

# amnesty international

## MEXICO

### REPORTS OF HUMAN RIGHTS VIOLATIONS AGAINST MEMBERS OF THE TRIQUI INDIGENOUS GROUP OF OAXACA

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SUMMARY

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For a number of years Amnesty International has been receiving reports of human rights violations against members of the Triqui indigenous group of western Oaxaca. The violations reported have included: killings at the hands of the army, police and hired gunmen (pistoleros), "disappearances", torture, arbitrary detention, ill-treatment, rape, and harassment including death threats. Their situation was described in Amnesty International's 1986 report entitled, Mexico: Human Rights in Rural Areas.

In May 1990, an Amnesty International delegation visited western Oaxaca to obtain first-hand information about recent reports of human rights violations against members of the Triqui communities there. This circular, based on the findings of the visit, includes cases of killings, the reported "disappearance" of two children in 1988, harassment, including death threats against members of the Triqui community and ill-treatment following detention.

This summarizes a 8-page document, Mexico: Reports of Human Rights Violations against members of the Triqui Indigenous Group AI Index: AMR 41/11/90), issued by Amnesty International in September 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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**MEXICO**

**REPORTS OF HUMAN RIGHTS VIOLATIONS  
AGAINST MEMBERS OF THE TRIQUI  
INDIGENOUS GROUP OF OAXACA**

For a number of years Amnesty International has been receiving reports of human rights violations against members of the Triqui indigenous group. The violations reported have included: killings at the hands of the army, police and hired gunmen (pistoleros), "disappearances", torture, arbitrary detention, ill-treatment, rape, and harassment including death threats. Their situation was described in Amnesty International's 1986 report entitled, Mexico: Human Rights in Rural Areas.

In May 1990, an Amnesty International delegation visited western Oaxaca to obtain first-hand information about recent reports of human rights violations against members of the Triqui communities there. This circular, based on the findings of the visit, includes cases of killings, the reported "disappearance" of two children in 1988, harassment, including death threats against members of the Triqui community and ill-treatment of Triquis following detention.

**BACKGROUND**

The Triqui indigenous communities have lived in peasant communal settlements in a small region of western Oaxaca for some 2000 years which occupies parts of the present day municipal districts of Putla, Juxtlahuaca and Tlaxiaco. The mountainous territory is divided into two zones: the high lands (Triqui Alta) and the low lands (Triqui Baja). The municipal centre of the latter is San Juan Copala. The fertile sub-tropical rainforest lowlands is the region where most of the recent human rights abuses have been reported.

Over the years, the Triquis there have seen a gradual encroachment of their rights over these lands by powerful local landlords, known as caciques, who appear to operate with the acquiescence of local authorities. In November 1981, the Movimiento de Unificación y Lucha Triqui (MULT - Movement for Triqui Unity and Struggle, a non-violent organization of the lowland Triquis) was formed. Since then the movement has sought to unify the lowland communities in pursuance of what the MULT claim to be the traditional rights of the Triqui's to their communal lands. Many MULT

leaders and activists have suffered attacks or been killed as a result of their activities within the movement.

The caciques, according to Triqui community representatives, have been responsible for stimulating divisions between communities, blocking MULT's efforts to exploit timber reserves on communal land. Recent attempts by the MULT to organize coffee production on a cooperative basis within the communities have been overtly resisted by local caciques who have traditionally monopolized this important economic resource. MULT leaders state that the ultimate goal of the caciques is to provoke the Triquis into violent actions in response to these encroachments on their rights and what they see as bias against them in the legal system. The Triqui leaders fear that any Triqui violence would then be used by the caciques as an excuse to carry out widespread repression against lowland Triqui communities. The MULT representatives maintain that any such violence could be averted if investigations were carried out by local authorities into the latest attacks suffered by Triqui communities and their leaders. The efforts of the MULT to maintain peace in the region have been praised by local representatives of the Instituto Nacional Indigenista (INI - National Indigenous Institute - a national body in charge of indigenous affairs) which maintains a local office in San Juan Copala. Nonetheless, there is fear that the MULT's efforts to maintain peace might prove inadequate if further attacks remain uninvestigated.

