



# Centro de Derechos Humanos Fray Bartolomé de Las Casas, AC

San Cristóbal de Las Casas, Chiapas  
February 15<sup>th</sup>, 2011  
Update of AU\_01

## Urgent Action

### Imprisonment orders for 10 *ejidatarios* who were defending their territory in Chiapas

- **Violations of the constitutional rights of indigenous *tzeltal* detainees have been documented**
- **10 political prisoners persecuted by the Sabines government**

We share here new information as a follow-up to Urgent Action 01, which this Human Rights Center (Frayba) published this past February 2<sup>nd</sup> with respect to the arbitrary detention of 117 indigenous *tzeltal* individuals who are *ejidatarios* [communal landholders] and adherents to *La Otra Campaña* [The Other Campaign] from San Sebastián Bachajón, in the municipality of Chilón.

Last Friday February 11<sup>th</sup> 2011, at approximately 8:00 pm, at the end of the Constitutional deadline, Judge Víctor Adolfo Vera Morales, Chief Justice of the Criminal Court of Catazajá, Chiapas, handed down imprisonment orders for Mr. **Jerónimo Guzmán Méndez**, for the crimes of first-degree murder, threats to the peace and physical and patrimonial integrity of the state, and damages; for Mr. **Domingo Pérez Álvaro**, for attempted murder, threats to the peace and physical and patrimonial integrity of the state, and damages; as well as for **Pedro Hernández López, Miguel López Deara, Domingo García Gómez, Juan Aguilar Guzmán, Pedro López Gómez, Miguel Álvaro Deara, Pedro García Álvaro** (who suffers from a mental disability), and for the minor **Mariano Demeza Silvano**, for the crime of threats to the peace and physical and patrimonial integrity of the state and damages. Nine of these indigenous individuals will face the trial proceedings for criminal case number 39/2011 in detention at the State Center for the Social Rehabilitation of Convicts, No. 17 [or CERSS No. 17], while the minor was transferred to the Villa Crisol Specialized Internment Center for Adolescents in the municipality of Berriozábal, Chiapas and put at the disposition of the Primary Specialized Judge of the First Instance in Justice for Adolescents, Mr. Edilberto Molina Barrientos.

According to information issued by the government of the State of Chiapas on February 13<sup>th</sup>, the detainees were protected by judicial guarantees during their constitutional proceedings, which protected their rights as detainees. However, information documented at the scene by this Human Rights Center confirms that the public defender, Yolanda Álvarez Cruz, an indigenous lawyer who assisted them during their preliminary declarations in front of the Judge, is linguistically and culturally *Cho'*, and the current defender Darío Sánchez Escobar is *Mestizo*. During the proceedings, the indigenous *Tzeltal* witnesses who gave statements in favor of **the 10 detained indigenous individuals, were not assisted by interpreters qualified for those judicial proceedings**, since it has been documented that uniformed municipal police officers were presented as interpreters, which intimidated various witnesses; other people who served as interpreters were linguistically *Cho'*, or were *Tzeltal* who did not have the appropriate and sufficient training to take on this judicial responsibility. **Thus, this situation distorted the statements made in favor of the detainees.**

The **members of this Human Rights Center** who assisted in the defense process during the constitutional period **were obstructed in their defense work** by officials of this court, as they were not given adequate access to the criminal files in order to carry out their defense work.



After the criminal process, **the 10 imprisoned indigenous individuals were pressured so that their family members and/or community authorities, adherents of The Other Campaign, would participate in a “negotiating table,”** promoted by the Governor of Chiapas Juan José Sabines Guerrero and Secretary of State Noe Castañón León. They were also pressured by the group of “officialists” from the *ejido* of San Sebastián Bachajón, Chilón, and the group of “*priistas*” [members of the PRI political party], from Agua Azul in the municipality of Tumbalá, to sign a “Civility and Agreement Pact for Peace in the Ecotourist Center of Agua Azul.”

Frayba has obtained information that demonstrates that **Pedro García Álvaro**, who suffers from a mental disability, was forced to sign a self-incriminating statement. Given his condition, it was not possible for him to articulate a full account, as affirmed in the preliminary statement. Thus, he has essentially been left without defense, in addition to the fact that the corresponding investigation for his situation was not carried out.

According to information we have obtained, we have documented that **Jerónimo Guzmán Méndez**, accused of first-degree murder and **Domingo Pérez Álvaro**, accused of attempted murder, and **many of the other accused, were not present for the events that occurred on February 2<sup>nd</sup>**, where Mr. Marcos Moreno García lamentably lost his life, and Mr. Tomás Pérez Deara was injured. The legal statements made by those who accused the 10 detainees are strained and unclear. Likewise, available information indicates that **at least 25 of the 117 *tzeltal* indigenous individuals** adherents to The Other Campaign who were initially detained, **signed statements without knowing their content**, in which they accused their fellow detainees, who remain arbitrarily deprived of their freedom. **Other detainees indicate that they were told they would not be freed if they did not sign the document and that others were threatened:** “*They told me that if I didn’t cooperate, they were going to torture me and put a bag over my head.*”

According to testimonies from the **107 individuals who were freed** on February 4<sup>th</sup>, **they were not allowed to read their own statements in front of the judicial authorities, nor other documents that they signed without knowing their content.** They state that they were given a legal warning and that at the moment of their release, they **were threatened with prison if they did not stop their struggle for the defense of their territory** and their social and political organization via The Other Campaign.

**For this Human Rights Center, the detention and prosecution of these unjustly imprisoned individuals constitutes a situation of repression by the government of the State of Chiapas, which is arbitrarily depriving 10 people of their liberty because of their political and social actions in defense of their rights.**

This Human Rights Center believes that the rights of these 10 indigenous *tzeltal* individuals to due process, judicial guarantees, presumption of innocence, and judicial protections have been violated.

Given the facts previously mentioned, we ask that collectives, organizations, groups, and individuals carry out acts of solidarity in favor of the 10 detained individuals and for the defense of the territory of indigenous peoples. Likewise, please send letters to the corresponding Mexican authorities demanding:

- The release of **Jerónimo Guzmán Méndez, Domingo Pérez Álvaro, Pedro Hernández López, Miguel López Deara, Domingo García Gómez, Juan Aguilar Guzmán, Pedro López Gómez, Miguel Álvaro Deara, Pedro García Álvaro, and Mariano Demeza Silvano.**
- A serious and exhaustive investigation in accordance with the facts of the events that occurred on the 2<sup>nd</sup> of February, when the adherents to The Other Campaign were forcibly removed from the toll booth; likewise, the clarification of the death of Mr. Marcos García Moreno and the attack on Mr. Tomás Pérez Deara.
- A serious and exhaustive investigation that punishes the judicial and governmental officials of Chiapas who participated in acts violating human rights.



- Respect for the exercise of the territorial rights of indigenous peoples, which the *ejidatarios* and *ejidatarías* of San Sebastián Bachajón, adherents to The Other Campaign, are exercising.

**We ask you to send your Urgent Actions to the following:**

**Lic. Felipe de Jesús Calderón Hinojosa  
Presidente de la República**

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Casa Miguel Alemán  
Col. San Miguel Chapultepec,  
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**Lic. Juan José Sabinés Guerrero  
Gobernador Constitucional del Estado de Chiapas**

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**Dr. Noé Castañón León  
Secretario General de Gobierno del Estado de Chiapas**

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**Dr. Juan Gabriel Coutiño Gómez  
Magistrado Presidente del Tribunal Superior de Justicia del Estado de Chiapas**

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**Lic. Víctor Adolfo Vera Morales**

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