

£MEXICO

@Human rights violations against members of the Mixe and Zapotec indigenous community of La Trinidad Yaveo, Oaxaca

Amnesty International is concerned at the summary execution in January 1992 of a member of the indigenous community of La Trinidad Yaveo, in the state of Oaxaca and at the arbitrary arrest and torture of six other members of the community - five of whom are still imprisoned awaiting trial. The organization is also concerned at the imprisonment in July 1990 of another eight community members who have been convicted on charges that Amnesty International believes are unfounded. The information in this document reflects the findings of an Amnesty International delegation to the area in February 1992.

On 25 January 1992, members of the *Policía Preventiva*, Preventive Police, the *Policía Judicial del Estado*, State Judicial Police and local gunmen raided the Indian community of La Trinidad Yaveo, municipality of Santiago Yaveo, in the district of Choapan, Oaxaca. According to reports, the police arrived at the village at around 4am. They raided the homes of six of the inhabitants and arbitrarily arrested Mixe Indians Agustín Diego García, Odilón García Serafín, Abraham Miguel Prudencio, Efreín Miguel Prudencio, Alberto Martínez Hernández, and Daniel Muez García, a Zapotec Indian. During the raid, Tomás Diego García was summarily executed. In addition, two women, Cristina Diego García and Teresa Esteban Pacheco, were reportedly beaten with weapons and a member of the state judicial police is alleged to have put the barrel of his gun into the mouth of five-year-old Misael García Santiago, and to have threatened to kill him if he continued to cry.

Indigenous groups in many parts of Mexico have suffered human rights violations in the context of unresolved land conflicts involving indigenous communities, ejidos¹ and powerful private landowners, otherwise known as *caciques* or "local bosses". The human rights violations reported in La Trinidad Yaveo in January are the latest in a series of incidents that have arisen between a sector of the community - the *Grupo de Trabajo Común Organizado*, TCO, the Organized Communal Work Group - asserting their traditional land rights² and

¹ The *ejido* is a communal land-holding established as a result of agrarian reform measures. The land is owned by the state and cannot be sold, rented or mortgaged. Indigenous communal land ownership is also acknowledged by the state in that it has theoretically recognized the ancestral boundaries legalized during the colonial period when the land was officially awarded to the individual indigenous communities. Local authorities and landlords have frequently failed to respect these ancestral communal boundaries, precipitating on-going conflicts which the central authorities have failed to resolve.

² Of the 57,000 hectares originally belonging to the community - documented in the ancestral land tenancy titles - after numerous land invasions, only 3,600 hectares remain.

local landowners who have seized large tracts of land for cattle grazing as well as reportedly for cultivating narcotics. While Amnesty International takes no position on competing land claims, the organization is seriously concerned at reports that as a result of such conflicts, members of indigenous and rural communities have suffered arbitrary arrest, torture and other serious human rights violations by members of the security forces acting, in many cases, with the complicity of local *caciques* and their gunmen (*pistoleros*).

The failure of local and state level civilian authorities to properly investigate complaints of killings, arbitrary arrest and torture and to bring those responsible for such abuses to justice, leads Amnesty International to the conclusion that these violations take place with the acquiescence of these authorities.

At least 13 people from La Trinidad Yaveo, most of them involved in defending their community's lands, have been killed in the last 20 years. Among them are Francisco Yescas Francisco, a prominent leader of the community who was killed in July 1987, and Zacarías Patricio Márquez, killed in September 1989. Both men were reportedly killed because of their involvement in the community's peaceful struggle for its traditional land rights. In both cases those responsible were reportedly identified and in the case of Zacarías Patricio Márquez, detention orders were apparently issued but were never carried out. In none of the other cases have those responsible been brought to justice. In contrast, following the murder in 1990 of local landowner Francisco López by unknown individuals, several members of the TCO were arbitrarily arrested.

The inhabitants of La Trinidad Yaveo are Mixe and Zapotec Indians who have endeavoured to keep their cultural traditions, their language and communal working practices - known as the *tequio* - alive. The traditional authorities responsible for taking decisions affecting the community and for resolving problems have largely ceased to exercise a role because of internal problems within the community. Under national legislation, the community elects a representative responsible for agrarian affairs known as the *representante de bienes comunales* who represents the community before the Agrarian Reform Agency. In the case of La Trinidad Yaveo, there have reportedly been serious difficulties in maintaining this tradition as a result of confrontations between representatives of the TCO and a sector of the community supported by the *caciques* who have tried to impose their own candidate. Nevertheless, the *Asamblea de Autoridades Mixes, ASAM* (Assembly of Mixe Authorities - a non-governmental organization), has played an active and important role, not only in La Trinidad Yaveo,

