 December 2003)

“Social groups and the internally displaced have called on the Government to investigate past human rights violations, to prosecute those responsible for abuses and to put an end to impunity. The Representative was informed also that, in many communities, there was a serious lack of

access to justice by indigenous people, who also demanded compensation and reparation for past human rights abuses.” (UNCHR, 10 January 2003, para.29)

“La materia administrativa en extenso, está en que estos grupos tienen escaso o nulo acceso a la jurisdicción del Estado, no sólo por no tener documentos de identidad, sino por no tener acceso al bienestar y los servicios básicos, y por su exclusión de programas de gobierno en general y de proyectos productivos en particular; también está en la falta de garantías procesales, de manera mayúscula en la condición intercultural de los desplazados que son parte de pueblos indígenas, e incluye acciones ministeriales y judiciales. ” (SEPI & CDHFBC, May 2002, p.12)

“Desde la misma fundación del Derecho Constitucional Mexicano, se ha negado el reconocimiento a los pueblos indígenas en la nación. Este estado de cosas fue intención expresa de los constituyentes, quienes razonaron que había una sola clase de ciudadano mexicano con derechos otorgados por la Constitución. El Constituyente abundó en sus argumentos para no permitir un reconocimiento específico de los pueblos indígenas en el acta de fundación de la nación: *Aunque los indígenas tienen derechos* (los de todos los mexicanos), *su estado de “barbarie”* (o sea, su cultura e identidad indígena) *indicaba que estos pueblos “no conocen su interés”*. *El Estado, a través de la educación pública, gratuita y universal, se encargaría de enseñarles su verdadero interés*, es decir, dejar de ser indígenas e integrarse a la cultura nacional. [...]

[...]

En el acceso a la procuración y administración de Justicia, el Estado Mexicano tiene una deuda pendiente con toda la población, lo cual se acentúa en el caso de los pueblos indígenas en general, quienes, lejos de contar con los mismos derechos y garantías civiles del resto de la población, por lo general son tratados de manera diferenciada y desigual por los tribunales locales y federales.

A pesar de estar previsto en la legislación en la materia, la ausencia en los distintos juzgados de personal profesionalizado en materia de defensoría legal especializada y traducción en las distintas lenguas. Sigue siendo frecuente en los distintos juzgados la ausencia de traductores en los juzgados, y muchas veces se recurre a personal no capacitado en materia legal, con lo cual se violan frecuentemente las garantías al debido proceso en los juicios que se siguen contra indígenas. » (CEDH, 1 September 2003, pp.9-10)

# DOCUMENTATION NEEDS AND CITIZENSHIP

## General

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### Many displaced people lack personal documentation (2003)

- Many IDPs never had documents before fleeing or lost them during displacement
- Without personal documentation displaced people are excluded from governmental support program and commercial bank loans
- Children without personal documentation are not being accepted in the public school system

“ En materia administrativa, al término de este primer acercamiento diagnóstico, algo que no aparecía relevante al principio de los trabajos es que un gran número de personas que constituyen estos grupos no tiene papeles de identidad, por haberlos perdido durante el desplazamiento o porque nunca los tuvieron; particularmente importantes son las actas de nacimiento, títulos agrarios y credenciales de elector. ” (SEPI & CDHFBC, May 2002, p.11)

"In Mexico, internally displaced persons without personal documentation have been excluded from governmental support programs as well as commercial bank loans. Children of undocumented internally displaced persons have difficulty being accepted in the public school system. In some communities, they 'don't go to school because they must have a birth certificate to enrol, and they either never had one or it was lost or burned when they fled their communities." (Cohen and Sanchez-Garzoli May 2001)



# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## General

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### Indigenous IDPs lose their sense of community and their cultural identity (2003)

- The destruction of collective achievements such as the cooperative, the health center and crops gradually destroys the collective identity of the displaced communities
- Destruction of crops weakens the indigenous IDPs' ties to the land and hence their cultural identification with the farm land
- The religious identity has also been severely affected through the destruction and closure of a large number of churches
- Local NGOs accuse the army, paramilitary groups, PRI sympathizers and evangelical groups to be responsible
- Need for more culturally appropriate emergency assistance (traditional clothing, etc.)
- The use of traditional clothing, particularly among women, has often not been continued during displacement, which has weakened the communities' cultural identity

"El desplazamiento forzado significó la **violación sistemática del derecho humano de llevar una vida digna en su propia tierra. El sentido de comunalidad y el tejido comunitario y organizativo que habían construido fue despojado y cortado abruptamente.** Perdieron su economía familiar y la libertad para desarrollar actividades productivas basadas en el ganado, caballos, cerdos, aves de corral; en lo agrícola contaban con maíz, frijol, caña de azúcar, plátano, árboles frutales como manzana, durazno, naranja y limón, cosechaban y vendían café, huertas caseras donde cultivaban chayote, cilantro, repollo, cebolla, epasote, yuca; y telares para elaborar sus prendas de vestir. Con estos productos mantenían y alimentaban a sus familias y se beneficiaba a los habitantes de comunidades aledañas." (CDHFBC, 12 June 2003, p.6)

"Al fenómeno de los desplazados se agregan varios elementos que son necesarios mencionar. Uno de ellos es que la población desplazada va perdiendo su identidad comunitaria, porque se rompe el tejido social que al mismo tiempo va destruyendo lo construido colectivamente como las cooperativas comunitarias; las casas de salud, medicinas y el poco instrumental médico con el que cuentan; los pocos promotores de salud no se dan abasto para atender a tantos enfermos; destrucción de los trabajos colectivos; es decir, todo aquello que les dió unidad como organización; al mismo tiempo van destruyendo lo individual, como la quema de viviendas particulares, destruyen las plantaciones de café y maíz principalmente, es la razón por la que los paramilitares acentúan su actuar en temporadas de cosechas de café, maíz y frijol. Además los desplazados van perdiendo su identidad y se rompe con lo que los mantenía vinculados a su tierra y su comunidad y "...ya no sabemos de donde somos, porque ya no somos ni de aquí ni de allá, porque aquí no es nuestra tierra (San Cristóbal), pero tampoco puedo entrar a mi comunidad, porque estoy amenazado de muerte por los priístas y paramilitares de Los Chorros" (CIEPAC March 1998, El Fenomeno de los Desplazados dentro del Contexto de la Guerra)

"Los elementos de identidad cultural y religiosa también han sufrido los efectos de la violencia desatada en el área. En la mayoría de los lugares de origen de la población desplazada se encuentran los templos cerrados, quemados, destruidos o profanados. Tan sólo en la Diócesis de San Cristóbal de las Casas hay alrededor de 45 templos tomados por el Ejército, controlados por presuntos grupos paramilitares, por la población priista, por grupos evangélicos o por los

mismos católicos opositores a la línea pastoral de la Diócesis la que mantiene su apoyo pastoral en los lugares de refugio.

El elemento religioso de confrontación católicos-evangélicos se utiliza desde las estructuras oficiales y militares como argumento del origen de los conflictos, ocultando así la condicionante político-militar (tabla 11).

Otro aspecto cultural que ha sido seriamente afectados es la vestimenta, esencial para la identidad de las mujeres indígenas. Ésta es una de las principales carencias que vivió la población al inicio del desplazamiento. La ayuda humanitaria llegó, en el caso de Chenalhó, después de la masacre Acteal, cuando ya miles de indígenas vivían en condiciones deplorables. Sin embargo, no toda la ayuda humanitaria recibida fue apropiada, por ejemplo, la ropa distribuida era inadecuada de acuerdo con los parámetros culturales.

Para los hombres no hay tanto problema, pero el vestido propio de las mujeres es importante para la identidad cultural, entre otras razones que hacen necesario el uso de la nagua y la blusa bordada. Para cubrir estos requerimientos se está impulsando la dotación de hilo y enseres de tejido, así como las cooperativas de artesanas." (Castro/Hidalgo 1999, p. 56)

### **In the midst of crisis and displacement new community structures are created (1999)**

- Community organisations such as the cooperatives disintegrated when the population was forced to flee
- In the areas of reception new organisations have been set up, such as cooperatives of crafts men and of health and human rights promoters
- In the north of Chiapas, IDPs set up a general coordinating body for displaced persons: Kichañob
- Some organisations, like "Las Abejas" have managed to expand their activities despite the challenges faced by violence and displacement.
- "Las Abejas" is now made up of 30 communities, compared to the 22 original member communities.

"El desplazamiento ha tenido efectos sobre las organizaciones comunitarias que se desarticularon con la dispersión de la población, como en el caso de las cooperativas. Sin embargo, en el refugio ha sido posible crear nuevas estructuras organizativas que no existían en su lugar de origen, como las cooperativas de artesanas, de promotores de salud de educación, de derechos humanos y, en el caso de la Zona Norte, la organización de desplazados Kichañob, que ha intentado ser una coordinadora de todos ellos en la región. Del mismo modo, para muchos grupos de desplazados el refugio ha sido la oportunidad de conocer y profundizar sobre las causas que dieron origen al desplazamiento, haciendo grandes esfuerzos por mantenerse informados, pese al cerco desinformativo que se les impone; éste es el caso de Las Abejas, organización local que ha incrementado el número de sus miembros, pues de 22 comunidades que la formaban antes de la masacre de Acteal, hoy son alrededor de 30." (Castro/Hidalgo 1999, p. 47)

# PROPERTY ISSUES

## General

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### **Privatisation of collective land in violation of international conventions(2006)**

- Pre-colombian territories been subject to enforced changes up to present
- The national San Andres agreement of 1996 protects the rights of collective land, but is not respected

"Indigenous territories and territorialities have been subjected to a continuous process of reconfiguration throughout Mexico's history; a process that began with a series of juridical dispositions and ordinances in the Colonial Period that have continued right up to modern times. One recent example of this is the set of juridical modifications that was ratified in 1992; designed, once again, to disarticulate collective properties and encourage privatization and the concentration of lands in only a few hands. However, there are also international dispositions that attempt to create a legal framework which recognizes and protects the lands of indigenous peoples; including the International Labor Organization's (ILO) Convention #169, which was ratified by the Mexican government. At the national level, important referents exist to account for indigenous people's ongoing resistance to eviction from their territories, and their struggle to gain recognition of a specific set of rights as culturally-specific collectivities, such as the so-called *San Andrés* Agreements. For indigenous peoples, territory constitutes the very material support of their communitarian way of life, as well as serving as a symbolic referent for their collective identity."

### **Constitutional reforms undermined indigenous land rights and exacerbated conflicts (2004)**

- Constitutional reform exacerbated conflicts over the invasion of ecological reserves and over the illegal acquisition of land
- The new law has facilitated expulsions and displacements, which affect some 46,500 people most of whom have not been resettled
- Expropriations by private businesses and the degradation of the environment have worsened the living conditions of indigenous people and contributed to rural urban migration and forced many to squat on lands illegally
- The Commission on Human Rights concluded that agrarian affairs suffer from a systematic failure to dispense justice
- In 2002 out of 32 violations of the collective rights of the Indian peoples registered, 19 cases involved violations of the collective right to land and territory
- Constitutional reform of 1992 allowed the titling and selling of ejido land which was communal type of tenure and could not be sold, rented or mortgaged as per the 1917 Constitution
- Ejidos have mainly been sold to middle-income rather than poor peasants, and as a result a significant increase of invasion and illegal acquisition of land by poor and indigenous people have taken place in peripheries deprived from services
- The reform violated the San Andrés agreement and COCOPA proposal who guaranteed indigenous people the right of collective use and control over their territories

- The historical lack of land rights for indigenous people was one of the main reason for the 1994 EZLN insurgency
- In Chiapas 1% of landowners own 45% of the land
- The reform is inconsistent with the ILO Convention N0. 169 on indigenous rights, ratified by Mexico in 1991
- The International Federation for Human Rights reports an intensification of conflict in Chiapas 2003 due to unresolved territorial problems
- Unless indigenous land rights are recognized they will continue to be victims of human rights violations, and discrimination

“Es evidente que la demanda de nuevas viviendas no se podrá satisfacer únicamente mediante la financiación de las mismas, sino que será necesario poner a disposición nuevas tierras y aumentar la oferta de distintos tipos de viviendas, en particular de renta.

Después de esta reforma constitucional se produjeron nuevos conflictos por invasiones a predios o reservas ecológicas, por la adquisición ilegal de terrenos –fenómeno que ya existía pero se ha profundizado– [...] en la periferias de las ciudades de rápido aumento de la migración económica, crecimiento demográfico por la flexibilización de las leyes que permiten los desalojos o desplazamientos de sus residencias originales. Estos desalojos afectaron a 11 mil familias, aproximadamente a unas 46 mil 500 personas, que en la mayoría de los casos no fueron reubicadas –y en los casos en que esto ocurrió, generalmente se hizo en lugares más alejados, con carencias tanto en los servicios como en el equipamiento –. Este aumento en los desalojos se combina con los juicios de la banca contra deudores, provocando un efecto en la población de consecuencias hasta ahora no estudiadas, pero sí con claros signos de inconformidad social al aumentar el número de personas que se organiza para defender su patrimonio familiar.

[...]

