

Human Rights Defenders in the State of Guerrero



Cases of resistance and initiatives from civil society regarding the defense and promotion of fundamental rights in Mexico

Peace Brigades
International
Mexico Project



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Authors: Susana Nistal and Iñigo Prieto

Coordination: Sergi Bach

Translation: Jamie Wick

Revision and correction: Emily Felt

Editing and Distribution: Peace Brigades International

Design and Layout: Wolfgang Ecker and Teresa Treiber

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Peace Brigades International | Mexico Project

P.O. BOX 40007 | San Francisco | CA 94140 USA

Tel. +1 415 287 0895

pbi_mexico@pbi-mexico.org | www.pbi-mexico.org

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Presentation

Peace Brigades International (PBI) is an international non-governmental organization that responds to petitions for accompaniment from organizations that use non-violent methods to work on behalf of fundamental rights and for social change. Recognized by the UN and with a permanent presence in Mexico since 1999, PBI has developed international accompaniment as a tool that makes space for peace and contributes to the protection of individuals who are threatened and repressed for defending human rights. PBI began to provide accompaniment in Guerrero at the end of 2001, and has since carried out most of its work in this state in response to petitions from diverse organizations.

This document sheds light on the variety and creativity of civil society initiatives that work to promote a respect for human rights in Guerrero. These organizations work within a political context marked by economic globalization and face diverse situations that have made it impossible to fully exercise their rights. This publication has collected, as a means of example, the voices of the organizations that PBI has come to know closely, and it shows both the commitment and the initiatives of social actors to confront and transform their reality.

PBI's activities in Mexico began shortly after the Zapatista uprising in 1994, when PBI received requests for an international civil presence in Chiapas. PBI understood that the international accompaniment work that had been developed in Central America – mostly in Guatemala and El Salvador – could be put to use in Mexico. Following a series of exploratory missions, the PBI General Assembly opened the Mexico Project in 1998.

Although accompaniment requests had been received largely from organizations in Chiapas, the PBI Mexico Project was born with the initial goal of acting in the states of Oaxaca and Guerrero, where the presence of international organizations was more limited. Chiapas already had representation from a wide variety of international organizations and groups, all with different mandates and goals. After careful analysis, PBI considered that it could best have an impact in Chiapas by participating in SIPAZ (International Service for Peace), a coalition of international organizations. As in Chiapas, serious human rights violations had also been docu-

mented in Guerrero and in Oaxaca by international organizations like Amnesty International and Human Rights Watch, resulting in the fragmentation of the social fabric of civil society. PBI's work in Guerrero began with the accompaniment of *The Voice for Those Without a Voice* Human Rights Committee. Since then, PBI has accompanied numerous organizations in Guerrero and several organizations in Oaxaca.

The United Mexican States (Mexico) is a federation made up of one Federal District and 31 state entities; Guerrero is one of these entities. As a free and sovereign state with its own constitution and congress, Guerrero is territorially divided into 81 municipalities, each with autonomy to elect a town council and municipal president. The municipalities are integrated into seven regions: Acapulco, Centro, Norte, Tierra Caliente, Costa Grande, Costa Chica and Montaña.

PBI's evaluation of the socio-political situation in Mexico recognizes that conflicts in Mexico are complex and long lasting, and that there are profound social and regional inequalities in the country. Many of these conflicts are due to disputes over land and natural resources, and multinational companies and state-sponsored businesses are often involved. The existence of a federal structure combined with a high level of state and municipal autonomy plays an important role in the state's political and human rights conflicts. Although federal, state, and local governments are linked, they are each characterized by unique dynamics and respond to different interests.

This report is designed to complement our accompaniment activities. Through its distribution, we hope to contribute to an understanding of the situation of violence and vulnerability that campesino¹ movements, indigenous rights groups, and other human rights organizations face in Guerrero and in Mexico. The cases and the problems portrayed here refer to the defense of civil and political rights and also encompass economic, social, cultural, and environmental rights. These organizations carry out their work in respect for the principle of non-violent action, a characteristic that makes them eligible for accompaniment by PBI. Their work often threatens the interests of an entrenched power structure, making them victims of repression.

1 Throughout this publication we will use the word «campesino» to refer to peasants or small subsistence farmers in Mexico who farm more for survival rather than to generate a profit. This word in Spanish lacks the negative connotation that is associated with the word «peasant» in English, and for this reason we have chosen to employ the Spanish equivalent.

Methodology

This publication presented here is the result of years of experience working in Guerrero and in Mexico, and is based on interviews carried out in July and November 2007 (see Appendix I), together with relevant information from public sources (see bibliography).

