

£MEXICO

@Human rights violations against Ch'ol and Tzeltal Indian activists

Amnesty International is deeply concerned about the apparent impunity benefiting those responsible for the arbitrary arrest, torture and ill-treatment of over a hundred Ch'ol and Tzeltal civil and human rights activists in Palenque, state of Chiapas, in December 1991. The victims appear to have been targeted for their peaceful activities on behalf of the local indigenous communities. At the time of writing, those responsible have not been brought to justice and the victims have not received any compensation.

The activists were arrested on 28 December during a peaceful demonstration in the town of Palenque, and transferred to Tuxtla Gutiérrez, the state capital, where they remained incommunicado, without food or medical care. During the transferral the detainees suffered beatings, kicks and death threats. Ninety four people - including Jerónimo Hernández, 36, a local Jesuit priest and human rights monitor - were released on 30 and 31 December 1991, but nine Indian activists remained imprisoned under reportedly unfounded and false charges. Eight of those imprisoned were released on suspended charges on 29 January 1992, and Manuel Martínez Pérez, a 25-year-old Ch'ol and Indian activist, remained imprisoned until 1 April 1992, when he was released free of charges.

Amnesty International is calling for full investigations into the human rights violations suffered by those arrested in Palenque, for those responsible to be brought to justice, and for adequate reparations to be provided to the victims.

Background:

The Ch'ol and Tzeltal are sedentary, agricultural communities of Mayan ancestry living in the southern part of Mexico, mostly in the states of Chiapas and Tabasco. Most of their lands are organized as *ejidos* and *comunidades*, a form of communal land ownership officially recognized since colonial times. This system of land tenure was later instituted by the land reform which took place at the beginning of this century and recognized by the 1917 Mexican Constitution. For example, Article 27 of the Constitution established the existence of *ejidos* and *comunidades* as communal and non-negotiable parcels belonging to peasant and indigenous communities respectively. Despite the official recognition of their ancestral land rights, most indigenous communities in Mexico have lost large portions of their property to local *caciques*, powerful landowners. They have frequently used a variety of illegal means for this purpose, which on some occasions has resulted in the death,

"disappearance" or maltreatment of indigenous peasants. The *caciques* and local authorities responsible for such abuses have only rarely been brought to justice for these acts.

A reform to Article 27 of the Constitution, enacted in February 1992, privatized and rendered *ejidal* and communal land saleable. It is feared that this will further hinder the rights of the indigenous peoples to their lands. Indeed, most of the more than 9,000,000 indigenous peoples living in Mexico are peasants belonging to the poorest sectors of the population - many are illiterate or do not speak Spanish - and thus very vulnerable to extortion and other forms of pressure by potential buyers of their lands, including the *caciques*. Although Amnesty International takes no position on the issue of land tenure, the organization has repeatedly expressed its concerns about the frequent reports of human rights abuses by *caciques* and local authorities against members of indigenous communities which have arisen in the context of land disputes.

Amnesty International has also repeatedly expressed its deep concern about the impunity which appears to benefit most of those responsible for human rights abuses in Mexico. For example, in its report *Mexico: Torture with impunity* (AI Index: AMR 41/04/91) the organization concluded that, unless the Mexican Government abides by its commitment to bring those responsible for abuses to justice, torture, ill-treatment and other human rights violations will continue to be widespread. (See also: *Mexico: Human Rights Violations in Rural Areas*, AI Index: AMR 41/07/86; *Mexico: Reports of Human Rights Violations Against Members of the Triqui Indigenous Group of Oaxaca*, AI Index: AMR 41/11/90; and *Mexico: Human rights violations against members of the Mixe and Zapotec indigenous community of La Trinidad Yaveo, Oaxaca*, AI Index: AMR 41/01/92.)

In February 1992 an Amnesty International delegation visited Palenque and interviewed several Indian activists who had suffered torture and ill-treatment. During their visit to Mexico the delegates also met with representatives of the governmental *Comisión Nacional de Derechos Humanos*, National Human Rights Commission, and expressed to them Amnesty International's concerns about the human rights violations suffered by those arrested in Palenque.

This document summarizes the findings of the AI's delegation about human rights violations against members of indigenous communities in Palenque, and the relevant developments reported thereafter.

The Demonstration in Palenque:

On 26 December 1991, around 60 representatives of more than 40 Ch'ol and Tzeltal indigenous communities from the districts of Palenque, Ocosingo and Chilón, in the state of Chiapas, assembled in the central park of Palenque, in front of the town's municipality, in support of a series of demands presented to the local and state authorities. On the following days, more than 300 people, including women and children joined the gathering, awaiting a response from the authorities.