En México viven aproximadamente 12 millones de indígenas en 39,866 comunidades. En 2,315 municipios la población es predominantemente indígena y la disponibilidad de viviendas y de acceso a servicios comunitarios es considerablemente inferior a la media nacional; la mayoría de los indígenas de las zonas rurales alejadas viven en chozas de tablillas y barro con piso de tierra y sin acceso a agua corriente. La expropiación de tierras por empresas privadas y la degradación del medio ambiente han causado mayor deterioro de la situación de la vivienda y las condiciones de vida y han contribuido a los fenómenos de la migración urbana y la invasión de tierras.” (OHCHR, 1 January 2004)

“En esas condicionantes se exigió la eliminación de todo tipo de intervención del Estado con subsidios a la producción o mediante la operación de empresas estatales. En consistencia con ello se acordó privatizar las empresas de propiedad estatal, incluso aquellas estratégicas para el desarrollo. También se promovieron reformas para reducir la propiedad social de tierras y recursos naturales con el propósito de incorporarlos a los mercados.” (OHCHR, 1 January 2004)

“Commission concludes that agrarian affairs suffer from a systematic failure to enforce and dispense justice, delays in procedures for resolving conflicts, slow court procedures and rulings with ingrained defects, seriously affecting the right of communities to land and increasing the risk of a socially explosive situation.

[...]

Another report states that out of a total of 32 violations of the collective rights of the Indian peoples registered in 2002 and affecting the Zapotec, Mixe, Mixtec, Triqui, Huichol, Tarahumara, Yaqui, Cucapá, Cochimí, Kumiai, Kiliwa, Tzeltal, Chol, Tojolabal, Maya, Mazahua, Otomí, Tepehuano and Tlapaneco peoples, 19 cases in 12 States involved violations of the collective right to land and territory and the use of natural resources.” (UN CHR, 23 December 2003).

“It is apparent that the demand for new housing could not be met solely by housing finance, but would require that new land be made available. In Mexico, this is a particularly complex issue

owing to the uniqueness of its *ejido* land system, a form of rural communal land tenure created by the 1917 Constitution. The majority of the land surrounding medium-sized and large cities consists of *ejidos* and the Constitution protects the rights of peasants to retain these lands in perpetuity, not to be sold, rented or mortgaged. Although the constitutional reform of 1992 allowed the titling and eventual sale of *ejido* land, this has not resulted in additional land for low-income housing and in certain cases, has led to a reduction in the amount of land available for that purpose.<sup>2</sup> As a result, significant land invasions and illegal acquisition of land have taken place over the past years on the periphery of fast-growing cities by poor and indigenous people looking for job opportunities or after having been evicted or displaced from their original residences. They often live in precarious conditions, without basic services such as water, or in environmental risk zones.” (UN CHR, 27 March 2003)

“El antecedente político inmediato y de gran impacto de la lucha por el reconocimiento de los pueblos indígenas y sus derechos se encuentra en Chiapas, sobre todo a partir de la insurgencia político-militar del EZLN, desde el 1 de enero de 1994.

Chiapas es el tercer estado en cuanto a densidad de población indígena de México. Hasta 1991 la terratenencia La misión expresa finalmente su preocupación por la militarización de la región era la forma generalizada de tenencia de la tierra. Un 1% de los propietarios de tierra poseía el 45% de ella. Chiapas cuenta con vastos recursos naturales: la selva lacandona es una importante reserva natural. Sin embargo ha sido muy depredada por la existencia de maderas exóticas. Chiapas produce el 70% de energía eléctrica del país, por lo cual es un estado "estratégico". En Chiapas hay 28 municipios autodeclarados como autónomos.

[...]

La reforma del artículo 27 constitucional y la nueva Ley Agraria fueron acompañadas de reformas relativas a los derechos sobre recursos naturales y el medio ambiente. [...]

[...]

La reforma fue considerada como atentatoria a los derechos reconocidos a los indígenas en la propia Constitución Federal y en el Convenio 169 de la OIT. Ello en razón de que la privatización y enajenación de las tierras ejidales y comunales, sería contradictoria con el artículo cuarto de la Constitución por cuanto debilita la protección a las tierras ("recursos") en manos de los pueblos indígenas, y podría significar una amenaza a sus "formas específicas de organización social." La reforma, además, sería contraria al Convenio 169 de la OIT ratificado por México en 1991, el que como viéramos, vela por la protección de las tierras y de los recursos naturales indígenas [...].

[...]

Las negativas consecuencias que la Ley Agraria tendría para los núcleos de población ejidal y comunal, y para los indígenas, fueron subrayadas. Entre las críticas destacaban el término del régimen ejidal y la asignación de tierras en dominio pleno; la autorización otorgada al ejidatario para transferir sus derechos de uso o usufructo sobre su parcela prácticamente sin limitaciones; la facultad que otorga a los ejidatarios para transmitir el dominio de las tierras de uso común, - generalmente bosques, selvas, terrenos de agostadero - a sociedades mercantiles o civiles en las que participen el ejido o los ejidatarios; la insuficiente protección que otorga a las tierras de los asentamientos humanos - incluyendo los terrenos en que se emplaza la zona de urbanización del ejido y su fundo legal, así como a los solares en zonas de urbanización; la facilitación de los contratos o convenios de cesión de tierras de uso común a terceros; y la asimilación de las tierras de las comunidades (comunales) a las de las tierras de uso común de los ejidos, las que como dispone la ley, pueden aportarse a una sociedad o cederse su uso y disfrute.

[...]

En la propuesta de la Comisión de Concordia y Pacificación (COCOPA) de 1998 se señalaba que los pueblos indígenas, como expresión de su derecho a la libre determinación y a la autonomía, tienen el derecho de "acceder de manera colectiva al uso y disfrute de los recursos naturales de sus tierras y territorios, entendidos estos como la totalidad del hábitat que los pueblos indígenas usan u ocupan, salvo aquellos cuyo dominio directo corresponden a la

Nación." (art. 4 N V propuesta reforma Constitucional COCOPA). » (FIDH, June 2002, pp.11,26,29)

"Los derechos humanos en el Estado de Chiapas

En Chiapas, la cotidianeidad está marcada por la frustración que se generó tras la reforma constitucional que desconoció los Acuerdos de San Andrés Larráizar (que fueron acordados por el Gobierno federal y el EZLN en 1996) y restringió con ello las garantías que fueron masiva y consensuadamente reclamadas para asegurar los derechos de los pueblos indígenas. En dicho marco, se presentan las siguientes situaciones que vulneran o incrementan el riesgo de vulneración de los derechos humanos de la población chiapaneca:

- La intensificación de los conflictos entre comunidades por causas tan complejas como la persistencia de problemas territoriales no resueltos; la lucha por el control político de la zona (entre simpatizantes zapatistas, priístas, perredistas y otros sectores), así como por discrepancias referidas en torno a la aceptación o rechazo de la intervención oficial (esencialmente en torno al alcance y características de los programas de militarización y los programas de asistencia social), y a las finalidades que las comunidades persiguen con el ejercicio de su autonomía.
- El frecuente hostigamiento del ejército federal a la población civil (patrullajes, retenes, detenciones).
- Las acciones paramilitares emprendidas principalmente contra representantes de comunidades zapatistas.
- Las acciones de intimidación dirigidas contra los defensores de los derechos humanos, los derechos de los pueblos indígenas y de las mujeres. En ese sentido, la Misión alerta acerca de la posible conformación de redes de seguimiento a sus actividades y particularmente a las desarrolladas en San Cristóbal de las Casas, en las cuales se utilizaría el sistema de radio comunicación del servicio público de transporte. La misión constató que su presencia fue reportada por un conductor de taxi no sólo a la mencionada red de comunicación sino a un puesto de control policial.
- El homicidio de líderes y simpatizantes zapatistas, muchos de ellos previamente torturados, atribuidos con generalizada simpleza a eventos de delincuencia común. Esta es la postura de la procuraduría de justicia del estado, que no realiza investigaciones suficientes y nunca o casi nunca identifica a los responsables.
- La ausencia de garantías reales para el retorno de las comunidades desplazadas, muchas de las cuales se ven presionadas a retornar por las limitaciones de la asistencia oficial y la temporalidad de las ayudas internacionales.

[...]

No se trata, en modo alguno, de una cuestión irrelevante o accesorio. Los territorios de los pueblos indígenas constituyen, de hecho, una condición esencial para la existencia misma de estos pueblos. Constituyen, en este sentido, un elemento sin el cual la autonomía que se les atribuye no puede ser aplicada, puesto que sin el reconocimiento del derecho a administrar su territorio y los recursos naturales que de él derivan, los miembros de los pueblos indígenas continuarán siendo víctimas de la acentuada marginación, discriminación y exclusión social de la que hoy son manifiestamente víctimas." (FIDH, June 2003, pp.5-6,10)

#### **Displaced Indigenous families expelled from Montes Azules in violation of their rights to land for economic interests(2004)**

- In 1972 Lacandona families were given land in the now Montes Azules Biosphere reserve, through a presidential decree
- When the reserve was formally created in 1978, the Lancandona settlements were deemed illegal on environmental grounds

- The indigenous community mobilized to defend their rights but the government repressed them in the 1990s
- Now the government created an inter-institutional conciliation commission and promised it would no longer displace these communities
- Indigenous community of Rio Salina was displaced in October 2000 following attacks and murders and settled in Montes Azules
- In December 2002, five families were expelled by federal authorities and the police who promised them 20 hectares of land on which to resettle
- The five families from Chole indigenous group were still without land, food, shelter nor money as of May 2003
- In 2003 about 32 of these communities were still in a land-rights limbo, taking refuge on inaccessible territories and lived deprived from basic services
- In 2004 23 houses of the Montes Azules community were burnt
- The Government has expelled people out of the Montes Azules Biosphere following policies of the WB and IMF to attract foreign investment of this resource-rich region
- Human rights observers report that the government is in the process of selling national land to transnational corporations in the Montes Azules reserve instead of respecting indigenous land rights
- The Secretary of Agrarian Reform stated that there would be no more violent dislocations in the Montes Azules zone but the Federal Prosecutor for the Protection of the Environment would not discount the possibility of applying the law with “a firm hand” and utilizing public forces against people located in these lands

“The Special Rapporteur visited the Montes Azules Biosphere Reserve in which, under a presidential decree of 1972, a small number of Lacandona families were given over 600,000 hectares of tropical rainforest, thus creating the “Lacandona Community”, a large part of which was licensed to logging companies and cattle farms. [...]

In 1978 the Montes Azules Biosphere Reserve was created, taking in part of the Lacandona Community, and these settlements were deemed illegal. On the pretext of conserving the environment, the communities have been threatened with removal from the Reserve. The lack of clarity in the Government's policy has given rise to clashes between communities, creating continual tension and potential violence for several years. The indigenous people mobilized to defend their agrarian rights, and in the 1990s their movement was put down by the Government, resulting in various violations of their human rights. The Government set up an inter-institutional conciliation commission and gives its assurance that it no longer intends to displace these communities, some of which lead an extremely precarious existence lacking any type of infrastructure or social services.” (UN CHR, 23 December 2003).“Según los testimonios recabados por este Centro, 23 casas de la comunidad fueron quemadas y actualmente se encuentran 40 elementos de la Marina y la Policía en Nuevo San Rafael. Es importante anotar que los habitantes de esta comunidad son indígenas Choles desplazados del Calvario, municipio de Sabanilla.

En los días anteriores la prensa local reseñó la llegada de decenas de militares a la zona provocando temor entre los pobladores ante las amenazas de desalojo inminente por parte de las autoridades Federales.

Este Centro condena enérgicamente la incomunicación a la que estás sometidas las comunidades y la violación al libre tránsito en la zona de Montes Azules.

Es sumamente grave que las autoridades federales mantengan incomunicada a la comunidad de Nuevo San Rafael, violando las garantías constitucionales de libre tránsito y comunicación. Por lo tanto este Centro les exige el cumplimiento de su deber en lo que toca a la vigilancia y protección de los derechos humanos individuales y colectivos de las comunidades indígenas asentadas en la zona de Montes Azules." (CDHFBC, 23 January 2004)

"On March 25, 2002, authorities from the autonomous Zapatista municipality "*Ricardo Flores Magón*" denounced the attempts of the state and federal government to remove and relocate a number of the communities situated within RIBMA territory (see [www.enlacecivil.org.mx](http://www.enlacecivil.org.mx))

The government's decision is motivated by lawsuits filed by the Lacandons against the rest of the communities that have settled within what the Lacandons consider "*their*" territory. Before the attempted displacements, 30 affected communities solicited cautionary measures from the *Inter-American Commission on Human Rights (CIDH)* through the *Network of Community Defenders of Human Rights*. The Network points out that the Lacandon lawsuits are supported by multinational corporations such as Conservation International, McDonald's, Exxon, Ford, Intel, and the Pulsar Group (Proceso Sur, No. 56)

In September of 2001, this conflict gave rise to the creation of the "*environmental board to settle the issues of ecological damage and the possible relocation/indemnification agreed upon by the settlements,*" chaired by the governor of Chiapas. This inter-institutional board, established to coordinate state and federal governing efforts, announced the removal and relocation of some communities during 2002.

In December of last year, the first "*peaceful and negotiated*" removal took place when five families were moved from the community Lucio Cabañas. After their removal, the families were taken to a hostel in Comitán. On May 9, the families asked NGOs to accompany them to the new lands offered by the government. Ultimately, however, the families were not relocated. Tired of waiting, they decided to leave Comitán and travel to the region Marqués de Comillas, where other family members reside.

Nevertheless, public mobilization and solidarity at national and international levels halted the operation to displace the rest of the population during the following months. Before the first attempt at displacement, the EZLN affirmed that it would not permit the removal of any towns located within Montes Azules: "*We have spoken with representatives from these Zapatista towns and with authorities from the autonomous municipalities to which the towns correspond. They have communicated to us their decision to stay where they are, though it may cost them their lives, as Zapatista demands have yet to be met*" (EZLN Comunicué 29/12/03, published in *La Jornada* 30/12/03. See also [www.ezln.org](http://www.ezln.org)).