In order to respect PBI's principle of non-partisanship, we interviewed a wide range of actors and collected information and visions from various sectors of civil society, as well as from Mexican authorities and representatives of international organizations. This material was compiled into a document for discussion, which was then sent for review to experts who collaborate with PBI Mexico and who could contribute both knowledge of our organization and of the socio-political context in Mexico. The final product is the result of this input.

The first part of the text presents actions and initiatives of social and human rights organizations in the state of Guerrero and is structured around four thematic focuses: access to justice and the fight against impunity, militarization, rights of the indigenous peoples and their proposals for autonomy, and the campesino struggle to defend land and natural resources. These four focuses reflect the work of human rights defenders and the difficulties and risks that they face.

The second section outlines the visions and proposals of Mexican authorities and international human rights organizations. We should point out that the state initiatives described here are in large part a reaction to the demands of social organizations. In conclusion, we discuss the risks that human rights defenders face in Guerrero based on PBI's analysis, and we present PBI's international accompaniment activities in Guerrero.

In order to understand the context of the human rights movement in Guerrero, we will present information on its origin and history. Finally, the appendix contains a list of social and human rights organizations with whom PBI has maintained contact throughout these years.

A Brief Historical Context: Defending Rights in Guerrero

- 2 We will use the term cacique or caciquil throughout this document to refer to a powerful figure in many regions of Mexico. This person frequently controls political and economic life in an entire region as a result of the tacit or direct support of local authorities and state security forces, thus allowing for complete impunity in their actions.
- 3 This section was primarily elaborated from an interview with anthropologist Abel Barrera, Director of the *Tlachinollan* Human Rights Center on July 24, 2007.
- 4 Bustamante Álvarez, Tomás, «Los campesinos en la reinención de Guerrero», in Bustamante Álvarez, Tomás and Sarmiento Silva, Sergio (coord.) *El Sur en movimiento. La reinención de Guerrero en el S XXI*, México, ed. Laguna, 2001, p. 161-166.

Throughout the state's history, Guerrero has been affected by popular resistance movements that reflect conflicts closely related to land, territory, and disputes between campesino and caciquil² development models. According to Abel Barrera³, Guerrero is characterized by an authoritarian and repressive government that has exercised its power and control over the population. Factors such as the presence of caciques, the exercise of power through the use of arms, violence, and the use of torture, have led to a «conflictive society» (sociedad bronca) that is quick to take up arms in the context of conflict. The struggle for democracy through civil and armed social movements has been constantly repressed through state violence and with complete impunity for the perpetrators.

Guerrero was created as a state in the mid 19th century. Well-known figures such as Vicente Guerrero and Juan N. Álvarez worked to articulate campesino and indigenous struggles that fought to promote federalism and agrarian causes; these movements sought to protect both political autonomy and control and management of natural resources.⁴ During the Mexican Revolution in the beginning of the 20th century, important social movements began in Guerrero that would later have an impact at the national level. Given that liberal policies and liberal laws had taken land from a large majority of the population, most social movements worked for agrarian reform.⁵ During the second half of the 20th century, the state capital of Chilpancingo and the tourist area of Acapulco witnessed economic development that eluded other areas in the state with the idea that these regions could not contribute to development (especially the Montaña region, due

to the large indigenous population.) These regions were marginalized from the benefits of economic development and used almost exclusively as a source of rich natural resources ripe for exploitation (forests, metals, and most recently for growing narcotics).

Civic movements

During the 1950's and the 1960's, campesinos and teachers began to organize protests against poor prices of farm products, increasing poverty, structural violence, and impunity in rural areas. This mobilization took place within a context in which caciques and corruption were prevalent under the rule of the Institutional Revolutionary Party (PRI). Genaro Vázquez Rojas, a teacher, founded the agrarian organization known as the Guerrero Civic Association (ACG) in 1959, and he later founded the nationally recognized Independent Campesino Central. Lucio Cabañas Barrientos, a teacher from Atoyac, created the Poor People's Party (PDLP) in Atoyac, an organization run by students and campesinos. Protests by these organizations faced violent repression by state police, which in turn incited the radicalization of these movements; as a result, many of them resorted to armed struggle. In 1967 Cabañas created the Justice Campesino Brigade, and Vázquez went on to create the National Revolutionary Civic Action (ACNR) the next year.