Many of the human rights violations reported by the Triqui communities in the last few years are said to have been carried out by pistoleros, hired gunmen, acting under the orders of caciques who hold unofficial but de facto power at the local level. In many cases, eye witnesses have come forward to present their testimonies to the local law-enforcement authorities and several pistoleros allegedly responsible for such attacks have reportedly been identified by local peasants. In most cases, however, little or no attempt appears to have been made by the local authorities to conduct investigations into the incidents denounced by MULT representatives and relatives. This failure on the part of the authorities contributes to a widely held belief that the pistoleros are carrying out their activities with the support or acquiescence of local government representatives in charge of the administration of justice.

## KILLINGS

According to representatives of the MULT, eighteen Triqui peasants have been killed since February 1989, amongst them several MULT leaders. Those said to be responsible were pistoleros acting with the apparent support or acquiescence of the local authorities and members of the official security forces.

Some killings are reported to have occurred in ambushes while others were carried out at the victim's home. At least four of the MULT leaders killed during the last year came from Unión de los Angeles. This settlement has been the scene of conflict on several occasions during the last ten years or so as local supporters of the national governing party, the Partido Revolucionario Institucional (PRI - Institutional Revolutionary Party), and caciques with the aid of pistoleros and members of the security forces have sought to gain control of this community and exploit its rich natural resources. In the last year, this has resulted in a number of families being forced off their land as a result of attacks against them, robberies and attempts to burn their houses down. The families also reported receiving death threats. In spite of repeated requests to the authorities to investigate the situation and put an

end to the activities of those said to be responsible, the MULT allege that local government representatives have failed to respond to their complaints.

In all the cases reported to the Amnesty International delegation in May 1990, representatives of the MULT or relatives of the victim had presented complaints to the state authorities. In only one case however, has an investigation led to arrests. In the other cases, the MULT representatives claim that despite evidence presented to the authorities, including, in some cases, eye witness testimonies, implicating specific individuals in reported abuses, no investigations have been conducted. Other complaints include the absence of crime-scene investigations including in-situ inspections and the failure to recover the body as a result of which the reported deaths are not properly certified, making any future investigations into the circumstances of the death, extremely difficult.

### **CASES OF RECENT KILLINGS OF MULT LEADERS**

JUAN MANUEL HERNANDEZ a MULT leader in the settlement of Unión de los Angeles was shot dead on 17 June 1989 by a group of pistoleros. The incident occurred as he was making his way home at 5.30pm. About a month after his death, the MULT made an oral complaint (denuncia) before the state governor (Gobernador del Estado) Lic. Heladio Ramírez López and the Secretario de Despacho de Gobernación (governor's assistant), Lic. Ildefonso Zorrilla Cuevas. They requested that an on-the-spot investigation be carried out by the policía preventiva del estado (state preventive police) and that the body, which had been taken away for burial by Juan Manuel Hernández' sister four days after the incident, be exhumed and examined as a necessary element of such inquiries.

To date, no reply has been received from the state authorities and no investigation has been carried out to establish the circumstances of Juan Manuel Hernandez' death.

Juan Manuel Hernández, a peasant, was about 40 years old, and was married with several children.

AURELIO MARTINEZ ALVAREZ 27 years old, a peasant and a leader of the MULT. He was killed on 13 September 1989 in the settlement of Unión de los Angeles.

Two weeks before Aurelio Martínez Alvarez' death, he was seriously wounded in an attack allegedly carried out by pistoleros. A few days later while he was recuperating at home, soldiers from a detachment based in San Juan Copala, broke into his house. According to reports, he was interrogated about the cause of the wounds he had received and tortured. On 13 September, a group of pistoleros entered his house in the early hours of the morning and shot him dead. His death was witnessed by several people, including his wife and three small children. The men who carried out the killing have reportedly been identified.

His wife presented an oral complaint to the Agente del Ministerio Público (Agent of the Public Ministry - a local judicial official responsible to the state Attorney General's office) in Huxtlahuaca and a file (averiguación previa) was opened. Nevertheless, this has not led to any investigation into

the incident. After waiting several days for officials to come and inspect the scene of the incident, Aurelio Martínez' relatives buried him in a nearby site.

PAULINO MARTINEZ DELIA a bilingual teacher and one of the founder members of the MULT. On 23 January he was killed by pistoleros in an ambush together with his nephew BONIFACIO MERINO DELIA. A third person, Roberto Merino Hernández, although wounded, managed to escape. Paulino Martínez received 16 bullets in the craneum and several more in other parts of his body.