Tension in the area increased in April of 2003 when Lacandon authorities from Lacanjá-Chansayab, accompanied by armed Ch'ols from Frontera Corozal and Tzeltals from *Nueva Palestina* came to the Zapatista communities of Nuevo San Rafael and Nuevo San Isidro (in the south of RIBMA). Joining them were officials from PROFEPA, the *National Commission on Protected Natural Areas (CNANP)*, and the *Department of Environment and Natural Resources (SEMARNAT)*. Inhabitants of Nuevo San Rafael and Nuevo San Isidro were threatened and told to remove themselves from the disputed land, while the Ch'ols, Tzeltals, and Lacandons argued that they were the "*legitimate*" owners of the jungle (*La Jornada* 14/04/03). (To learn more about the specific intentions behind the attempted displacements of the Nuevo San Rafael and Nuevo San Isidro communities, consult <http://chiapas.mediosindependientes.org>)

It is important to point out that Frontera Corozal and Nueva Palestina are comprised of Ch'ols and Tzeltals who inhabited the territory before it was decreed the "*Lacandon Zone*" in 1972. Growing discontent between the two groups forced the government to recognize their right to communal



property, a right already granted to the Lacandons in 1979. These Ch'ol and Tzeltal communities, therefore, also consider themselves the "rightful owners" of the Jungle, in addition to the Lacandons. Authorities from Frontera Corozal have threatened midwives from the same community who have spoken out against displacement.

[...]

The conflict in Montes Azules forces us to reconsider the structural causes that provoked the Zapatista uprising in 1994 and, later on, the lawsuits which today maintain resistance to the offenses of state and local governments. We must also not forget that a large number of the communities threatened with displacement from RIBMA are bases of Zapatista support. Therefore, many analysts point out, announced displacements, in addition to having economic ends also act as counterinsurgency measures, explaining the strong military presence in the region.

[...]

Following this mode of thought, the displacement option, if enacted for environmental reasons, still does not respect the collective rights of indigenous villages, which were recognized in Agreement 169 of the *International Labor Organization* (ILO, the International Agreement on the "Rights of Indigenous and Tribal Villages in Independent Nations," ratified by Mexico in 1989, enforced since 1991).

[...]

In the context of a long-term conflict like the one occurring in Chiapas, it is necessary to promote a serious and profound dialogue regarding the protection and use of natural resources, which includes the interests of indigenous villages. The privatization of natural resources entails greater social injustice, an increase in internal displacements, and a worsening of interethnic conflicts, the radicalization of which could remain outside the control of state and federal governments." (SIPAZ, June 2003)

### **"Amenazas de desalojo en Montes Azules.**

En 1972, el presidente Luis Echeverría decretó la expropiación de más de 614 mil hectáreas a favor de tres poblados de indígenas maya caribes, inexactamente denominados "Lacandones", violando derechos agrarios de 47 poblados indígenas (4 mil familias tseltales, tsotsiles, ch'oles y tojol-ab'ales) la mayoría de ellos asentados desde los años '50 y '60 del siglo pasado. En 1978, se crea, por decreto del presidente José López Portillo, la Reserva de Biosfera Montes Azules, 75 por ciento de su superficie se ubica sobre el territorio de la llamada Comunidad Lacandona. Desde entonces, los 47 poblados han sido constantemente amenazados de desalojo, ya sea por ser "invasores de tierras comunales" o por ser "depredadores" de la selva. [...]

El gobierno estatal reconoce que existen 32 asentamientos irregulares, cuyos casos se están tratando en la Mesa Ambiental, en la cual participan autoridades agrarias de procuración de justicia y ambientales, en los ámbitos federal y estatal. [...]

En el seno de dicha Mesa, sin interlocución directa con las comunidades amenazadas de desalojo, se deciden los destinos de un número indeterminado de familias indígenas, muchas de ellas desplazadas en más de una ocasión, que ante la falta de esperanzas, se refugian como último recurso en un territorio desconocido, prácticamente inaccesible, sin los servicios más elementales, y aún ahí se enfrenta a una nueva amenaza de despojo por parte del gobierno que una vez más, los acorrala y los deja sin opción alguna.

[...]

Sobra decir que el complejo problema de la regularización en la propiedad de la tierra no sólo abarca a estos 32 poblados, sino que se repite constantemente a lo largo del estado. No es aventurado decir que gran parte de los conflictos de carácter político, religioso y económico que involucran a los pueblos indígenas tienen una raíz agraria, así como la gran mayoría de las violaciones a sus derechos humanos y colectivos." (CEDH, 1 September 2003, pp.5-6)

“El 29 de octubre del 2000, la comunidad indígena de Río Salinas, ubicada en la región de Marqués de Comillas, fue violentamente atacada, teniendo un saldo de dos personas asesinadas, un niño gravemente herido y la mayoría de la población desplazada. Como resultado de estos hechos, la población se fragmentó en grupos, uno de los cuales (conformado por cinco familias) optó por asentarse en una pequeña porción de los Montes Azules, denominando a su nueva comunidad “Lucio Cabañas” (también conocida como Arroyo San Pablo).

Como es del dominio común, los gobiernos federal y estatal han iniciado una campaña para desalojar todas las comunidades que se encuentran en la Biosfera Montes Azules; cumpliendo exigencias del Banco Mundial y del Banco Interamericano de Desarrollo para satisfacer a empresas transnacionales interesadas en la explotación de la Biodiversidad.

De esta manera, los gobiernos federal y estatal, en lugar de ejercer justicia y atender la situación del desplazamiento, optaron por cometer una nueva injusticia en contra de las familias afectadas, contraviniendo lo dispuesto por el artículo 16 del Convenio 169 de la Organización Internacional del Trabajo, que desde 1991 es ley suprema de los Estados Unidos Mexicanos.

Así fue como el día 19 de diciembre del año pasado, autoridades de la SEMARNAT y de la PROFEPA, apoyadas por elementos armados de la Policía Federal Preventiva (PFP) desalojaron a las cinco familias mencionadas (29 personas incluidos tres recién nacidos y un anciano) prometiendo reubicarlas de inmediato en algún predio).

Las 5 familias indígenas fueron llevadas a la ciudad de Comitán, donde firmaron una minuta de trabajo con el gobierno federal, quien se comprometió a adquirir un predio con tierras de buena calidad y a razón de 20 hectáreas por familia. Sin embargo, luego de más de cinco meses y una serie de sucesivos engaños, las familias se percataron de la falta de voluntad política de las autoridades federales ambientales, que se niegan a cumplir lo acordado.

Por estas razones, las cinco familias choles decidieron abandonar el albergue del DIF donde las tenían confinadas, quedando al desamparo: sin alimentos, sin vivienda, sin dinero y sin tierra para trabajar y sobrevivir.

Por todo lo expuesto, las organizaciones abajo firmantes al mismo tiempo que exigimos JUSTICIA de los gobiernos federal y estatal, cuestionamos los planes de “reubicación” de las comunidades.

Estamos convencidos que la causa histórica de la acción es la entrega a corporaciones extranjeras de esta porción del territorio nacional, como en este caso lo evidencian los enormes letreros de la armadora FORD MOTOR COMPANY y su contra parte local Espacios Naturales y Desarrollo Sustentable, A.C. (del exdirector de la reserva Javier de la Maza) desplegados a manera de mojoneras en la frontera sureste de la zona de despeje; uno de los cuales fue ya plantado precisamente a orillas de la tierra, de donde fueron desalojados los habitantes de Lucio Cabañas (Arroyo San Pablo) ” (CDHFBC, 29 May 2003)

“El 17 de noviembre del 2002, un grupo de funcionarios del gobierno del estado de Chiapas les dijeron: “Quién los mandó para acá?, ¿Quién les dijo que se metieran a poblar la selva?”. Los indígenas choles respondieron: “nadie nos dijo nada, el hambre y la necesidad hizo que nos metiéramos aquí, tenemos hambre”. Los funcionarios los amenazaron con meterlos a la cárcel debido a las órdenes de aprehensión que hay en su contra y les exigieron que pensarán sobre lo que estaban haciendo en la selva ya que los lacandones estaban enojados.

El 1 de diciembre de 2002, funcionarios de la Procuraduría Federal de Protección al Ambiente (PROFEPA) realizaron el desalojo previa promesa de que se les entregarían 20 hectáreas por familia. Las 4 familias dejaron sus pertenencias y fueron trasladados a un albergue en Comitán [...]

Este grupo de indígenas choles ha sufrido cuatro desplazamientos sin que hasta la fecha el gobierno mexicano haya atendido su derecho a la tierra. El problema central en este caso es el desplazamiento forzado del que son víctimas sin reparación del daño por parte de las autoridades. En consecuencia, se vieron obligados a ocupar tierras y entonces, de ser víctimas, pasan a ser delincuentes por haber despojado al gobierno de tierra para luego sufrir nuevamente otro hecho: el desalojo sin una verdadera solución. Este hecho forma parte de la amplia realidad del conflicto armado irresuelto.

En el contexto nacional y estatal, con los cambios de gobiernos en el 2000, disminuyó relativamente la presión hacia la población que ocupa la Reserva de Montes Azules. Sin embargo, con la aprobación del proyecto neoliberal, el nuevo gobierno estatal se comprometió a darle continuidad a la implementación del Plan Puebla Panamá para posibilitar: zonas reservadas; proyectos de bioprospección, reubicación de comunidad y limitar derechos agrarios. Los argumentos oficiales son que la gente representa un peligro ecológico, que están violando las leyes de las reservas y por tanto, merecen castigo por su delito. O como señaló el Procurador Federal de Protección al Ambiente en el 2001, Ignacio Campillo: "si no se pone orden a esas zonas de amplia riqueza natural, no entrará la iniciativa privada a invertir en ellas".

Este CDHFBC considera que el verdadero interés de funcionarios del gobierno estatal y federal radica en los recursos naturales (agua, tierra, biodiversidad, petróleo, etc.) excluyendo a la población indígena y privilegiando la lógica de inversión económica. Por tanto, una dimensión de la guerra es económica. En donde los desplazados en Chiapas son una realidad, a cuyas víctimas les han violado sus Derechos Indígenas a la tierra y a la autonomía como pueblos." (CDHFBC, 27 December 2002)

"1992 marked the end of land distribution and the reform of article 27 of the Mexican Constitution, eliminating the established prohibition of privatizing communal lands. From this point on, every communal land owner has had the option of selling his parcel of land. From the point of view of most analysts, the reform of this article intended to open communal landholdings to the free market.

[...]

Enforcement of NAFTA began on January 1, 1994 and is considered one of the causes for the EZLN uprising that took place on the same day. After nine years of NAFTA, the outcome for Mexican campesinos are negative sales, since they can no longer compete with products from the United States which are subsidized by the US government. Results include abandonment of the cultivation of numerous crops, storage of grains that cannot be placed on national and international markets, and the disappearance of numerous small and mid-sized producers." (SIPAZ, 1 April 2003, p.3 footnote)

"Although there haven't been any recorded acts of violence in the Montes Azules biosphere in the last few months, contradictory discourses on the part of different government requests have contributed to a high level of tension. While the Secretary of Agrarian Reform stated that there would be no more violent dislocations in the zone, the Federal Prosecutor for the Protection of the Environment (PROFEPA), wouldn't discount the possibility of applying the law with "a firm hand" and utilizing public forces against people located in these lands.

In October, the Rural Association of Collective Interest

(ARIC-Independiente), which is negotiating with the government the recognition of various populations situated in Montes Azules, questioned what was expressed by PROFEPA: "Instead of contributing to a solution to the problems, they make it worse, because they want to say that in the government there are groups that are promoting dislocation by force, and this discredits the

*negotiations and signifies that the authorities don't have the true political will to resolve the situation.*" (SIPAZ, December 2003)

### **Military bases violate indigenous collective land rights (2004)**

- In 2004, civilians have demonstrated for the withdrawal of military troops occupying 5 thousand square meters of their collective lands since 1995
- Peasants demands of military withdrawal were met with threats from the police
- Out of 91 military bases, 57 are located on indigenous collective lands
- According to Article 16 of the Constitution, the military cannot appropriate land without the consent of the owners in peace time
- Article 29 of the Constitution states that in times of war, the military can only occupy land for a limited period of time
- The Government has never declared war in Chiapas

"Finalmente la investigación analiza la situación de los derechos colectivos de los pueblos indígenas violados por el gobierno federal y su ejército, particularmente en Chiapas. Desde el punto de vista del derecho a la propiedad colectiva de la tierra de los Pueblos Indígenas como un derecho humano, en los instrumentos internacionales se "incluye la obligación del Estado para delimitar, demarcar y titular dichos territorios de tal manera que sus derechos culturales sean protegidos, entre ellos la tenencia y uso de la tierra." Por ejemplo en el Artículo 27 del Convenio Internacional sobre Derechos Civiles y Políticos sostiene que: *"En aquellos Estados donde existan minorías étnicas, religiosas o lingüísticas, a las personas pertenecientes a dichas minorías no se les negará el derecho, en comunidad con los otros miembros de su grupo, a disfrutar su propia cultura, a profesar y practicar su propia religión, o al uso de su propia lengua"*. Pero estos derechos también los podemos ver reflejados en la Convención Americana de Derechos Humanos o en el Convenio 169 de la OIT.