Since the 1960's, Mexico's vision of national security has been very much influenced by the military.⁵ Guerrero was already a militarized state by the time student and democratic movements expanded to a national scale. The army, in collaboration with the Federal Judicial Police and the state police, began a campaign to eradicate armed insurgencies led by Vázquez and Cabañas that continued until the beginning of the 80's, known as the Dirty War. Social organizations and the general population were victims of repression, and abuse of power by police forces included practices such as arbitrary detentions, torture, executions, and most often, forced disappearances. More than 400 people were disappeared in Guerrero during this time, many of whom had not been associated with armed groups. Those who were detained by the police were turned over to the army, making both institutions equally responsible for the atrocities.⁷ In response to these practices, the relatives of disappeared people began to organize themselves at the end of the 1970's. This organizing effort is seen as the first human rights movement in Guerrero, even if these words were not yet used.

- 5 Bustamante Álvarez, Tomas, *op. cit.*, p. 164-165.
- 6 Tlachinollan Human Rights Center. *Militarización en Guerrero*. San Cristóbal de las Casas, First hemispheric meeting on militarization, May 6-9, 2003 <<http://www.laneta.apc.org/sclc/desmilitarizacion/encuentro/ponencias/santiago.htm>>
- 7 Interview with Tita Radilla, vice-president of the Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico (AFADEM), July 19, 2007.



Daughters, wives, and mothers of the disappeared began to demand information about the whereabouts of their family members. Facing the state and those in power, they denounced abuses and militarization, and demanded justice. At the end of the 1970's, families from the Costa Grande in Guerrero participated in the creation of several national organizations that demanded the reappearance of the disappeared.

The political party struggle

According to Abel Barrera, the violence in Guerrero has been marked by a tendency towards democratization that has been repressed by those in power. The civil struggle that arose in the 1970's can be seen as an electoral struggle. The campesino, teacher, and indigenous movements had a vision based on political parties, and they concentrated their efforts on taking power from these parties. Because of this, the movements were unable to evolve into a flourishing and con-

solidated civil society when it comes to defending indigenous, women's, environmental, or human rights.

Following the electoral reforms at the end of the 70's, the Communist Party won the municipality of Alozauca in the Montaña region in 1979. Alozauca was the first municipality to be governed by an opposition party that opposed the hegemony of the PRI. The communists also tried to organize communities in the Montaña, and formed the Montaña Community Council. Their struggle as a radical party led to repression against them and against teachers in Tlapa.

In the 1988 national elections, the opposition led by Cuauhtémoc Cárdenas was not able to obtain the Presidency of Mexico, but it did win in Guerrero, resulting in the creation of the Revolutionary Democratic Party (PRD) one year later. The PRD won state elections for governor in 2005 after having first won elections at the municipal level.⁸

In 1994 the Campesino Organization of the Sierra del Sur (ocss) was created in the Costa Grande of Guerrero as a platform to demand more assistance to rural regions. The organization had a large capacity for social mobilization, allowing it to negotiate rural assistance agreements with Governor Rubén Figueroa Alcocer's administration. However, the government's response was not only a failure to follow through with the agreements: on June 28, 1995, a group of campesinos from the ocss were on their way to a protest when they were attacked by state police in Aguas Blancas – 17 of them were assassinated. The governor left his post a few months later without having any criminal charges brought against him, and the act remained in impunity. One year later, the Popular Revolutionary Army (EPR), a guerrilla organization of national scale, made its first public appearance. Soon thereafter the EPR and the army had several confrontations, leading to more repression for social movements. Leaders of the ocss were incarcerated, tortured, and accused of being guerrillas and of having ties to the EPR. In 1997 the violence continued with the assassination of fourteen members of the PRD. Party leader and ex-state representative Ranferi Hernández was forced to go into exile in France.⁹

Throughout the 1980's and 1990's the repression continued against those who opposed the PRI regime. Members of the PRD were victims of assassinations, detentions, and torture. However, organizations continued to demand the respect for political rights, the presentation of the disappeared, and the liberation of political prisoners.

- 8 Bartra, Armando, «La lucha por el camino largo», in Masiosare, Num. 374, *La Jornada*, February 20, 2005.
- 9 Armando Bartra, *Guerrero Bronco*, Mexico, Era, 2001.

