

UA 228/07 Medical concerns/ fear for arbitrary detention/ forced evictions**MEXICO** **39 men, women and children from two Indigenous communities in Montes Azules, Chiapas state**  
**Other communities living in Montes Azules**

In the early morning of 18 August, six Indigenous families were forcibly evicted from their homes in the settlements of Nuevo San Manuel and Buen Samaritano, which are in the Montes Azules nature reserve, Chiapas state. The group comprises 39 people: six men, seven women and 26 children. The men are held in a prison in the nearby city of Tuxtla Gutierrez, while the women (two of whom are pregnant) and children remain in police custody in inadequate conditions. There are concerns for the health of the group, who appear to be detained arbitrarily. Other communities settled in the nature reserve may also be evicted in the coming days.

The settlements of Nuevo San Manuel and Buen Samaritano (established eight years ago and 12 years ago respectively) are 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 39 evictees, they were given no notification by the authorities of the legal complaint against them, nor of their eviction. The group claims that federal and State police arrived at both settlements simultaneously, and forced them into waiting helicopters. They were not given time to pack any possessions, and their houses, crops and belongings were all destroyed. The land they have lived on for more than eight years was given to the Lacandona community.

On arrival at La Trinitaria municipality in Chiapas state the evictees were transferred to a state police truck and the male adults were separated from the others. The men were taken to State Public Prosecutor's Office in Tuxtla Gutierrez city where they were later charged with the following crimes: damage to private property (*daño en propiedad ajena*), ecological damage (*atentados contra la ecología del estado*), illegal occupation (*despojo*), criminal association (*asociación delictuosa*) and carrying fire arms (*portación de armas de fuego*).

Meanwhile, the evicted women and children were taken to a public hall in La Trinitaria municipality. They are now being held in a state-owned building, formerly a brothel. According to local human rights organizations, police officers have justified this as necessary to protect the evictees. The conditions in the state-owned building are said to be unsanitary; there is no drainage or sanitation, the structure does not protect the detainees from exposure to the elements, and the food they have been given is unacceptable to their culture. The group has not had access to medical care, even though two of the women are pregnant, while another person is thought to have either chickenpox or measles. It is feared that this could be a grave risk to the pregnant women and their unborn babies. The authorities have not consulted the evicted men or women about their relocation, and have announced that five other communities settled in the Montes Azules nature reserve will be evicted in the coming days.

### 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, including Viejo Velasco Suarez, where on 13 November 2006 six people were killed and two are still missing following an attack by a gang of armed men (see UA 307/06, AMR 41/053/2006, 16 November 2006, and follow-ups).

Under international law forced evictions, that is evictions carried out without consultations, due process of law and assurances of adequate alternative accommodation, are a 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. In his 2004 report on his mission to Mexico, the UN Special Rapporteur on the right to adequate housing, recommended "the establishment of a task force to examine eviction issues..." and a review of laws and policies to ensure forced evictions are prohibited and eliminated. The Government of Mexico reportedly established a Sub-commission on Economic, Social and Cultural Rights. Its first task has been to consider the scope of the prohibition of forced evictions.

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

- expressing concern for the 39 inhabitants of Nuevo San Manuel and Buen Samaritano who were forcibly evicted on 18 August;
- expressing concern for the health of the women and children detained in La Trinitaria, particularly for the two pregnant women who may be at risk of catching measles or chickenpox; and, calling on the authorities to ensure that they are not subjected to arbitrary detention;
- calling on the authorities to give all the detainees immediate access to all necessary medical care;
- expressing concern that other communities are at imminent risk of forced eviction, and calling on the authorities to end all forced evictions;
- calling for a suspension of all evictions from Montes Azules until the authorities are assured that such evictions will be in conformity with international human rights law and standards;

- calling on the authorities to charge or release all the evicted people, to ensure the right to fair trial and due process to all, including the six detained men;
- calling for assurances that all evictees will have access to adequate food, drinking water and sanitation;
- calling on the authorities to ensure, in consultation with those affected, that all evictees have adequate alternative accommodation.

**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 11 October 2007.\*\*\*\*\*