Pues bien, para que el ejército se posesione de tierras con funciones de guerra se debe acatar la Constitución Política de los Estados Unidos Mexicanos, que en su artículo 129: *"En tiempo de paz, ninguna autoridad militar puede ejercer más funciones que las que tengan exacta conexión con la disciplina militar. (...)"*. Y en el artículo 129 se expresa: *"(...) Solamente habrá Comandancias Militares fijas y permanentes en los castillos, fortalezas y almacenes que dependan inmediatamente del Gobierno de la Unión; o en los campamentos, cuarteles o depósitos que, fuera de las poblaciones, estableciere para la estación de las tropas."* Estos últimos necesariamente deberán ser propiedad de la Federación de acuerdo al artículo 132 de la Constitución.

La investigación advierte que "es el gobierno federal quien a través de la Secretaría de la Función Pública es responsable de la adquisición, arrendamiento, enajenación, destino o afectación de los bienes inmuebles de la administración pública federal que incluye naturalmente a la Secretaría de la Defensa Nacional." La adquisición de tierras puede ser por medio de compraventa a particulares; expropiación de tierras ejidales; donaciones de los municipios o gobiernos de los estados; donaciones particulares; o permutas con los gobiernos de los estados o los municipios. Nunca el ejército puede establecerse en una tierra sin el consentimiento de los dueños, salvo *"(...) En tiempo de paz ningún miembro del Ejército podrá alojarse en casa particular contra la voluntad del dueño, ni imponer prestación alguna. En tiempo de guerra los militares podrán exigir alojamiento, bagajes, alimentos y otras prestaciones, en los términos que establezca la ley marcial correspondiente."* (Artículo 16 de la Constitución).

El derecho a la propiedad sólo pueden ser suspendidos cuando se aplique el Artículo 29 Constitucional. *“En los casos de invasión, perturbación grave de la paz pública, o de cualquier otro que ponga a la sociedad en grave peligro o conflicto, solamente el Presidente de los Estados Unidos Mexicanos, de acuerdo con los Titulares de las Secretarías de Estado, los Departamentos Administrativos y la Procuraduría General de la República y con aprobación del Congreso de la Unión, y, en los recesos de éste, de la Comisión Permanente, podrá suspender en todo el país o en lugar determinado las garantías que fuesen obstáculo para hacer frente, rápida y fácilmente a la situación; pero deberá hacerlo por un tiempo limitado, por medio de prevenciones generales y sin que la suspensión se contraiga a determinado individuo. Si la suspensión tuviese lugar hallándose el Congreso reunido, éste concederá las autorizaciones que estime necesarias para que el Ejecutivo haga frente a la situación, pero si se verificase en tiempo de receso, se convocará sin demora al Congreso para que las acuerde.”*

Sin embargo, el gobierno nunca ha invocado este artículo durante los 10 años que ha durado el conflicto en Chiapas. Además, muchas expropiaciones han sido ilegales o no se ha respetado el consentimiento de sus dueños. Así, CASPISE concluye con un dato terrible: de las 91 instalaciones militares documentadas: 29 son propiedad federal; 4 son predios municipales; uno es particular; y 57 son predios ejidales. *“Evidentemente se trata de una ocupación militar en el estado, particularmente en el territorio indígena de Chiapas que opera en una lógica de guerra aún y cuando no haya sido declarada de esa manera por el procedimiento descrito en el artículo 29 de la Constitución.”* (CIEPAC, 24 February 2004)

*“Los ejidatarios exigieron que el ejército salga de la comunidad, donde mantienen una base de operaciones que desde 1995 ocupa 5 mil metros cuadrados de la propiedad ejidal, las autoridades ejidales dieron un plazo de 15 días para que se desmantele el campamento denominado El “Regimiento García”. Los ejidatarios afirmaron que regresarán el día 22 de enero para verificar que se haya desalojado el ejido, ya que el daño que provoca la presencia del ejército federal en el tejido social de las comunidades es irreparable y atenta contra los derechos humanos de los pobladores*  
[...]

La situación se ha hecho aún más grave, según datos aparecidos en la prensa nacional, ya que el día 12 de enero de 2004 llegaron a la comunidad dos vehículos Hummer del ejército federal, una patrulla de la Policía Sectorial y otra de la Agencia Estatal de Investigaciones, los policías negaron identificarse con sus nombres, eran encabezados por el teniente de la Base de Operaciones y el comandante del cuartel general de Tuxtla Gutiérrez, quienes dijeron a las autoridades ejidales: *“Los militares no se van a salir del predio, que no deben continuar con sus manifestaciones porque de lo contrario se instalarán dos o tres campamentos más, y lo harán en cualquier lugar.”* (CDHFBC, 15 January 2004)

### **Land rights of displaced Indigenous People seriously undermined (2003)**

- IDPs are constantly threatened to be evicted by landowners either for lack of government assistance or when the government resolves to provide basic services
- Human rights organizations argue that projects of infrastructure, subsistence or other services for IDPs cannot be implemented without providing them with land
- Since 1995 285 IDPs living on Nueva Revolución farm have tried to legalize their land situation however bureaucratic neglect and the refusal by the landowner to submit legal documents have left them without rights
- Presence of paramilitary group ‘Justicia y Paz’ and threats of expulsions from the federal army keeps many IDPs terrorized

- After years of bureaucratic procedures IDPs often never manage to legalize their land situation both in areas of origin or in areas of resettlement
- IDPs from Los Angeles farm face serious economic and subsistence problems as they have no right to cultivate the land where they temporarily resettled
- The government told IDPs no land could be given to them as they did not have agricultural rights before fleeing
- IDPs from Maravilla Tenejapa have not only received threats from municipal and land authorities, but have had their lands confiscated by the same land authorities

“La segunda etapa del trabajo consistió en determinar el estado que guardan las tierras donde estos grupos están asentados actualmente, la circunstancia jurídica de su posesión y las perspectivas y condiciones de cada grupo sobre su permanencia o no en los lugares donde hoy residen. En este objetivo se delinearón al menos cinco perfiles diferentes:

1. los grupos de Tila que ya retornaron a sus comunidades de origen y buscan que su permanencia sea sostenible a largo plazo;
2. los grupos de Ocosingo que fueron reubicados en terrenos suburbanos, que solo cuentan con sus casas y solares mínimos pero no tienen tierras para el trabajo agrícola, sin embargo estos grupos no tienen la expectativa de retornar a sus lugares de origen aunque sí de que se les adquieran tierras productivas;
3. los grupos de Sabanilla y uno de Tila que fueron reubicados en terrenos adquiridos en fideicomisos (1995), que incluyen tierras de cultivo pero que no se han regularizado y buscan su escrituración, aunque al menos en el caso de Tila hay algunas familias que quieren retornar a su comunidad de origen y otras no;
4. los grupos de Tenejapa, Villacorzo, Socoltenango, y Salto de Agua, que viven temporalmente en terrenos de terceros, sin expectativas de retorno a sus lugares de origen o de residencia anterior, no tienen garantizada la opción de adquirir tierras y buscan cualquier alternativa que les dé seguridad a largo plazo;
5. los grupos donde aun no hay suficientes elementos para determinar su situación.

En varios de los grupos existen personas que antes de los desplazamientos ya tenían derechos ejidales, donde ya hay una nueva generación económicamente activa que ahora reclama sus propios derechos a tener una parcela.” (SEPI & CDHFBC, May 2002, p.9)

“Los grupos así considerados son los asentados en Rancho La Piedrita, Villacorzo; Carmelitas Matzán, Tenejapa y, Campamento Chanival, Socoltenango. Su circunstancia común es que los tres grupos están residiendo transitoriamente en tierras ajenas donde son mal tolerados y no necesariamente existen condiciones para su permanencia a corto plazo, como se verá en el apartado relativo a cada uno de ellos. Otra condición común es que no disponen de tierras para trabajar y producir sus propios alimentos ni tienen libre acceso a la recolección de leña, tampoco tienen trabajo constante o ingreso monetario, viven en extrema precariedad sanitaria y alimentaria, y sus lugares de habitación no cubren ni la función básica de proveer protección de la intemperie.” (SEPI & CDHFBC, May 2002, p.8)

“En los últimos meses, el gobierno del estado propuso se otorgaran servicios de educación y salud en los campamentos de desplazados, lo cual ha originado que los dueños de las tierras, donde se encuentran asentados temporalmente algunos grupos, los amenacen de desalojarlos, por el temor a que se apropien de estas tierras. Es ilógico el querer atender demandas sociales y de desarrollo a población que no cuenta con tierra, como es el caso de los desplazados. En múltiples ocasiones se les ha sugerido en la mesa de negociación, que con lo que gastan en esta supuesta ayuda humanitaria, ya se hubieran podido comprar.” (CDHFBC, 12 June 2003, p.30)

### **"Nueva Revolución, Tila**

Familias: 59 - 285 personas

Originarios de: Ejido El paraíso, Quintana Roo, Jesús Carranza, Tzaquil , Chulum Chico, Tila y Pasijá de Morelos, Sabanilla.

Desplazados el 19 de Enero de 1997

Reubicados en la finca Nueva Revolución, sin contar aún con seguridad jurídica sobre la tierra en la que viven, debido a que la propietaria no proporciona escrituras públicas legibles, para que siga el trámite burocrático aunado por la indiferencia de los funcionarios encargados del proceso.

Idioma: Chol

[...]

### **San Marcos, San José Tzibalch'en, La Trinidad, Jilumil, municipio Salto de Agua.**

Familias: 13 – 84 personas

Originarios de El Progreso, Salto de Agua

Desplazados el 09 de Agosto de 1997

Idioma: Chol

Reubicados en abril de 2003 en el predio Santa Cecilia, sin contar aún con seguridad jurídica sobre la tierra en la viven. Debido a que existe conflicto con la escritura pública de uno de los dueños.

En 1995 empiezan los hostigamiento y amenazas y en 1997 son agredidos violentamente por paramilitares del grupo armado Paz y Justicia. Desplazados por problema político, por pertenecer a una organización diferente al partido PRI, y a la organización Paz y Justicia. Desplazados, perseguidos y amenazados por ser simpatizantes zapatistas.

Ahora se encuentran reubicados en un predio denominado Santa Cecilia, se unieron con un grupo de 30 familias que desde el 94' tenían invadido este terreno y que el gobierno desde el 95 esta realizado la gestiones para la adquisición, primero con el programa de Adquisición de Terrenos Rústicos en el estado de Chiapas, Fondo 95' y posteriormente con el Acuerdo con el Convenio Modificadorio al Convenio Marco; Convenio Modificadorio al Contrato del Fideicomiso Fondo 95y reglas de operación y que a la fecha esta paralizado el proceso de legalización de la tierra.

[...]

### **San Rafael, Municipio de Salto de Agua**

Familias: 13 - 63 personas

Originarios: Finca Los Angeles, Salto de Agua

Desplazados: 9 de mayo de 1995

Ubicado de manera provisional en San Rafael, Salto de Agua

Idioma: Chol

En 1995 son agredidos violentamente por paramilitares del grupo armado Paz y Justicia, son desplazados de sus tierras y casas por pertenecer a una organización diferente al partido PRI, y a la organización Paz y Justicia, dado que algunos eran simpatizantes y militantes del PRD, miembros de la organización Kichan Kichañob y simpatizantes zapatistas.

[...]

Actualmente se encuentran ubicados en un predio denominado San Rafael, pero no tienen ninguna garantía jurídica, les prestan por el momento tierra para vivir, no tienen el derecho a trabajar las tierras donde están, por lo que su situación económica y de supervivencia es grave.

[...]

Prevalece la situación de tensión y de terror en la comunidad por la existencia aún del grupo armado Paz y Justicia.

En la mesa de negociación con el gobierno del estado, se le ha dicho que no les pueden dar tierras, por que no tiene derechos agrarios reconocidos previamente. De acuerdo al Convenio 169 de la Organización Internacional del Trabajo, al grupo de desplazados se les esta violando su derecho a la posesión de la tierra de acuerdo en el apartado de II de Tierras, en el artículo 14 y que a la letra dice " I. Deberá reconocerse a los pueblos interesados los derechos de propiedad y de posesión sobre las tierras que tradicionalmente ocupan", es decir que si interpretamos la cosmovisión de los pueblos indígenas en cuanto a la su relación de la tierra, difiere de gran medida con la concepción del sentido individualista y capitalista del mundo occidental, ya que su interpretación se acerca en una esfera filosófica en el sentido de que la tierra es la madre, la dadora de vida, el obligo del mundo y resarcir los daños y perjuicios ocasionados a este grupo es una deuda histórica de justicia social del Estado.

[...]

### **Maravilla Tenejapa, mpio. Maravilla Tenejapa**

Familias: 26- 160 personas

Originarios de: Ejido Maravilla Tenejapa, Maravilla Tenejapa

Desplazados: 28 de Febrero de 1995

[...]

Al momento de ser desplazados de su comunidad el grupo se disperso, en 3 grupos en diferentes comunidades. no hay condiciones para el retorno ya que actualmente el ejército federal se encuentra con grandes instalaciones en la zona. Además de tener amenazas directas de la Autoridades Ejidales, respaldados por las autoridades municipales de Maravilla Tenejapa, que en la actualidad es un municipio nuevo. Las últimas amenazas directas fueron escuchadas por funcionarios del gobierno estatal, estando de testigo miembros del Frayba quienes también fueron amenazados.

Las autoridades ejidales han dispuestos de los derechos agrarios del grupo desplazado, aun vigentes, repartiéndose las tierras, además de fabricarles delitos que no cometieron y que los mismos desplazados piden se investigue, para comprobar su inocencia, sin embargo este hecho ha sido utilizado por el gobierno del estado para presionar a la mesa de desplazados para que no continúen con sus demandas y acepten lo mínimo: despensas, láminas, proyecto para desarrollar en tierra que no tienen.

