

Further Information on UA 228/07 (AMR 41/054/2007, 30 August 2007) and follow-up (AMR 41/056/2007, 13 September 2007) - Medical concerns/ fear for arbitrary detention/ forced evictions/ fear for safety

**MEXICO 39 men, women and children from two Indigenous communities in Montes Azules, Chiapas state
Other communities living in Montes Azules**

All those detained after being evicted on 18 August from their homes in the Montes Azules nature reserve in Chiapas state have now been released. However, the authorities have not provided them with alternative land, or offered to compensate them for the homes and belongings which were destroyed when they were forcibly evicted. In addition, the authorities are thought to be still planning to forcibly evict five other communities settled in the Montes Azules nature reserve.

On 24 September the six men from the evicted communities, who had been held in the "El Amate" prison (state prison number 14) in Chiapas state, were released. The charges they faced, including damage to private property, "ecological damage", "illegal occupation", "criminal association" and carrying fire arms, were all dropped by the general prosecutor of the state. The reason for this decision is not known to Amnesty International.

The evictee women and children have also now been released. They had been held in poor conditions in arbitrary detention in 'provisional refuges'. The men, women and children have now been reunited, and have been offered land to live on by other sympathetic communities in Chiapas state. A local human rights organization has provided the evictees with food, shelter and basic provisions. However, the evicted families have no legal title to any land. The authorities have not offered the 39 evictees any alternative place to live or even consulted them about their eviction and relocation; nor have they given the families any reparation for the destruction of their homes and belongings when they were evicted.

The Chiapas state authorities have not retracted their threat to forcibly evict five other communities settled in the Montes Azules nature reserve, and Amnesty International is not aware that any of these communities have been consulted about their relocation.

Those evicted were from six Tzeltal Indigenous families living in the settlements of Nuevo San Manuel and Buen Samaritano in the Montes Azules nature reserve. The settlements were on land to which another Indigenous community, Lacandona, has a legal title. The families were evicted after the Lacandona community made a legal complaint against all irregular occupation of the area, known as Selva Lacandona. According to the testimonies of the evictees, they were given no notification by the authorities of the legal complaint against them, nor of their eviction.

BACKGROUND INFORMATION

Disputes surrounding land claims and land distribution in this area of Chiapas State have been at the root of violence involving Indigenous communities for decades. After a governmental decree in 1972, the Lacandona community was given a legal title of the land in the area, but many other Indigenous communities living on the land for many years were not acknowledged or given anything. Following an agreement in 2005, the federal and Chiapas State government committed to regularize the land rights of 28 communities.

Under international law forced evictions, that is evictions carried out without consultations, due process of law and assurances of adequate alternative accommodation, are grave violations of human rights. In particular, Mexico must respect the right to adequate housing as a party to the International Covenant on Economic, Social and Cultural Rights, including through ensuring that everyone is afforded a degree of security of tenure sufficient to protect them from forced eviction and ensuring that no one is made homeless as the result of an eviction.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- calling on the authorities to ensure, in consultation with those affected, that all evictees have adequate alternative accommodation;
- calling for guarantees that the 39 Tzeltal Indigenous women, men and children evicted from the Montes Azules nature reserve on 18 August will receive full reparation for the psychological harm they have suffered and the destruction of their homes and belongings when they were forcibly evicted;
- expressing concern that other five communities settled in the Montes Azules nature reserve are at imminent risk of forced eviction, and calling on the authorities to suspend all evictions until the authorities are assured that such evictions will conform to international human rights law.

APPEALS TO:

Attorney General of Chiapas

Lic. Mariano Herrán Salvatti, Fiscal General de Justicia del Estado de Chiapas

Libramiento Norte s/n, tercer nivel, Col. Infonavit "El Rosario", CP 30064, Tuxtla Gutiérrez, Chiapas, México

Fax: + 52 961 61 657 24

Email: mherran@fge.chiapas.gob.mx
Salutation: Señor fiscal/Dear Attorney General

Governor of Chiapas

Lic. Juan José Sabines Guerrero, Gobernador del Estado de Chiapas
Palacio de Gobierno, 1º piso, Col. Centro, 29000, Tuxtla Gutiérrez, Chiapas, México
Fax: +52 961 618 8050 ext. 21122
Salutation: Dear Governor/Señor Gobernador

Attorney General of the Republic

Lic. Eduardo Medina-Mora Icaza, Procurador General de la Republica
Paseo de la Reforma n° 211-213, Piso 16, Del. Cuauhtémoc, México D.F., C.P. 06500, MEXICO
Fax: +52 55 53 46 09 08 OR +52 55 56 26 44 47/96 00
E-mail: ofproc@pgr.gob.mx
Salutation: Señor Procurador General / Dear Attorney General

COPIES TO:

Human rights organization:

Centro de Derechos Humanos Fray Bartolomé de las Casas A.C,
Brasil No. 14 Barrio Mexicanos, CP. 29240, San Cristóbal de las Casas, Chiapas, Mexico

and to diplomatic representatives of Mexico accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 November 2007.