The legal and peaceful demonstration, which took the form of a *plantón*, or sit-in, was organized by the *Comité de Defensa y Libertad Indígena*, Committee for Indigenous Defense and Freedom; the *Unión de Comunidades Indígenas de la Selva Chiapaneca*, Unity of Chiapa's Forests' Indigenous Communities, and *Tsoblej Yu'un jWocolytic*, "Unity to Solve our Problems". These are local non-governmental organizations involved in civil and human rights activities on behalf of local indigenous communities. For example, the Palenque-based Committee for Indigenous Defense and Freedom was founded in March 1986 to demand full investigations and accountability into the murder of José Daniel López Gómez, a local Chontal Indian leader reportedly killed by local *caciques* at the beginning of that year as a consequence of his activities in favour of his and other indigenous communities. Despite the Committee's repeated efforts to press the authorities to bring those responsible for his murder to justice, those who killed José López have remained at large. Meanwhile, however, the Committee has continued its activities demanding an end to abuses by the local authorities and law-enforcement agents against indigenous peoples. Such abuses reportedly include: arbitrary arrests, incommunicado detention, torture of detainees, including systematic beatings and kicks, forcing mineral water with chili pepper up the nostrils, electric shocks, semi-asphyxiation in water or with plastic bags covering the head of victims, the lack of interpreters for non-Spanish speaking criminal defendants, and the frequent extortion of money from detainees or their relatives in return for promises of release.

The demonstration in Palenque had been organized to support a written petition presented by the local indigenous communities on 26 December 1991 to the state Congress and to the town's *Consejo Municipal*, Municipal Council. These demands included: the completion of delayed public works in some of the communities; a reduction of excessive municipal taxation on land tenure; a halt to corruption in local civil courts whereby indigenous peoples are reportedly forced to pay bribes for services; respect for democratic elections of community leaders, as opposed to the allegedly frequent imposition of alien or non-representative authorities; an end to the restriction on the movement of Mexican indigenous peoples living in the border area with Guatemala; a demand for interpreters and defense counsel in court proceedings, in accordance with the law; and an end to police harassment, torture and ill-treatment of members of indigenous communities. Such demands had been repeatedly made to local and state authorities, which had allegedly failed to act on them.

Arrest, Ill-treatment and Torture of Indian Activists:

On Saturday 28 December at 11:30 pm, at least 200 members of the *Policía Judicial del estado*, state judicial police, and of the *Seguridad Pública del estado*, state security police, unexpectedly arrived

at the central park in Palenque to disperse the demonstration.

At that time, when most of those participating in the sit-in were sleeping, the police began to beat and arrest people without explanations or arrest warrants. According to reports, the police used batons and the butts of their fire-arms to attack demonstrators indiscriminately. Men,

women and children reportedly suffered beatings, kicks and death threats, and 103 men were arbitrarily arrested and forced into trucks.

Many of the items used during the sit-in, such as sound equipment and the personal belongings of many of the participants, were allegedly stolen or destroyed by the police.

Pedro López Pérez, Ch'ol, one of several Indian activists injured on 28 December 1991 during the police raid against those participating in a demonstration on behalf of human rights in Palenque. He was beaten with rifle butts and kicked in the head.

According to reports, at least 20 people were injured, many seriously, during the police attack. Most were reportedly denied medical treatment in Palenque, and the local *agente del Ministerio Público*, public ministry agent or district attorney, reportedly refused to accept any complaints by the victims or their relatives. The district attorney also reportedly refused to issue orders for forensic examinations of the victim's injuries.

Those arrested were transferred in eight trucks to the *Procuraduría General de Justicia del Estado*, the State Attorney General's Office, in Tuxtla Gutiérrez, the state capital. During the 16-hour journey (which according to reports was deliberately made to take eight hours in excess of the usual time) most of the detainees were beaten and kicked, and all were threatened with death and insulted.

The testimonies of some of the detainees, who asked that their names be kept confidential, bear witness to their torture and ill-treatment and to the racial insults directed at them:

Testimony No. 24:

"...I didn't know where they were taking us, and at that time it was raining and we got wet throughout the journey..." and "...they didn't let us stand up, we travelled sitting down with our knees bent, and we were made to keep our heads down. When our friends tried to speak, they were hit with batons, and we were scorned and insulted for being filthy indian campesinos."¹

Testimony No. 26:

"...once the truck started to move the police began to hit us and forced us to lie in the floor...I asked them to stop or we would die, to which they replied: die, you son of a bitch; that will stop you misbehaving. This continued until we arrived at Tuxtla..."²

According to reports, one of the detainees, Antonio Ramírez Jiménez, 42, a Ch'ol, was so badly injured that he was believed to be dying. Instead of providing medical treatment, the police reportedly forced him down off the truck and abandoned him by the side of the road, in the middle of the night. He was allegedly told: "go and die in your home" (*"vete a morir a tu casa"*). Antonio Ramírez Jiménez survived, but sustained permanent injuries to his lower back as a consequence of his ordeal.