Las principales demandas que siguen pendientes, corresponden a sus derechos agrarios y Justicia; exigiendo el pago de sus derechos agrarios o reubicación en condiciones seguras y con tierras de buena calidad, como las que tenían con anterioridad. Investigación y castigo a los responsables civiles y funcionarios federales y estatales de: a) formar, entrenar y armar a los paramilitares; b) el desplazamiento forzado de cientos de familias y de las muertes y desaparecidos, por otro ámbito relacionado también con la justicia, exigen el pago de perdidas y reparación de los daños.

El propietario del rancho la Ilusión, donde actualmente se encuentra una familia, los amenazó de desalojarlos, debido al tiempo en que ellos han estado asentados en sus tierras y por la poca ayuda humanitaria que ha llegado del gobierno del estado, este dato incrementa la tensión del grupo, ante la incapacidad de respuesta de fondo del gobierno a su situación." (CDHFBC, 12 June 2003, pp. 14-20)

### **Left property commonly destroyed or taken over by the victimizers (1999)**

- Paramilitary groups normally harvest and sell the crops left behind by displaced peasants
- Violence and displacement often intensified during periods of harvest
- Returnees often find their houses looted and vandalized



- Institutions charged with providing compensation for lost property are often inactive

“The paramilitaries take advantage of the land left behind, harvesting and selling the coffee of their victims and they obstruct their return. The process of indemnities in Chenalhó is stalemated because none of the corresponding instances want to take responsibility for this issue.”  
(CDHBC 1999, sect. V)

“En la mayoría de los casos, los paramilitares, después de provocar el desplazamiento saquean las casas abandonadas, las queman o las ocupan ellos mismos, así obstaculizan el retorno de los desplazados. Además se aprovechan de las tierras dejadas, cosechando y vendiendo el café de sus víctimas. Muchas veces la tensión aumenta justamente en fechas claves del ciclo agrícola, causando pérdidas de las cosechas o generando la imposibilidad de sembrar. El hecho de tener que dejar su tierra es causa de mucha angustia y tristeza en los campesinos indígenas porque ella es la madre que da vida al pueblo. El robo de sus pertenencias significa tener que empezar desde el principio. Todavía en julio de 1998 se recibieron más denuncias

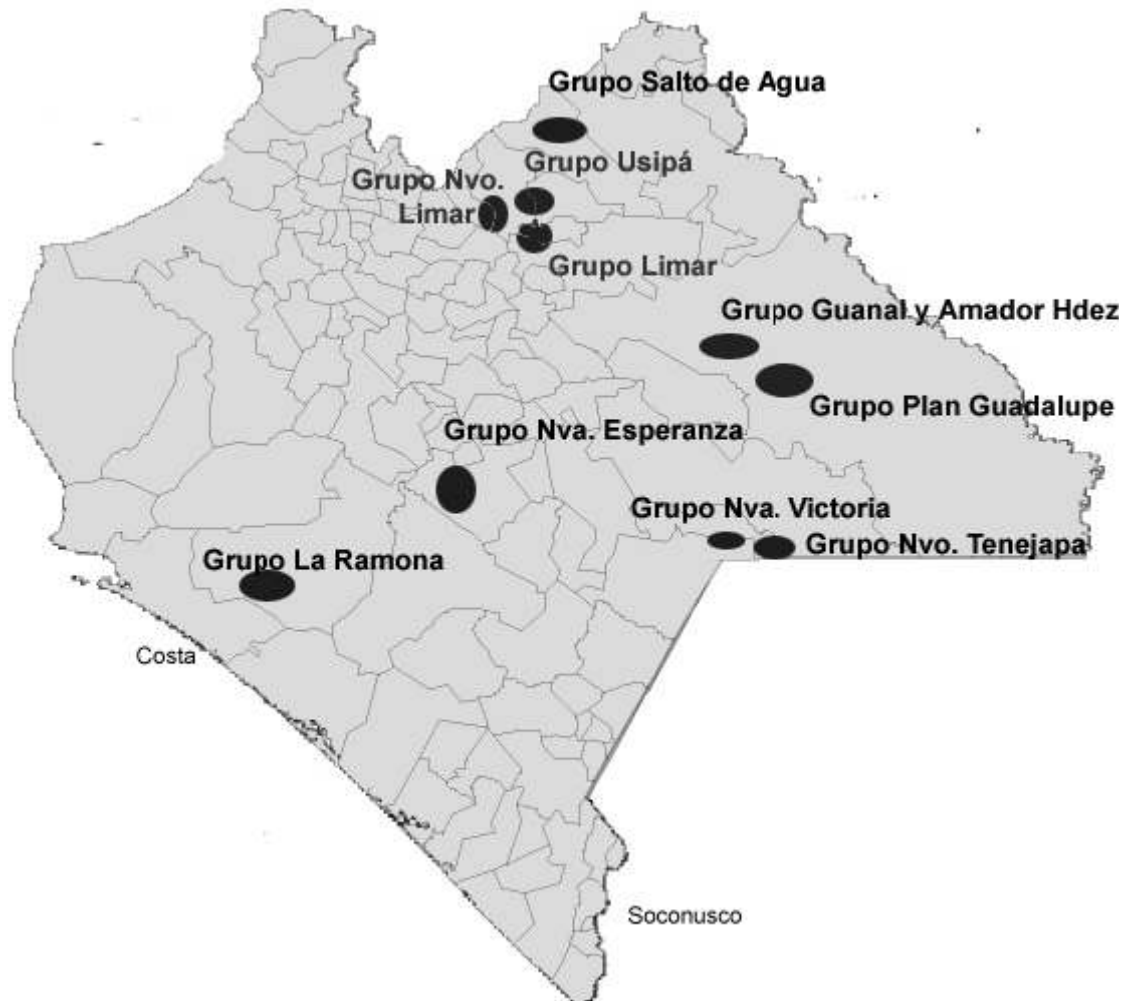
sobre robos en la comunidad Quextic, municipio de Chenalhó donde pre-suntos paramilitares junto con soldados fueron observados cuando entraron a casas abandonadas y se llevaron lo que había dentro. También derribaron árboles de sombra en los cafetales. La señora Lucía Pérez Pérez, desplazada en Acteal, relató que el 17 de julio fue a ver su casa en la comunidad de Quextic y se dio cuenta que le habían robado todo, desde los utensilios de su cocina hasta las tablas y el techo de la casa misma. También denunció en la misma ocasión que cuatro días después fue a buscar leña y vio soldados disparando al aire cerca de ella para intimidarla. Al mismo tiempo el proceso sobre las indemnizaciones de daños a los desplazados de Chenalhó está estancado, porque ninguna de las instancias responsables de impartir la justicia quiere hacerse cargo de este asunto”  
(CDHBC 1998, sect. V)

## PATTERNS OF RETURN AND RESETTLEMENT

### Return

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Map of returned and resettled IDPs in Chiapas (2007)



#### Fourteen families displaced by religious conflict in Chiapas return (2005)

- Through the mediation of the entities in charge of population, migration and religious affairs, 14 families displaced by religious conflicts in Chiapas returned to Las Margaritas, in November 2004

“El 27 de noviembre de 2004 a partir de las gestiones y negociaciones realizadas por la Subsecretaría de Población, Migración y Asuntos Religiosos, regresaron a sus hogares 14

familias desplazadas por motivos religiosos de la Comunidad 20 de Noviembre en Las Margaritas, Chiapas.” (CDI, 1 January 2005)

**IDPs and some authorities told the Representative that conditions for safe return did not exist yet (2003)**

- A safe and economically sustainable environment had not been created to facilitate the return, local integration or resettlement of IDPs
- Most IDPs wish to return to their places of origin
- The IDPs called the GOM to comply fully with the 1996 San Andrés agreements
- The IDPs requested a withdrawal of the army from hundreds of their communities and end to harassment and intimidations by paramilitary or armed civilian groups
- Authorities indicated to the Representative that they were willing to assist return or resettlement but they lacked resources
- Although ICRC and local authorities have supported some IDP returns, some returns were prompted by cuts in assistance at the camps rather than by voluntariness
- IDPs request the right to truth, punishment of the perpetrators and compensation
- Human rights observers report that the government uses fabricated accusations from paramilitaries against displaced communities to pressure IDPs to drop their requests

“The implementation of concrete strategies and programmes, including in particular support for voluntary return, local integration or alternative resettlement in safety and in dignity, and development for the displaced population in Chiapas, should be encouraged, not least because they can greatly contribute to peace as well as to the restoration of confidence among the population. The necessary conditions need to be established and the means provided for internally displaced persons to return, locally integrate or resettle. Such conditions mean creating a safe environment and one that is economically sustainable.

Most internally displaced persons with whom the Representative met wanted to return to their places of origin but, if the security conditions did not allow return, would agree to be relocated temporarily. They told the Representative that their living conditions for the past eight years had been very poor. The displaced communities called for full compliance by the Government with the 1996 San Andrés Agreements and the withdrawal of the army from their communities. They also called for an end to the harassment and intimidation, which they allegedly suffered at the hands of members of paramilitary or armed civilians groups. Most displaced persons who spoke with the Representative told him that they had lost all of their personal belongings as a result of their displacement. They lost their cattle, their land and other means of survival. They wanted assistance and compensation for their losses and suffering.

The state authorities were well aware of the needs of the displaced communities and indicated to the Representative that they were committed to finding concrete and durable solutions to their problems. The Representative was told that the Government's policy of dialogue with the displaced communities had already resulted in the return of several communities to their original areas of residence. The authorities had established mechanisms to assist the communities in the negotiation of their conditions of return and the assessment of their needs. The authorities recognized that the conditions necessary for the safe return of all displaced persons had not yet been created and indicated to the Representative that they were ready to find alternative places for their resettlement if return were not possible. The authorities told the Representative that they were committed to assist the communities to return or to resettle, but that what they could do was

limited because of lack of resources. They also reported that they had assisted returnees to build houses in the north of the state and that they had set up health and social programmes.

The MRC, with the support of the ICRC, had also been assisting displaced communities to return to their places of habitual residence.

[...]

The initiatives to support the voluntary return and the resettlement of the displaced communities were encouraging. However, the Representative received information indicating that some of the returns had not been voluntary, in light of the cuts in assistance at the camps. Concerns were also expressed about regional economic development plans promoted by the federal Government as part of regional efforts to expand the free market zone for the Americas which might represent a potential threat of further displacement to the population of the state of Chiapas.

A primary obstacle to return remained the continuing harassment of the population by paramilitary or armed civilian groups. This problem was raised with state and federal authorities who acknowledged having a problem with “delinquents”, but stated that all efforts and appropriate legal actions were being taken to address these situations. It was suggested to the Representative that the Government should make an effort to dismantle these groups and to collect all arms. Members of the paramilitary or armed civilian groups were said to be people in the communities who wished to influence the use of the land.” (UNCHR, 10 January 2003, para.34-39)“La población desplazada por el conflicto armado en Chiapas, continúa viviendo la violación sistemática a sus derechos humanos, y el grado de impunidad ante estos hechos, estas historias y estas necesidades se ha visto en crecimiento, no se atienden los casos brindando la justicia esperada y mas allá de detener las acciones contra la población desplazada, se tiene la hipótesis de que el numero de población desplazada aumentará en los próximos años, dada la política económica implementada [...]. La población desplazada busca principalmente la atención para:

- Esclarecimiento de los hechos, **derecho a la verdad**, en contraposición de un reconocimiento superficial de los errores.
- Sanción a los responsables en contraposición a la impunidad y evasión de la justicia
- Reparación del daño, indemnización por las pérdidas de su patrimonio, contra la irresponsabilidad frente al pasado.
- Construcción de un mañana diferente, en contraposición al horror del ayer” (CDHFBC, 12 June 2003, p.7)

### “Usipá, Tila

Familias 95 - 525 personas  
Desplazados el 04 de Septiembre de 1995  
Retornaron  
Idioma: Chol

En 1995 son agredidos violentamente por paramilitares del grupo armado Paz y Justicia, son desplazados de sus tierras y casas por pertenecer a una organización diferente al partido PRI, y a la organización Paz y Justicia, dado que algunos eran simpatizantes y militantes del PRD, miembros de la organización Kichan Kichañob y simpatizantes zapatistas. Las familias desplazadas ya retornaron a sus casas. Las principales demandas que siguen pendientes, son las corresponden a la Justicia; exigiendo al Estado la investigación y castigo a lo responsables civiles y funcionarios federales y estatales de: a) formar, entrenar y armar a los paramilitares; b) el desplazamiento forzado de cientos de familias y de las muertes y desaparecidos, por otro ámbito relacionado también con la justicia, Exigen el pago de perdidas y reparación de los daños, ascienden a un monto aproximado de \$125,000.00

Piden se esclarezca la desaparición de Mateo Jiménez López y las muertes de Sebastián López López y Sebastián Sánchez López. Así como la cancelación de 15 ordenes de aprehensión por delitos fabricados en su contra por miembros de Paz y Justicia y que en la actualidad el gobierno del Estado las utiliza como medida de presión política para llevar al movimiento de desplazados a dejar sus demandas y lucha por sus derechos.