At the time of his death, Paulino Martínez had been working a project for a cooperative to expand and commercialize the communal coffee production efforts of the Triqui peasants and was collecting signatures from the different communities wishing to participate in this project at the time of the attack. In December 1989 he had publicly criticised the local caciques for masterminding attacks against members of the MULT and submitted a complaint against two local caciques who control the coffee production in the area for alleged involvement in such an attack. As a result of these activities, a number of MULT leaders received verbal death threats, amongst them Paulino Martínez, who received warning that he would be killed on 23 January.

The fatal attack on Paulino Martínez Delia and Bonifacio Merino Delia was denounced before the Procuraduría General del Estado (State Attorney General's Office) and the Secretario de Despacho de Gobernación. Three people were reportedly detained in connection with the incident, although one has since been released. The caciques, said to be the intellectual authors behind the killings, remain at large. Shortly after the killing of Paulino Martínez, MULT leaders complained that several of their members received death threats from those they believed responsible for his murder.

Paulino Martínez Delia was arrested and held for some months in 1985, charged with committing several murders. Amnesty International believed that the charges against him were false and were in fact more in reprisal for his activities in the MULT. The organization adopted him as a prisoner of conscience. (For further information about his case, see the 1986 report Mexico: Human Rights in Rural Areas). He was released in June 1985, after the charges against him were dropped.

MANUEL VELAZCO ORTEGA about 39 years old and a leader of the MULT in the settlement of Unión de los Angeles. He was killed on 22 February 1990 while working on his house in the company of his wife. According to reports, the killing was carried out by a group of people wearing old police uniforms. A single bullet hit him in the head and as his wife tried to protect the body with her own, the individuals fired several more shots at the house.

His wife submitted a complaint to the Agente del Ministerio Público and the Procuraduría General de Justicia del Estado in Oaxaca but his body was finally buried by his relatives after his death when the authorities had made no effort to examine it. There has been no subsequent news of any inquiry into his death.

SANTIAGO MERINO HERNANDEZ 30 years old, leader of the MULT in Unión de los Angeles, was killed on 2 May 1990.

In the weeks prior to his death, Santiago Merino had reportedly been harassed and threatened. As a result, on the day in question, he was accompanied by other members of the MULT for protection. As he was returning home from work at 6.00pm on 2 May, a group of pistoleros reportedly opened fire, shooting him dead. Another member of the MULT, Francisco Martínez Alvarez was injured in the incident.

In spite of the presentation of a verbal complaint by members of the MULT a few days later to the Secretario de Despacho de Gobernación Lic. Ildfonso Zorrilla Cuevas, the authorities have failed to carry out a criminal investigation into the circumstances surrounding Santiago Merino's death. His body was buried by relatives and friends.

Three days after the incident, the home of Santiago Merino was raided and burnt down.

Francisco Martínez has reportedly had to leave Unión de los Angeles as he fears for his life.

#### DISAPPEARANCE OF TWO CHILDREN

On 9 July 1988, 10-year-old Melchisedec Velasco Allende, the son of Miguel Angel Velasco, a MULT leader, and his friend, Ricardo Martínez Rodríguez, aged 12, were reportedly abducted by a group of pistoleros. According to representatives of the MULT, the abductions were carried out as a retaliatory measure against Miguel Angel Velasco who had received repeated death threats from the pistoleros as a result of his activities on behalf of the MULT.

The boys were abducted in Banaca de Cacilque in the community of Llano de Nopal, municipal district of Huxtlahuaca on 9 July. That same afternoon, Melchisedec Velasco's aunt is reported to have seen the two boys surrounded by pistoleros. Since then, the whereabouts of the two children remains unknown.

The incident was denounced before the Agente del Ministerio Público of Huxtlahuaca on 10 July and the MULT have since approached the state governor on several occasions, but to Amnesty International's knowledge, no official inquiry has been initiated into the incident.