The photograph shows members of the Mixe and Zapotec indigenous community of La Trinidad Yaveo. In July 1987, Francisco Yescas Francisco, *representante de bienes comunales* (elected by the community to represent them before the Agrarian Reform Agency) of the community was murdered by local gunmen. The *Grupo de Trabajo Común Organizado* (TCO, the Organized Communal Work Group - a sector of the community who have been defending the community's traditional land rights) organized a meeting and recorded the sentiments of some of the people present. The following are extracts. *"We are here to decide what we are going to do. We have said how we feel, we want justice. We are trying to decide how to achieve this. It is customary here for those who speak out to be killed ... but we say that this cannot continue ... there will be justice if we look for it, if we defend our rights. We should not be afraid. In any case we all have to die and without our land we are dead."*³ Nearly five years later, those responsible for the death of Francisco Yescas remain at large.

but also in other parts of Oaxaca setting up local health and education programmes and defending the interests of the Mixe Indians in the face of frequently unauthorized land appropriations by large timber companies.

The Mixe Indians live in the northeastern part of the state of Oaxaca. The zone is divided into high, middle and low regions. In its account of the history of the Mixes, the

³ *"Estamos aquí para saber qué vamos a hacer. Decimos lo que sentimos, queremos la justicia. Buscamos en qué forma se puede arreglar. Ya es costumbre de que el que habla se muere ... Pero decimos que ya no es posible que siga así ... Justicia va a haber si la buscamos, si defendemos nuestros derechos. No hay que tener miedo, de todas maneras tenemos que morir, de todas maneras sin tierra estamos muertos."*

Mixe community of San Juan Jaltepec de Candayoc recounts that according to tradition, the Mixe people fled from the Incas in the south and settled in the area that borders the states of Oaxaca, Veracruz, Tabasco and Chiapas towards the end of the eleventh century. They call themselves the Ayuuk Jaai, or People of the Mountains. The Zapotecs are one of the largest of the 56 ethnic groups in Mexico and live in various regions in the state of Oaxaca. They speak a number of dialects, most of them mutually unintelligible and like the Mixes are engaged in agriculture.

The Extrajudicial Execution of Tomás Diego García

"I asked them why had they killed my brother, why had they beaten me so severely ... that is what hurts so much ... I have a pain in my heart, a pain that one would feel for anyone who dies and even worse when you have been ill-treated, as I had been. I felt as if a knife had entered my heart the moment I found out he was dead."⁴

Agustín Diego García, brother of Tomás

Twenty-year-old Tomás Diego García, brother of Agustín, one of the six men arbitrarily arrested by the police, was shot at close range in the back of the head as he ran unarmed after the vehicles in which the detainees were being taken away. Tomás mother, Crispina García, who had run off ahead, reported hearing a shot. She discovered her son's body near the house with a bullet through his head. A complaint has been presented to the state authorities and to Mexico's National Commission for Human Rights (*Comisión Nacional de Derechos Humanos*).

⁴ *Les pregunté por qué habían matado a mi hermano y que por qué me habían castigado mucho ... eso es lo que a mí me duele mucho ... Yo siento un dolor en mi corazón. Cualquier persona que muere se siente el dolor y más así como estaba yo castigado, era peor. Yo sentí pues como una puñalada en el corazón al momento que supe que él estaba muerto".*

Agustín Diego García (centre right) and his mother, Crispina García Francisco (centre left).

Agustín was one of six people arbitrarily arrested and tortured by the police on 25 January 1992. His brother, Tomás Diego García was murdered with a shot in the back of the head.

The mother of 5-year-old Misael García Santiago (on right) told AI delegates how a policeman put a gun in her child's mouth to silence his cries as they arrested his father, Odilón García Serafín, on 25 January 1992.

Arbitrary Detention and Torture

Agustín Diego García, 29, Odilón García Serafín, 25, Abraham Miguel Prudencio, 45, Efreín Miguel Prudencio, 21, Alberto Martínez Hernández, 30, and Daniel Muez García, 56, were arrested at their homes without a warrant by members of the *Policía Preventiva* and *Policía Judicial del Estado*. Their homes were reportedly singled out by gunmen accompanying the police. The six men were handcuffed and blindfolded and taken to the state judicial police office in the local town of María Lombardo. During the journey, they were subjected to beatings which continued inside the police station. The six men were punched, hit with weapons and kicked in different parts of their bodies. Alberto Martínez reportedly had his head bashed against the wall. The police are also said to have poured burning candlewax over the hands of Daniel Muez and Alberto Martínez.

According to one of the detainees, some of the questions asked by the police related to the activities of local Catholic priest, Octavio Vilches, who they accused of organizing the TCO. Father Vilches had worked in the community for 15 years until his transfer to another parish in 1990 and had been the subject of several death threats by local *caciques*.