Prevalece la situación de tensión y de terror en la comunidad por la existencia aún del grupo armado Paz y Justicia." (CDHFBC, 12 June 2003, p.13)

"Con el cambio de los gobiernos de Vicente Fox y Pablo Salazar, se abrieron expectativas para poder resolver la situación de la población desplazada por la guerra, así como hacer justicia a las víctimas de la misma. A más de un año de asunción de los nuevos gobernantes, sólo la organización civil Las Abejas ha realizado retorno a sus comunidades de origen, retornaron a pesar de que las armas continúan en posesión de los paramilitares que cometieron diversos actos delictivos y la masacre de Acteal, es una acción desesperada de dicha organización ante la falta de recursos para seguir sobreviviendo en los campamentos, con el riesgo que ello implica.

[...]

La resolución positiva de las demandas de los desplazados pasa forzosamente por la resolución del conflicto armado en el estado, el cumplimiento cabal de los compromisos de paz en la mesa sobre Derechos y Cultura Indígena, la desmilitarización de los cientos de comunidades ocupadas por el ejercito mexicano, que nada bueno han llevado a los pueblos indígenas de Chiapas y por el contrario, abona a la descomposición social del tejido comunitario." (CDHFC, 17 May 2002)

" No hay condiciones ni expectativas para un futuro retorno a su lugar de origen o residencia anterior entre los grupos asentados en Sabanilla, Ocosingo, Socoltenango, Tenejapa, Villa Corzo y Maravilla Tenejapa-Independencia; los grupos originarios de Tila ya retornaron pero siguen vigentes las condiciones del conflicto, y los de Tenejapa y entre algunas familias de Sabanilla en Tila hay expectativa de conciliación y retorno pero no condiciones políticas para negociarlo." (SEPI & CDHFBC, May 2002, p.13)

"A pesar de las buenas intenciones del gobierno del estado de apoyar y generar condiciones mínimas para el retorno, la Unidad Especializada para la Investigación de Probables Delitos cometidos por Presuntos Grupos Armados aún no ha dado resultados consistentes de las investigaciones sobre las múltiples denuncias en contra de grupos paramilitares de diversas regiones del estado desde 1995. Por el contrario, en abril de este año el poder judicial de la federación ordenó la liberación de 11 miembros de la organización paramilitar *Paz y Justicia* detenidos en octubre de 2000;" (CDHFBC, 28 August 2001)

#### **IDPs have returned home spontaneously or assisted by ICRC and MRC (2004)**

- Hundreds of families have returned or were resettled as a result of negotiations between the Government and the Displaced Persons' Commission
- Returnees have been provided with some assistance and reconciliation initiatives with political opponents were promoted to ensure their protection
- The government created an intersectorial commission to promote inter-community dialogue however it has been poorly funded
- ICRC provided logistical support with transportation
- ICRC provided medical assistance, construction materials, and household implements
- ICRC assisted 513 and 1,258 people from civil society 'Las Abejas' to return to their communities in 2001 (2003)

- USCR estimated about 1000 IDPs returned in 2000
- The returnees who originally fled the Acteal massacre returned without guarantees of safety and justice due to poor subsistence conditions in the camps

“As a result of negotiations between the Government and the Displaced Persons’ Commission, a start was made on the return or resettlement of some hundreds of families who receive material support and whose security it has been endeavoured to protect by means of reconciliation agreements between opposing groups.” (UN CHR, 23 December 2003)

“A raíz del conflicto, quedaron desplazadas más de 12,000 personas. Algunas recibieron ayuda del gobierno o de organizaciones humanitarias nacionales e internacionales. Sus condiciones de existencia, por lo general, son sumamente difíciles. A raíz de negociaciones entre las autoridades federales y la Comisión de Desplazados, se inició el retorno o el reasentamiento de algunas centenas de familias, que reciben apoyos materiales y cuya seguridad se ha querido proteger mediante acuerdos de reconciliación entre grupos de filiación contraria. En atención a las recomendaciones que hiciera el Representante Especial del Secretario General de la ONU para los Desplazados Internos en 2002, el gobierno estableció una comisión intersecretarial y desarrolló algunas acciones en la materia, aunque reconoce la limitación de recursos financieros a su disposición. Este esfuerzo llegó tarde y es, hasta la fecha, insuficiente. Entre los desplazados la inseguridad y el temor persisten, y a mediados de 2003 el problema sigue vigente.” (OHCHR, 1 January 2004)

“The MRC, with the support of the ICRC, had also been assisting displaced communities to return to their places of habitual residence. They provided logistical support and transportation to the people, as well as medical assistance, construction materials and instruments, stoves and communal latrines and kits for basic hygiene. They also assisted returning communities in building communal centres and facilitated training of health, nutrition and environment promoters.” (UNCHR, 10 January 2003, para.37)

“In the first half of the year [2001], groups of Zapatistas totalling 513 people peacefully and safely returned to their homes in Los Altos. During the second part of the year, a further four groups belonging to the Las Abejas community, totalling 1,258 people who had been displaced since 1997, returned at different times. The return of the Las Abejas community was facilitated by the ICRC and the Mexican Red Cross. Wide media coverage was given to these events.” (ICRC, 30 June 2002)

“A total of 332 displaced persons journeyed more than 12 kilometres through mountains on 28 August [2001] to return to their home villages in the southern region of Chiapas. All but the youngest and the elderly had to make the trip on foot. The group was accompanied by ICRC and Mexican Red Cross staff, who provided logistical support and medical assistance.[...]

The returnees had had to flee their homes owing to incursions of armed groups and had been living in camps for the past four years. The ICRC had already been providing assistance in the camps, where 7,000 people are still living, in the form of medical care, water and sanitation facilities, and food and hygiene items when needed.

‘Some weeks ago, when the return was being planned, both the government and the members of the community that we accompanied — known as ‘Abejas’ — approached us seeking our participation,” explained Bissig. ‘With the support of the Mexican Red Cross, we put together a team of three delegates, five local employees, 30 Mexican Red Cross staff and 15 Red Cross vehicles to accompany the convoy.’” (ICRC 7 September 2001)

“In April [2000], 700 displaced persons returned to their homes after receiving safety assurances and promises of assistance from the government. They had been displaced for three years. Some 300 others returned home to another village in October.” (USCR June 2001)

« Los desplazados retornan a pesar de que las armas continúan en posesión de los paramilitares que cometieron diversos actos delictivos y asesinaron, la noche del 22 de diciembre, a 45 personas en Acteal. Del mismo modo, la organización paramilitar no ha sido completamente desmantelada; aún están pendientes las investigaciones sobre las responsabilidades penales de ex servidores públicos que toleraron el equipamiento de civiles armados, así como la ejecución de 29 órdenes de aprehensión del fuero federal contra probables autores materiales de la masacre de Acteal.

La decisión de un grupo de desplazados de *Las Abejas* de retornar, es una acción desesperada de dicha organización ante la falta de recursos para seguir sobreviviendo en los campamentos, a pesar del riesgo que ello implica. Debe decirse que a pesar de la densa presencia militar no ha garantizado la seguridad de la población, pues durante estos años las amenazas e intimidación de los paramilitares ha continuado. » (CDHFBC, 28 August 2001)

### **Mexican government accused of conditioning IDP return to affiliation with the Institutional Revolutionary Party (1999)**

- Generous government support to IDPs willing to return said to be conditioned on PRI affiliation
- Half of the families from El Paraiso in northern Chiapas participated in an organized return, while the rest decided to stay behind and continue in opposition to the government
- The government argues that the situation and the material conditions permit return – NGOs disagree

"El gobierno busca maneras de capitalizar la situación de la población desplazada. Con el retorno les ofrece recursos, proyectos, reconstrucción de casas destruidas a cambio de que se sumen al PRI. Éste es el caso de 85 familias desplazadas de la Zona Norte que estaban en Asunción Huitiupán y decidieron regresar 41 de ellas a El Paraíso, municipio de Sabanilla, donde estuvo el presidente Ernesto Zedillo el 29 de mayo de este año. Los que dirigieron este retorno fueron dos ex detenidos de La Voz de Cerro Hueco, quienes obtuvieron su libertad a condición de afiliarse al PRI e introducir el alcoholismo entre los desplazados. El resto de las familias decidió quedarse y seguir perteneciendo a la oposición. Además, dados los retornos, el gobierno anuncia que más indígenas vuelven a la "vida constitucional" y abandonan las filas del EZLN, o que las condiciones de paz están dadas para que regresen los desplazados; sin embargo, en muchas ocasiones, los recursos y apoyos prometidos no llegaron." (Castro/Hidalgo 1999, p. 65)

## **Resettlement**

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# HUMANITARIAN ACCESS

## General

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### **Government restrictions hinder the work of human rights and humanitarian organizations in Chiapas (2004)**

- The OHCHR recommended the facilitation of access to government organisations, international organisations and NGOs in order to deliver food, water, sanitation services and shelter to IDPs in autonomous communities
- CDHFBC argue that state authorities did not facilitate access for the Representative of the Secretary General on IDPs to visit IDPs in the north of Chiapas
- Advisors to President-elect Fox indicated that the visa requirements would be relaxed after he took office
- The Government has used vigorous enforcement of its constitutional prohibition to hinder the work of foreign human rights monitors
- President Zedillo disapproves of NGOs speaking on behalf of the poor
- During the first five weeks of 2000 sixty foreigners were interrogated for hours migration authorities for visiting Chiapas
- Dozens of foreign human rights observers in Chiapas were expelled in 1999

"El Representante del Secretario General de la ONU sobre Desplazados Internos también recomendó al gobierno mexicano que garantice rutas de acceso seguras para brindar asistencia humanitaria a los desplazados internos en zonas de conflicto en Chiapas. Ante la actual paralización de las negociaciones de paz, es urgente facilitar el **acceso** a instituciones gubernamentales, internacionales y ONG para brindar asistencia a comunidades desplazadas, particularmente en los municipios autónomos de Chiapas (bajo control del grupo zapatista). Las prioridades en este renglón deben ser la provisión de alimentos, agua potable, servicios sanitarios y vivienda." (OHCHR, 1 January 2004)

"En agosto del 2002 vino a visitarnos el relator de desplazamiento interno de la ONU, el Sr. Franz Deng, algunos de nosotros pudimos hablar con él en San Cristóbal y otros se quedaron esperándolo en San Marcos, Salto de Agua, ya que entre las gentes del gobierno estatal y de la PNUD se organizaron para que no llegara a hablar a los más de 125 hombres, mujeres y niños, representantes de varios grupos de desplazados de la región norte del estado." (CDHFBC, 12 February 2003)

"Foreigners continued to face restrictions in obtaining visas for human rights work in Mexico. Applicants were required to describe their plans to consular officers in copious detail, including all destinations to be visited. In an encouraging development, advisors to President-elect Fox indicated that the visa requirements would be relaxed after he took office." (HRW 2001)

"A wide variety of human rights groups operate largely without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. Government officials generally have become more cooperative and responsive to NGO views; however, the Government used vigorous enforcement of its constitutional prohibition on



foreigners engaging in political activities to hinder the work of foreign human rights monitors, and it restricted the activities of many human rights observers and religious workers in the state of Chiapas." (U.S. DOS February 2001)

"President Zedillo, in the World Economic Forum in Davos, Switzerland (January 24), stated, 'We do not need the self-nominated representatives of civil society, now called NGOs, to speak in the name of the poor in the developing countries.' " [...]

During a January visit to Chiapas, the president of the official National Human Rights Commission, Jose Luis Soberanes was critical with respect to international organizations, and he observed, "Often, because of a lack of accurate information, they make recommendations or offer points of view that do not correspond to the reality.

[...]

In the first five weeks of 2000, more than 60 foreigners who visited Chiapas were given citations ordering them to appear before the National Institute of Migration (INM). The citations imputed acts that violated Mexican law but did not specify the offenses. The foreigners who attended their appointments were submitted to more than five hours of interrogations that included questions about their religious affiliation and others regarding military intelligence matters. At the end of the interrogations, the INM refused to give them a copy of their declarations, thus impeding their ability to mount a legal defense. "

(SIPAZ Report, March 2000, "The role of national and international non-governmental organizations")

"[In 1999,] the government expelled dozens of foreign nationals who were on mission to monitor human rights in a clear attempt to reduce international observation of the deteriorating situation in Chiapas. Among those expelled was Father Michel Chanteau, a French priest who had been living and serving as a parish priest in Chiapas for 32 years and who was active in the defence of human rights." (AI, 1999, p.249)

### **Government expressed concerned over lack of access to communities in Zapatista-controlled areas (2003)**

- The 'autonomous communities' under Zapatista control do not accept assistance from the Government
- Local NGOs, the ICRC and the MRC have access to 'autonomous communities'
- The Government was concerned about its inability to assist these displaced communities and to address the security problems due to paramilitary activity and armed civilians

"Of particular concern is the lack of access to displaced people living in the so-called "autonomous communities" under the control of the Zapatistas. The Representative was told that these communities do not accept any assistance from the Government and depend mainly on the limited assistance provided to them by the MRC, the ICRC, and some local groups since these are the only organizations that have access to them. The Government expressed concern over its inability to assist these communities, in particular its inability to address the security problems reportedly due to the activities of paramilitary or armed civilian groups. While the Representative was told that the communities prefer this situation to the presence of the army, he believes that it is important for all parties to agree on alternative measures (such as the opening of "safe passages" or "neutral zones") to ensure, at least, access by the internally displaced to basic services and humanitarian assistance." (UNCHR, 10 January 2003, para.26)

# NATIONAL AND INTERNATIONAL RESPONSES

## National Response

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### Government has neglected IDPs and provided hardly any assistance

The government showed readiness to address the problem of displacement and committed to developing a national policy and setting up an inter-ministerial Commission and a task force on IDP matters, among other measures. The government hosted a regional conference on internal displacement in early 2004, but has not implemented any of the other commitments, nor the recommendations made by the UN Representative to the Secretary-General for IDPs, as of mid-2005 (OHCHR, 1 January 2004).