#### REPORTS OF HARASSMENT OF MULT LEADERS

On 29 December 1989, the State Governor, Licenciado Heladio Ramírez López visited the Triqui community of Yozoyuxi to talk to members of the MULT about various projects and development in the region. On this occasion, two MULT leaders, Paulino Martínez Delia and Juan Domingo Pérez Castillo (see below) took the opportunity of publicly criticising local caciques, whom they accused of promoting their own interests over those of the Triqui communities, engendering divisions between the peasants which had resulted in arguments, attacks and deaths.

MULT leaders reported that following the governor's visit, death threats against them increased and Paulino Martínez Delia was warned that he would be killed on 23 January (see case under Killings). Other MULT leaders who have reportedly received threats include: Armando Guadalupe Flores, Rufino Merino Zaragoza, Roberto Merino Fernández, Manuel Domínguez Ortíz, Pablo Guzmán Ramírez, Víctor Castillo Pérez, Vicente de Jesús Hernández, Enrique Acevedo Ortíz and Juan Domingo Pérez Castillo.

Juan Domingo Pérez Castillo, 41 years old, and a MULT leader since its inception in 1981, has been threatened verbally on numerous occasions in connection with his activities. The most serious incident occurred in 1986 when he received several bullet injuries while in Oaxaca, from a man recognized as a local pistolero. Although complaints have been presented to the appropriate officials on several occasions about the incident, the authorities have apparently failed to carry out an investigation. Juan Domingo continues to receive threats and, for reasons of security, is unable to enter several communities, hindering his capacity to act as a representative for the Triqui peasants.

Juan Domingo Pérez Castillo stands in the place where he was attacked in broad daylight in 1986

## **REPORTS OF ILL-TREATMENT OF IMPRISONED MEMBERS OF THE MULT**

Amnesty International has been following the cases of three members of the MULT currently in prison in the state capital, Oaxaca, and is currently seeking further clarification about the nature of the charges against them. Thus far, the organization's main concerns are: arrests without warrant by members of the security forces, charges based on confessions extracted under duress, failure to provide at least one of Triqui peasants who speaks no Spanish with a translator, and delays in the proceedings.

JUAN MARTINEZ PEREZ, a peasant and leader of the MULT, was arrested by members of the policía preventiva in San Juan Copala on 11 September 1988 and accused of murder. The police did not produce an arrest warrant and beat him over the head with their weapons. He was arrested with another MULT leader, Margarito Méndez Hernández, and transferred to Yuxtlahuaca by a group of pistoleros and soldiers from the 48th batallion based in San Juan Copala, whereupon the two men were handed over to the policía judicial del estado (state judicial police). On their way to the state capital, Oaxaca, the two were beaten and the police agents threatened to throw them over a cliff. In Oaxaca, the detainees were taken to the state attorney general's office and were once again beaten and threatened. Reportedly as a result of their treatment, the men confessed to the accusations and were placed at the disposition of the courts who ordered their detention in the state penitentiary in Oaxaca.

MATEO FRANCISCO BAUTISTA, 46-year-old peasant and leader of the MULT in San Juan Copala. He was arrested on 11 September 1988 and accused of murder. He was transferred to the state capital Oaxaca at the same time as Juan Martínez and Margarito Méndez and was reportedly treated in a similar fashion.

JUAN HERNANDEZ DE JESUS, 50-year-old peasant and leader of the MULT in Unión de los Angeles. He was arrested at his home on 19 October 1989 by soldiers from the 48th battalion based in San Juan Copala and accused of murder. He was reportedly tortured inside his home and whilst being transferred to Yuxtlahuaca. He speaks no Spanish and was not provided with an interpreter at the time of questioning.

## **AMNESTY INTERNATIONAL'S CONCERNS**

Amnesty International is urging the Mexican authorities to carry out full and independent investigations into the cases included in this circular and to bring to justice those allegedly responsible for perpetrating human rights violations against members of the Triqui communities. The organization believes that failure to adequately investigate and prosecute those responsible gives rise to the impression that local and state authorities may be turning a blind eye to the illegal activities of civilian gunmen, allowing them to act with impunity. Amnesty International hopes that appropriate measures will be taken to curb the activities of the pistoleros, including clear instructions that such practices will not be tolerated, with a view to preventing future violations.

In the cases of Triqui leaders currently in prison, Amnesty International is concerned at alleged

irregularities in the proceedings against them, including reports that their confessions may have been extracted under duress and that in at least one case, no translator was provided for the non-Spanish speaking detainee.