Agustín Diego García was released without charge later the same day. The other five were transferred to prison in the town of Matías Romero. The following day, they were taken before the *Agente del Ministerio Público* (Public Ministry Agent, a district attorney responsible for criminal investigations and in charge of the judicial police) where, under threats of further torture by members of the *policía judicial del estado*, they were obliged to sign papers they were unable to read. They were then forced to pose with some weapons and photographed. At no time were they given a medical examination or any legal advice. The men were held incommunicado for 28 hours during which time, their relatives were denied information concerning their detention and whereabouts. Under the Mexican Constitution, a detainee must be brought before a judge within 24 hours. This provision is routinely flouted and in this case the detainees were not brought before the judge to make their initial statement (*declaración preparatoria*) until the afternoon of 29 January 1992. The judge provided them with legal council (*defensor de oficio*) but reportedly refused to take down their allegations that they had been forced to sign confessions under torture. The men were charged with killing local landowner Francisco López in February 1990 and were transferred to prison in the town of Matías Romero.

In February 1992, an Amnesty International delegation visited the prison in Matías Romero where the men are being held. One of the delegates, a medical doctor with forensic experience, found signs consistent with the torture the men said they had

Agustín Diego García shows delegates where his brother, Tomás, was killed on 25 January 1992.

Inhabitants of La Trinidad Yaveo whose community was raided by police and gunmen in January 1992.

suffered in two of the prisoners. None of them have received medical attention. The prisoners were held in overcrowded cells with inadequate sanitary conditions.

In July 1990 eight other members of the community were detained on the same charges. In December 1991 they were sentenced in the first instance to twenty-five years'

imprisonment and are currently in prison in Tuxtepec. Amnesty International delegates visited the prison in February 1992 to interview the detainees.

Cenobio Martínez Hernández, Cecilio Aldaz, Abraham López Allende, Celedonio Miguel Prudencio, Rogelio Lorenzo Valentín, Vicencio Martínez García, Felipe Martínez Hernández and Venustiano Velasco Yescas were attending a meeting on 13 July 1990 that the state authorities had led them to believe had been organized to try and resolve the differences between the group within the community attempting to reclaim their traditional lands, the *Grupo de Trabajo Común Organizado*, and the

Photograph of the eight men from La Trinidad Yaveo who were arbitrarily detained in July 1990 who are currently held in prison in Tuxtepec.

group led by local landowners. According to reports, former deputy state attorney general (*sub-procurador de justicia*), Enrique Toro Ferrer - currently on trial for the murder of two Indians - invited the men to make a declaration at the local office of the Public Ministry in the town of María Lombardo. There, they were taken into custody, charged with the murder of Francisco López.

Amnesty International believes that the thirteen men were arbitrarily detained on false charges solely on the basis of their peaceful activities on behalf of their community. The organization is seriously concerned at the irregularities reported in the proceedings against them. These include charges based on unfounded accusations by interested parties, the acceptance of coerced confessions in the case of the five men arrested in January 1992 and the fact that at least one of the accused, Alberto Martínez, was reportedly away from the community on the day of the crime for which he has been charged. Amnesty International calls for the immediate and unconditional release of the thirteen detainees.

Amnesty International's Concerns

Amnesty International is calling for an immediate and impartial investigation into the killing of Tomás Diego García on 25 January 1992 and into the killings of at least 13 other members of the community in the last twenty years and for those responsible to be brought to justice. The organization also urges a thorough investigation into the arrest without warrant and torture of six people, the beating of two women and the death threats against a child that took place on the same day, and for those responsible for these human rights violations to be brought to justice. Failure to take immediate measures to investigate and prosecute those responsible for these human rights violations against members of the indigenous community of La Trinidad Yaveo is likely to encourage a repetition of such acts since it creates a sense of impunity in the perpetrators.

Amnesty International considers that the thirteen members of the indigenous community currently in prison on charges of killing Francisco López in 1990 are without foundation and believes them to be prisoners of conscience. The organization urges their immediate and unconditional release.

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MEXICO

HUMAN RIGHTS VIOLATIONS AGAINST MEMBERS OF THE MIXE AND ZAPOTEC INDIGENOUS COMMUNITY OF LA TRINIDAD YAVEO, OAXACA

March 1992

Recommended Actions

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference.

In those sections which intend to participate in AI's full programme of activities concerning human rights violations against indigenous peoples of the Americas in the context of 1992, please be sure that the person/s in your section who will be coordinating your section's participation receive a copy of this circular. In sections which will not be joining the full range of activities but where Americas RANs wish to receive 1992 indigenous material, please ensure that these RANs receive this action (See AI Index: POL 51/12/91, issued in December 1991).

Distribution

This circular has been sent direct by the International Secretariat to CASA/Mexico coordinators/coordination groups for distribution to CASA groups in their section. Please note that a more comprehensive set of recommended actions, CASA Action 04/92, AI Index: AMR 41/02/92 is available.