Midway through the journey, the detainees were transferred into three trucks, in which they were so crammed together that many were allegedly stepped on by others. They were reportedly forced under beatings and threats to remain in the same position for hours.

¹"...no sabía dónde nos estaban llevando y en esa hora estaba lloviendo mucho, y nos fuimos mojando todo el camino..."; "...no nos dejaban levantarnos, nos fuimos sentados y con las piernas dobladas y agachados la cabeza. Nada mas por que hablaban nuestros compañeros, les pegaban con macanas, nos burlaban que somos campesinos, indios sarnosos y nos regañaban muy groseramente."

²"... cuando empezó a caminar el camión, la policía no nos dejaba pararnos, estábamos tirados en el suelo, golpes empezaron a darnos cuando arrancó el camión..." , "... yo le decía mire señor no nos siga golpeando porque ya voy a morir, y ellos me decían muérete hijo de puta madre, para que no sigas haciendo maldades, hasta que llegamos a Tuxtla..."

The whereabouts of the detainees remained unknown until their arrival at Tuxtla Gutiérrez on 29 December at 3:00 pm. Until that time the authorities reportedly denied any knowledge about those arrested in Palenque, as a result of which the relatives feared they had "disappeared".

Upon the arrival of the detainees to the State Attorney's Office in Tuxtla Gutiérrez, they remained incommunicado and were denied food and medical treatment. According to the Mexican Constitution, incommunicado detention and torture are explicitly forbidden: detainees should be brought before a judge within 24 hours of arrest, and should have access to legal counsel from the moment of their detention. Also, according to legal reforms enacted in February 1991, non-Spanish speaking defendants, like many of the Indians detained in Palenque, should have immediate access to interpreters³. These rights and guarantees were reportedly denied to all of those arrested in Palenque.

Between 30 and 31 December 1991 all but nine of those arrested in Palenque were released on suspended charges. Before their release most were reportedly threatened by the authorities with re-arrest if they pursued their activities on behalf of indigenous' rights.

Imprisoned Indian Activists:

Efraín Gutiérrez Gómez, 38; Ramón Parceró Martínez, 36; Lorenzo Gómez Jiménez, 27; Sebastián González Cruz, 47; Francisco González Gutiérrez, 42; Tolentino Gómez Cruz, 42; ; Víctor Méndez González, 43; Samuel Benito Pérez, 20; and Manuel Martínez Pérez, 25, members of the *Comité de Defensa y Libertad Indígena*, remained in detention on several reportedly unfounded and false criminal charges. All except Manuel Martínez Pérez, were charged with *lesiones, apología del delito, sedición, motín y atentado contra la paz* (causing injuries, promoting crimes, sedition, mutiny and disturbance of the peace), and on 4 January 1992 they were imprisoned, awaiting trial in the *Cerro Hueco* state prison in Tuxtla Gutiérrez.

³.- In its Eighth Periodic Report to the U.N. Committee on the Elimination of Racial Discrimination, in May 1991, the Mexican Government reported on its efforts on behalf of Mexican indigenous peoples, including the adoption of legislative reforms to help ensure a fair and prompt trial to Indian criminal defendants (points 12 to 18 of the government's Report). Amnesty International is seriously concerned that several of those legal reforms, including the measures to prevent torture and to provide interpreters for Indian criminal defendants, are frequently flouted by the authorities.

On 6 January the detainees wrote an open letter thanking local human rights monitors and Indian activists for the widespread support on their behalf. The following is an excerpt from that letter:

"Our rights have been trampled by the police. We have been beaten and imprisoned under false charges. They are threatening us to stop organizing ourselves. But lets not forget that the time of slavery is gone. We are very enthusiastic, and willing to continue our struggle as long as God keeps us alive."⁴

One of the group, Manuel Martínez Pérez, a Ch'ol Indian activist and father of five, from the community of Graciano Sánchez in Chiapas, was transferred at the beginning of January 1992 to the town of Yajalón. During his transfer he allegedly suffered torture consisting of beatings and kicks which left him seriously injured. Once in Yajalón, he was charged with a murder committed by another person with the same name. The nature of this apparent mistake was immediately brought to the attention of the intervening judge by the defendant and several witnesses, including relatives of the murdered person. An alibi and several documents presented to the judge on behalf of Manuel Martínez Pérez reportedly helped to clarify the nature of the confusion. Despite this evidence, the judge confirmed the charge brought against the detainee, who was remanded in prison on 7 January 1992 awaiting trial.