The forum for dialogue and negotiation in Chiapas mediated about 300 cases in order to facilitate the response by state and municipal authorities to issues arising in the conflict area of Chiapas. Inter-institutional working groups were set up in 2002, and meetings where international observers were present were held in order to follow up on the recommendations of the UN Representative to the Secretary-General for IDPs, however no results were publicly available as of 1 January 2004. Twenty-two conflicts rooted in religious intolerance were solved in indigenous areas, through the general direction of religious associations (SEGOB). Thanks to the mediation of the entities in charge of population, migration and religious affairs, 14 families displaced by religious conflicts in Chiapas were able to return to their community in Las Margaritas, in November 2004 (CDI, 1 January 2005).

Having completed its historical mandate, the National Institute for Indigenous Affairs, established in 1948 to implement indigenous policy, became the National Commission for the Development of the Indigenous Peoples (CDI) in 2003. Its goal is to direct, coordinate, promote, support, encourage, provide follow-up and evaluate programmes, projects, strategies and public action for the integrated and sustainable development of indigenous peoples and communities, to be a consultative body and to assist in the exercise of the self-determination and autonomy of the indigenous peoples and communities. (UN CHR, 23 December 2004)

The National Commission for the Development of Indigenous Populations has started working with displaced indigenous people and migrants and developed a methodological framework for the design of public policy on the matter. Through the Programme of Development of Indigenous Cultures, indigenous cultural projects will be financed in order to strengthen and preserve indigenous cultural identity and to prevent displacements and their extinction. (CDI, 1 January 2005)

On December 9, 2004, by approving an amendment to article 21 of the Constitution, allowing for the recognition of the jurisdiction of the International Criminal Court (ICC) by Mexico, the LIX legislature of the Chamber of Deputies of Mexico reaffirmed its commitment to the fight against impunity for the most serious international crimes. In accordance with statutory requirements, this constitutional amendment initiative will now be sent to the Local Congresses. In order to finalise the revision process, the favourable vote of at least 16 of these Local Congresses is required. Mexico signed the Rome Statute on September 2000. In December 2002 the Senate sent to the Chamber of Deputies a proposal to modify article 21 in order to

recognise the jurisdiction of the ICC. On September 2004, the Justice and Human Rights Committee approved the Senate's proposal. (PGA, 13 December 2004)

As of 2003, due to the lack of coordination, external relief agents could not properly gauge the impact of the humanitarian assistance, and thus it was not always of appropriate content, adequately delivered, or well-timed. In general, those engaged in assisting IDPs have not dedicated enough time to coordination or reflection on the type of assistance needed and the dangers of prolonged displacement, nor have they included the IDPs themselves in this dialogue. Preventive physical health measures and mental health support for vulnerable groups (children, women, elderly, physically challenged) have been insufficient. Various UN guidelines relating to minimum standards in the areas of housing, health and water have not been fully adhered to. IDPs were sometimes indifferent to the relief projects as a result of not having been actively involved and used as a resource during the elaboration and development phases. Humanitarian assistance has often hampered communal organisational efforts initiated before displacement as well as lessened their potential impact during displacement. Several relief projects have encountered external difficulties during the implementation phase, such as legal problems and climate challenges. Conditions for return are also not in place. (UNCHR, 10 January 2003, para.28) (Castro/Hidalgo 1999, p. 62-63)

Although the responsibility for assistance lies primarily with the government, as of 1999, IDPs received support from non-governmental organisations, churches, multilateral bodies, national and international solidarity movements, political parties, and the Mexican Red Cross. Support is provided for acquisition of land and production, education, water and sanitation, health, housing, legal and security initiatives, culture and religion, mental health, clothing and community organising. The so-called "international solidarity support" to Chiapas, such as relief caravans and international visits, tends to be short-term and sporadic. The support provided by political parties (PRD) has not been consistent and is targeted to its affiliated members only. Many actors believe that future support should be for production, community organisation, housing and construction, legal aid (to the wives of prisoners and widows of those assassinated), environmental improvement and community health. (CIEPAC 28 August 1999) (Castro/Hidalgo 1999, p. 61)

While the government and international and local NGOs have provided little assistance to IDPs, some Good Governance Boards have taken it upon themselves to provide food assistance to IDPs living in their communities. (La Jornada, April 2005)

Between 2001 and 2003, a working group consisting of representatives of displaced indigenous communities from 8 municipalities and federal authorities, including institutions dealing with land and indigenous issues, was formed in order to address IDP needs. The IDPs had clear requests for the Mexican government: (1) comply with the agreements of San Andrés, (2) create conditions conducive to sustainable return or resettlement with right to land, (3) indemnisation (4) punishment for the perpetrators. After nearly three years of dialogue with the government, the CDHFBC (Centro de Derechos Humanos Frey Bartolomé de las Casas) and IDP representatives concluded that the state's response to their demands had been negligible as of June 2003. Some families had received food, 10 corrugated iron sheets and blankets. While their needs have remained unaddressed, impunity prevails and the displaced are routinely threatened. When the government decided to provide some education and health services for the IDPs in 2003, the landowners where the IDPs were temporarily sheltered threatened to expel them. The state has not yet recognised its responsibility to protect IDPs nor has it acknowledged that conflict is the cause of their displacement. (CDHFBC, 12 June 2003, pp.28-30)

IDPs are not legally recognised in the Mexican Constitution, and thus there is no specific policy or budget allocated for their needs. In early 2003, the Mexican government was in the process of preparing a National Human Rights Plan of Action. The federal government and the state of

Chiapas set up a task force on internal displacement including the Secretariats of Public Education and Health, and the Ministries of the Interior, Justice and Agrarian Reform. The federal government also planned to undertake a comprehensive assessment of the situation of displacement and to formulate a national policy. These positive developments created opportunities for local and international organisations to cooperate with the government to address IDP issues. Toward this end, the OHCHR considered extending technical assistance to the Government of Mexico as needed.

President Fox invited the Representative of the Secretary-General on internally displaced persons to visit Mexico in 2002, which was viewed as a positive sign of a policy change with regard to issues of displacement and human rights. The authorities briefed the Representative of the Secretary-General on internal displacement on their efforts to facilitate voluntary return and mediate reconciliation initiatives. In Chiapas, state and municipal authorities expressed their commitment to effectively addressing the problem of internal displacement and assured the Representative that they were very interested in finding durable solutions to the problems of the displaced. Municipal authorities claimed to have studied the Guiding Principles on Internal Displacement but identified a lack of funds as the main impediment to their implementation. They also acknowledged their primary responsibility to assist and protect internally displaced persons and to establish the necessary conditions to allow people to return or resettle in safety and in dignity. The situation was described as being very complex, in particular given the current "impasse" in the peace process and the limited resources available to assist the displaced communities. In spite of these efforts, IDPs and local groups have reported feelings of neglect and alienation, sharply contrasting with the positive statements made by federal authorities. To a certain degree, regional and local authorities shared the popular sentiment that the central government was not sufficiently responsive to the needs of the people. (UNCHR, 10 January 2003, p.3, para. 5)

Human rights observers reported that none of the Representative's recommendations had been implemented as of June 2003. Some animal husbandry projects were offered to IDPs but implementation was impossible due to the lack of land provision. IDPs who had returned were promised assistance for shelter but never received any. State authorities told IDPs requesting lands for resettlement that it was not a priority and that they should try to get land via other organisations. The authorities have not addressed issues of restitution and indemnisation. There is also no acknowledgement of the losses incurred by the military and paramilitary counter-insurgency war. With regard to issues of Justice, some paramilitaries were detained while others were freed. However, high-level officials enjoyed immunity from prosecution and false allegations against IDPs resurfaced. The San Andres Agreements were negated by the constitutional reform on indigenous rights. It is clear that all three levels of government have not produced strategies, statistics or specific initiatives to protect and assist IDPs. (CDHFBC, 12 June 2003, p.31) (CDHFBC, 12 February 2003) (CDHFBC, 6 September 2003)

ECHO gave one million Euros to help 30,000 IDPs and vulnerable populations in Chiapas in 2003. The ECHO funding was used to provide food rations, medical and communities services to approximately 30,000 vulnerable people in Chiapas. The decision also has a component for training in sustainable farming methods. (ECHO, 10 January 2003)

Foreign investment is unlikely to benefit IDPs. "In this scenario, it is also necessary to mention that the conflict has transferred to other actors and agendas as well. The eruption of new actors is notable, including the reactivation of campesino organizations and the growth of civil resistance, as well as the advance of official neoliberal plans (Plan Puebla Panama, FTAA) and the implementation of others, like Prodesis, which under the umbrella of the European Union places the territory of Chiapas, in particular the Lacandon jungle and Montes Azules, at the center of an intercapitalist and inter-Atlantic dispute for energy and genetic resources, under the cover of "conservation" and "eco-tourism."

In addition, the passage of the Law of Biosecurity in the Mexican Congress on February 15, 2005, and Monsanto's purchase of Mexican multinational firm Seminis, formerly owned by the Mexican magnate Alfonso Romo and part of the Savia-Pulsar Group, form part of this same conflict. U.S.-based Monsanto, favored by the Bush administration, is the world leader in genetically-modified grains and seeds for oils. The company obtained, as a result of the purchase, southern access to the Biospheric Reserve of Montes Azules, rich in water, biodiversity and forest reserves. Both events are not unconnected to the policies of expulsion of indigenous families, primarily from Zapatista support bases in the zone of Montes Azules." (SIPAZ, March 2005)

## **International Response**

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### **Selected NGO activities**

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#### **Local NGOs play leading role in creating dialogue with government on IDP issues and provide some assistance (2007)**

"Desde hace varios años, y con una perspectiva de promoción y fortalecimiento de procesos sociales el Frayba se ha comprometido con diferentes grupos de desplazados internos, quienes se encuentran en un proceso importante: ser sujetos constructores en la lucha por condiciones de paz y respeto a los derechos humanos. Como lo expresan las mujeres víctimas de desplazamiento forzado: El Frayba denunció reiteradamente y le da seguimiento a la situación en la que se encuentran varios grupos de personas, que sufrieron el desplazamiento forzado por causas directas o indirectas del Conflicto Armado Interno no resuelto en Chiapas. El Frayba ha adoptado las indicaciones de los Principios Rectores sobre el Desplazamiento Interno de Naciones Unidas, que definen a los desplazados internos:"

"The Centro de Derechos Humanos Fray Bartolomé de las Casas (CDHFBC) has created a round table of dialogue between IDPs and authorities since 2001. The aim of the round table is to identify IDP problems and actions to address those problems. The dialogue has included 28 groups displaced between 1994 and 2000 from 9 municipalities, state authorities and the Secretariat for Indigenous People. The round table also includes IDPs who have returned without guarantees of security or subsistence means. Since 2002, the state authorities no longer participate directly in the round table and have stopped funding IDP representatives' participation. (CDHFBC, 1 May 2002, pp.1,3,4,7,12)

As of 1999, the following Mexican non-governmental organisations provide long term food assistance to IDPs in Chiapas: Mexican Red Cross, Caritas of San Cristobal de las Casas, Enlace Civil and Fideicomiso de Apoyo a la Salud y Alimentación de la Ninez. The lack of a population survey and a needs-evaluation among the displaced makes identification of vulnerable groups difficult. Fideicomiso de Apoyo a la Salud y Alimentación de la Ninez provides special food support to children and mothers in the Chenalhó camps. In northern Chiapas (host to 26% of IDPs), food assistance reaches IDPs through Cáritas and the parishes, various solidarity caravans, the PRD political party and the dioceses of Villahermosa (Tabasco). When violence increased in the highlands ("Zona Altos"), particularly in the municipalities of Chenalhó, Pantelhó and El Bosque, attention was focused to this area (host to 48 % of the IDPs). (Castro/Hidalgo 1999, p. 45-46)

In 1999, President Zedillo voiced his disapproval of NGOs speaking on behalf of the poor. During the first five weeks of 2000, sixty foreigners who visited Chiapas were given citations ordering them to appear before immigration authorities. The citations imputed acts that violated Mexican law but did not specify the offences. (AI, 1999, p.249)

## **Selected activities of the Red Cross Movement**

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### **ICRC ends humanitarian aid in Chiapas (2004)**

In June 2004, ICRC ceased its humanitarian aid activities in Chiapas, citing the end of the emergency situation and the need for its resources more urgently elsewhere. The ICRC believed it would be more appropriate for organisations specialising in long-term programmes to conduct activities in the area. The ICRC will closely monitor the situation in Chiapas from its regional delegation in Mexico City.

Between 1998 and 2003, ICRC distributed some 8,000 tonnes of food to displaced people, who numbered about 10,000 at first and 4,500 in December 2003. A total of 4,331 families benefited from agricultural programmes and 91,800 medical consultations were given. In 2003 ICRC and the Mexican Red Cross (MRC) assisted about 10,000 IDPs in camps and villages. Assistance included community health services and animal husbandry. Beginning in 2001, ICRC gradually scaled down its activities, handing over to the MRC and shifting from emergency food assistance to longer-term projects strengthening IDPs' agricultural self-sufficiency. ICRC reduced food assistance to IDPs in Chenhaló by up to half due to better access to land. Since 1994, the ICRC in cooperation with the MRC has established temporary camps for 20,000 IDPs in Chiapas. (ICRC, 30 June 2004)

The ICRC has assisted IDPs with food, non-food items, health services and facilitated safe transport for Zapatista leaders to negotiation places. As a neutral intermediary, the ICRC facilitated dialogue between IDPs and authorities on safe return to their homes. The German and Spanish National Societies coordinated their activities in Chiapas with the ICRC and the Mexican Red Cross. (ICRC, 19 June 2003) (ICRC, 27 May 2003) (UNCHR, 10 January 2003, p.2) (ICRC 7 September 2001) (ICRC July 2001) (USDOS, 4 March 2002, sect.5) (ICRC, 30 June 2002) (USCR, June 2001)

By the end of 2002, ICRC had handed over its midwife programme to MRC. The ICRC programme trained indigenous midwives to raise their standards with respect to their culture and spiritual traditions. The ICRC supported the construction of a 'house for women' in 2001, which is used for midwifery training and some women decided to give birth there. (ICRC, 19 June 2003) (ICRC, 7 March 2002)

## **Recommendations**

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### **The UN Special Rapporteur on Indigenous Issues recommended that a national body to deal with IDP issues be established**

- The government should plan sectorial programmes specifically targeted at IDPs
- Legal protection measures for IDPs should be adopted

- The national census should collect information on the phenomenon of internal displacement at country-level
- Religious tolerance in rural areas should be guaranteed
- Humanitarian assistance and durable solutions for IDPs should be a priority
- The government should facilitate access to IDPs in Chiapas to organisations delivering assistance particularly to autonomous municipalities
- The Guiding Principles on Internal Displacement should be incorporated into national legislation
- While the government promised to assess the situation of IDPs in Mexico to develop a policy to deal with it, it has so far only visited IDP camps in 2002
- An inter-institutional working group was formed in 2002 to follow up on the recommendations of the UN Representative to the S.-G. for IDPs, however no results were publicly available as of 1 January 2004
- The OHCHR recommends that the government should explicitly recognize IDPs as citizens with rights as well as the territorial needs of indigenous people displaced
- The OHCHR recommends to Congress to revise the Constitutional reform on indigenous issues in accord with international standards and the San Andrés agreements
- The protection of indigenous lands and resources should be the priority in any search for solutions to agrarian conflicts

“Como resultado de la investigación documental y de campo de este Diagnóstico, se observó que los programas sectoriales del gobierno federal no están orientados a las necesidades de los desplazados internos. Se retoma el último informe de Francis Deng, que recomienda al gobierno federal que los servicios de sus políticas, planes y programas se extiendan a las comunidades de desplazados internos. [...]

El gobierno federal debe adoptar medidas de protección legal para atender las necesidades identificadas por el Relator Especial de la ONU sobre Desplazados Internos, como el establecimiento de áreas de especial vulnerabilidad de estos grupos.<sup>82</sup> Se recomienda al poder Ejecutivo analizar distintas opciones para coordinar el trabajo en esta materia. Puede facultar a una dependencia ya existente, como la COMAR, o crear un organismo descentralizado o autónomo intersectorial.

Por la notoria falta de información verificable, es necesario generar un sistema que permita un acercamiento a la medición del problema a nivel federal.<sup>83</sup> Una posibilidad sería incorporar la variable de desplazamiento en el próximo Censo de Población. La responsabilidad recaería primordialmente en el Instituto Nacional de Estadística Geografía e Informática, con apoyo del CONAPO.

Una causa recurrente es la violencia generada por conflictos político-religiosos. Las conductas y ritos de algunas mayorías religiosas en comunidades rurales atentan contra las libertades de culto, expresión religiosa y de asociación (garantizadas por las constituciones federal y estatales) del resto de la población local. Es importante garantizar la libertad de culto en el ámbito rural. Si bien la seguridad pública es una función descentralizada y se encuentra bajo la jurisdicción del municipio, es necesario que el gobierno federal actúe a través de la Policía Federal Preventiva.

Como resultado de la visita de Francis Deng, Representante del Secretario General de la ONU sobre los Desplazados Internos, [...] el gobierno federal se comprometió a tomar medidas efectivas para atender la situación de los desplazados internos en México. [...] Dentro de las

políticas integrales es prioritario vincular la atención humanitaria y la búsqueda de soluciones durables.

Otra recomendación proviene de defensores de derechos humanos de Chiapas y Guerrero, y se refiere al papel que debe desempeñar el gobierno federal. Las causas que motivan los desplazamientos rebasan las capacidades de gobiernos municipales y estatales (entre otras, presencia de grupos paramilitares, violencia generalizada, descomposición del orden público, enfrentamientos armados). Es prioritario que el gobierno federal realice acciones concertadas con sus contrapartes locales para reestablecer el orden social que es necesario para el retorno seguro de los desplazados.

Cuando los desplazamientos forzados se deban a la acción de agentes no gubernamentales, el gobierno federal debe supervisar que las instancias locales de procuración de justicia realicen una indagación adecuada de los hechos, que se persiga y, en su caso, consigne a los culpables y que se adopten medidas de reparación para los desplazados.

El Representante del Secretario General de la ONU sobre Desplazados Internos también recomendó al gobierno mexicano que garantice rutas de acceso seguras para brindar asistencia humanitaria a los desplazados internos en zonas de conflicto en Chiapas. Ante la actual paralización de las negociaciones de paz, es urgente facilitar el **acceso** a instituciones gubernamentales, internacionales y ONG para brindar asistencia a comunidades desplazadas, particularmente en los municipios autónomos de Chiapas (bajo control del grupo zapatista). Las prioridades en este renglón deben ser la provisión de alimentos, agua potable, servicios sanitarios y vivienda.

Otro aspecto que destaca el Informe la ONU sobre Desplazados Internos en México, es la urgente necesidad de establecer mecanismos de resolución no violenta de conflictos. Se recomienda que el gobierno federal se involucre directamente en buscar mecanismos de mediación, conciliación, negociación e intermediación, para que las partes en conflictos agrarios, religiosos, territoriales, políticos y étnicos, puedan resolver sus diferencias sin alterar el orden público.

Es necesario que el poder Legislativo, en coordinación con instancias del poder Ejecutivo como la Comisión Federal de Mejora Regulatoria, incorporen los lineamientos establecidos en los Principios Rectores aplicables a los Desplazamientos Internos de la ONU. [...]

El gobierno federal expresó ante el Representante del Secretario General de la ONU sobre Desplazamiento Interno su intención de evaluar a fondo la situación de los desplazamientos internos a nivel nacional y formular una política oficial al respecto. La visita a campos de desplazados internos en Chiapas (verano de 2002), por parte de la delegación gubernamental encabezada por la entonces Subsecretaria de Derechos Humanos y Democracia de la Secretaría de Relaciones Exteriores, constituyó un primer paso en este proceso. Es necesario continuar con esta labor, solicitando asistencia técnica a organismos internacionales.

El proceso de seguimiento a las recomendaciones de la ONU en este terreno, que se formó en 2002, como “grupo de tareas intersecretarial” que incluye a representantes de las secretarías de Educación Pública, Gobernación, Salud y Reforma Agraria, del poder Judicial, y del estado de Chiapas, se ha comprometido ante la ONU a “iniciar un proceso de consultas para evaluar en forma detallada la situación de los desplazamientos internos en el país”. [...] Es necesario que el gobierno federal continúe con este proceso y haga públicos sus resultados.

Los desplazados consultados a través del proceso del diagnóstico enfatizan la importancia que tiene la relación tradicional que guardan con sus tierras los indígenas, quienes constituyen la mayor parte de esta población. Es necesario que en los procesos de reforma legislativa y de



política pública en materia de población que conduzcan al reconocimiento de los desplazados internos como sujetos de derecho, se reconozcan explícitamente las necesidades territoriales de los desplazados indígenas.” (OHCHR, 1 January 2004)

“Que el Congreso de la Unión reabra el debate sobre la reforma constitucional en materia indígena, con el objeto de establecer claramente los derechos fundamentales de los pueblos indígenas de acuerdo a la legislación internacional vigente y con apego a los principios firmados en los Acuerdos de San Andrés. El Convenio 169 de la Organización Internacional del Trabajo deberá ser aplicado en toda legislación e instancia que tenga relación con los derechos de los pueblos indígenas. La preservación y protección de las tierras, territorios y recursos de los pueblos y comunidades indígenas debe tener prioridad por encima de cualquier otro interés en la solución de los conflictos agrarios.” (OHCHR, 1 January 2004)

### **Recommendations by the Centre of Human Rights Fray Bartolomé de las Casas (2005)**

- The CDHFBC calls the government to collaborate with the Inter-American Commission on Human Rights to investigate and punish those responsible for crimes against humanity in Chiapas
- It urges the government to provide compensation to the victims and guarantees of non-repetition
- It calls the president to de-militarize the Chiapas indigenous communities, demobilise and disarticulate paramilitary groups
- It calls on the COCOPA to verify the military situation, government policies aimed at addressing the consequences of the conflict including by responding to the needs of IDPs, protect civilians and prevent further violations of human rights
- The CHRFBC calls the authorities to implement the right to justice, truth and reparation to the victims

“Insta al Ejecutivo federal que en su calidad de representante del Estado mexicano, colabore con la Comisión Interamericana de Derechos Humanos para el esclarecimiento de estos crímenes, el castigo a los responsables y la reparación a las víctimas, procurando medidas de no repetición. Exhorta al Presidente de la República a desmilitarizar las comunidades indígenas de Chiapas. Hace un llamado a la Cocopa para que de acuerdo a sus facultades verifique la situación militar en el estado de Chiapas, su presencia y sus tareas; revise las políticas gubernamentales encaminadas a atender las consecuencias del conflicto armado, y proponga acciones para que el Congreso y el Gobierno federal protejan a la población civil, atiendan las necesidades de los desplazados de guerra y prevengan nuevas situaciones de violencia y de violaciones a derechos humanos.

Demanda a los gobiernos federal y estatal, vigilen y tomen las medidas necesarias para garantizar la seguridad y proteger la integridad física de los integrantes de las comunidades de desplazados en las Zonas Norte y Altos del estado de Chiapas, particularmente de las víctimas y sus familiares, del denunciante de Paz y Justicia y sus familiares, y del Centro de Derechos Humanos Fray Bartolomé de Las Casas, sus miembros y familiares.” (CDHFBC, 15 February 2005)

“Aunque el conflicto aún no termina, la justicia no debe esperar. El Centro de Derechos Humanos Fray Bartolomé de Las Casas exige:

1.- Que se cumpla el derecho a la Verdad de las víctimas y de la sociedad en su conjunto, realizando una investigación seria considerando las líneas que apuntan a la responsabilidad del Estado por los delitos de lesa humanidad perpetrados en el estado de Chiapas, a través de la

creación de una Fiscalía Especial Autónoma con capacidad de llamar a cuentas al Ejército mexicano y de deslindar responsabilidades de Estado.

2.- Que se garantice el derecho a la Justicia sancionando a los responsables materiales e intelectuales de los delitos de lesa humanidad dirigidos en contra de la población civil, de acuerdo al Estatuto del Tribunal de Nüremberg.

3.- Que se haga efectiva la Reparación del Daño de las víctimas de desplazamiento forzado, asesinatos, desapariciones y tortura.

4.- Que se garanticen medidas de No Repetición:

A.- El desarme y la desarticulación de grupos paramilitares.

B.- La desmilitarización del territorio indígena de Chiapas.

C.- La inclusión de los delitos de lesa humanidad en el marco del derecho positivo mexicano.

D.- La desaparición del fuero militar en tiempos de paz y particularmente cuando se trata de violaciones de Derechos Humanos.

E.- La ratificación del Protocolo II sobre Conflictos No Internacionales, de los Convenios de Ginebra.

F.-- La ratificación por parte del Senado del Estatuto de la Corte Penal Internacional.

[...]

Este Centro de Derechos Humanos hace a las autoridades competentes de los diferentes niveles de gobierno, las siguientes recomendaciones:

A las autoridades encargadas de procurar e impartir justicia, exigimos se apeguen a los principios fundamentales del derecho a la verdad, juicio justo, reparación de daño y garantías de no repetición de violaciones de derechos humanos. El no facilitar que la justicia sea una realidad en nuestro país, los hace cómplices de crímenes de lesa humanidad, que la historia que construyen los pueblos no olvidará.

[...]

Mientras no se garantice una efectiva protección a los derechos elementales de la población más vulnerable en nuestro país y ésta continúe siendo el blanco de las estrategias contrainsurgentes y de acciones de militarización, la verdad y la Justicia seguirán siendo una utopía." (CDHFBC, 9 February 2005)

## **Reference to the Guiding Principles on Internal Displacement**

### **Known references to the Guiding Principles on Internal Displacement (2005)**

- References to the Guiding Principles Reference to the Guiding Principles in the national legislation
- Other References to the Guiding Principles (in chronological order)
- Availability of the Guiding Principles in local languages
- Training on the Guiding Principles (in chronological order)

### **Reference to the Guiding Principles in the national legislation**

None

### **Other references to the Guiding Principles**

None

### **Availability of the Guiding Principles**

The Guiding Principles are widely available in Spanish. Published by OCHA: Principios Rectores De Los Desplazamientos Internos

Source: OCHA; Mr Francis Deng, the Representative of the Secretary-General on Internally Displaced Persons; Mr Sergio Vieira De Mello Assistant to the Secretary General for Humanitarian Affairs,

To download the full document click here: [\[External Link\]](#)

Date: 1998

### **Training on the Guiding Principles**

None

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