⁴"Nuestros derechos los han venido pisoteando, atropellando, con sus policías. Nos han aporreado, nos han encarcelado, acusándonos de falsos delitos. Nos están atemorizando, nos hechan miedo para que no sigamos organizándonos. Tengamos mucho cuidado, que ya no estamos en tiempo de esclavitud. Tenemos mucho ánimo y muchas ganas para seguir adelante hasta que Dios nos de vida para seguir organizándonos y prepararnos más"

Lorenzo Gómez Jiménez, Efraín Gutiérrez Gómez and Ramón Parceró Martínez, Ch'ol Indian human rights activists who were arrested by the Mexican police in Palenque on 28 December 1991. They suffered torture and remained imprisoned under reportedly false charges until 29 January. They gave evidence concerning the maltreatment they said they had suffered to an Amnesty

Efraín Gutiérrez International delegation which visited Gómez Palenque in February 1992.

Ramón Parceró Lorenzo Gómez
Martínez Jiménez

The government's response:

Formal complaints about the abuses suffered by the Indians in Palenque were presented to local and national authorities, including the governmental National Human Rights Commission, in December 1991 and January 1992 by the relatives of the victims and by the *Comité de Defensa de la Libertad Indígena*, the *Unión de Comunidades Indígenas de la Selva de Chiapas* and the *Tsoblej Yu'unjWocolytic*.

Photographs on pages 9 and 10: Members of local indigenous communities protesting in Palenque, on 20 January 1992, against the reportedly unfounded imprisonment of nine Indian activists. The banner in the photograph above reads: "We want them free".

The banner in this photo says "Punish the authorities responsible for the repression suffered by our colleagues".

One of the banners used by members of local indigenous communities during the peaceful demonstrations held in Palenque in February 1992 calling for an end to human rights violations. It reads: "500 years of abuses".

Representatives of the National Human Rights Commission visited Palenque and Tuxtla Gutiérrez between 16 and 18 January 1992. Dr. Margarita Franco, one of the members of the Commission's delegation examined 15 Indian activists who had reportedly suffered beatings and kicks in Palenque. According to reports, she found injuries consistent with the allegations in all cases. The Commission's delegation also visited the prisoners in *Cerro Hueco*.

Margarita Franco M.D., a member of the governmental National Human Rights Commission examining Domingo López Vázquez, a Ch'ol indian activist injured by the police during arrests carried out by the police in Palenque on 28 December 1991.

Based on its findings, the National Human Rights Commission recommended, on 28 January 1992, to the Chiapas state Attorney Generals' Office that the charges against those imprisoned in *Cerro Hueco* be dropped. On 29 January the judge in charge of the case of those imprisoned in *Cerro Hueco* suspended the charges against the defendants, who were released the same day. According to reports, those responsible for the illegal detention, torture and ill-treatment of these people have remained at large, and the victims have not received any compensation.

Relatives waiting for the arrival of the eight Indian activists imprisoned in the state prison of **Cerro Hueco** to Palenque, following the release of the activists on 29 January 1992.

The attack and detention of the Indian activists in Palenque was followed by a growing public outcry on their behalf, including a number of peaceful demonstrations. Most of those who had participated in the sit-in at the central park of Palenque decided to continue with that peaceful demonstration, adding to their original demands a call for the immediate and unconditional release of the activists imprisoned in Palenque and Yajalón, for full investigations into the abuses suffered by the activists and for those responsible to be brought to justice. The sit-in was called off by the organizers in March. In that same month around 250 members of indigenous communities from Palenque, Ocosingo, Chilón and Oxchuc began a march to Mexico City, to demand an end to human rights violations against Indians in Chiapas, including the immediate and unconditional release of Manuel Martínez Pérez (see below). The march was named *Marcha por la Paz y los Derechos Humanos de los Pueblos Indígenas*, March for the Peace and the Indigenous Peoples' Rights, and *Xi'Nich'*, "ant" in Ch'ol language. The Indian activists arrived in Mexico City on 26 April, after travelling more than 1200 km.

Manuel Martínez Pérez was released on 1 April at 10:00 pm, clear of the charges of murder. According to reports, Manuel Martínez Pérez' complaints about torture and ill-treatment allegedly suffered during his transferral to Yajalón have not been investigated and those responsible have remained at large. He has received no compensation.

Amnesty International's concerns:

Although Amnesty International has welcomed the intervention of the National Human Rights Commission and the release of the Indian activists imprisoned in *Cerro Hueco* and Yajalón, the organization remains deeply concerned about the apparent impunity benefiting those responsible for the human rights violations suffered by all those arrested in Palenque, who appear to have been targeted to deter their peaceful activities on behalf of

indigenous communities. Amnesty International fears that, unless the authorities fully abide by the legal instruments - including the Mexican Constitution - to prevent and punish human rights abuses against indigenous peoples, these will continue to be widespread. Consequently, the organization is calling for full investigations into the human rights violations suffered by those arrested in Palenque, including the lengthy imprisonment, based on unfounded charges, of nine Indian activists, and for adequate compensation to be provided to the victims.