Indigenous movements

Even though the state of Guerrero has a high indigenous population, this aspect of the state culture is not as visible as it is in other southern Mexican states. Abel Barrera has said that the face of Guerrero is not indigenous, because this face has been silenced, diminished and discriminated, and has not had the capacity to create initiatives for alternative models of society. The mestizo influence, however, has been very significant especially in terms of exercising power and in organizing society. Mestizo influence has been associated with a weakening of indigenous community structures and debilitating the way in which indigenous communities exercise power. In the Montaña region, teachers who have attained political power have had to deny their indigenousness and change their customs in order to completely integrate into mestizo society. This meant evolving from an indigenous model of government – which most often utilized assemblies, collective decision-making processes, and community oriented discussions – into a model of government that was more centrist, authoritarian and discriminatory of minority groups. The political party model ended up replacing the community assembly, provoking polarization amongst some of the indigenous and farming communities.

The current indigenous struggles began in the early 1990's. The Guerrero Council of 500 years of Black and Popular Indigenous Resistance was formed as a union of social organizations that joined in protest against the official celebration of the V Centennial.¹⁰ A national Mexican Council was also created, and although it had a national reach, it did not have the same state, national and international impact as the Guerrero Council. This was a movement with a discourse on autonomy and with a great capacity for negotiation and political mobilization. The Council created a list of demands that included the cancellation of a hydroelectric dam project in San Juan Tetelcingo (at the request of the Council of Nahua People in Alto Balsas), the construction of a highway that would go from Tlapa to Marquelia, attention to the needs of farmers, increased environmental protection, and an increase in teacher salaries. In the effervescence of the Zapatista movement, this was one of the first political movements to form an alliance with the Zapatistas, participating in a caravan to Mexico City. However, the movement was weakened when it began to concentrate efforts on negotiating on behalf of the economic interests of the indigenous communities. The large quantities of money obtained generated internal problems, and the Council could no longer focus on defending

10 Sarmiento Silva, Sergio, «El movimiento indígena en Guerrero», in Ojarasca, num. 88, *La Jornada*, August 2004.

rights, defending territory and strengthening normative systems.

These experiences formed a base for the social movements we see today, where we find struggles that focus on regional or local issues in which communities search for concrete answers to their problems. Currently, indigenous communities have found power in the community and ejidal¹¹ structure in order to survive and search for alternatives. However, these movements are not exempt from political party struggles, which seek power as a way to gain a stronger position from which one can work for change. In the long run, this vision weakens and dilutes some social processes, as was the case for the Guerrero Council.

Indigenous organizations have also had to deal with the militarization of their territories. One of the most relevant cases of extra-judicial executions took place in the Costa Chica region in June 1998 when ten Na Savi indigenous people and one student from the UNAM were executed by army soldiers – known as the massacre at El Charco.¹² Militarization adds another destabilizing factor in regions that are marked by poverty and marginalization, where people fight for their basic right to health care, education, and food.

The human rights movement

In 1990, Javier Mojica founded the Center for the Promotion and Defense of Human Rights in Acapulco, a space to reflect on and study human rights. A few years later in 1993, *The Voice for Those Without a Voice* Human Rights Committee was founded by Father Orbelín Jaramillo in Coyuca de Benítez. This human rights center launched a conversation on human rights and denounced repression against leftist organizations. The Zapatista movement strengthened this discourse by providing a larger perspective about the collective rights of indigenous peoples and their demands for dignity, respect, and justice. Around the same time in 1994 the *Tlachinollan* Human Rights Center initiated activities with the support of the Diocese of Tlapa. The organization used its legal foundation to document cases and go public with information about human rights violations in the state. Little by little, *Tlachinollan* became a space for the confluence of campesino and indigenous movements, which has allowed for the creation of diverse social initiatives.

At the same time, other movements attracted attention and international solidarity. One example is the environmental movement in the Sierra de Petatlán. The campesinos in this

- 11 Ejido, Ejidal: Collective farming lands extremely important to agricultural life in Mexico.
- 12 Interview with Mario Patrón, lawyer for *Tlachinollan*, July 24, 2007.



Abel Barrera, Director of the Tlachinollan Human Rights Center [Tlachinollan]

region realized that their survival depended on their local use of environmental resources. This organization was formed to respond to the devastating effects of excessive logging in the region that was destroying the land, as well as to attend to the intimidation and persecution suffered by the campesinos. The movement began activities by blocking the work of a transnational logging company, and its work has morphed to encompass confronting caciques and militarization in a region characterized by drugs, insecurity and extreme violence.

The defense of environmental rights is considered within the defense of economic, social and cultural rights in the state. Development plans imposed by the government and by large companies usually do not take into account the needs of those affected, and these groups must reclaim their right to consultation and participation in elaborating these plans.

Participation of women

Women are mentioned on several occasions throughout this sketch. In their roles as mothers, wives, sisters, or daughters of the disappeared, they are often the first to talk about the indignation of society and were first to confront the state during the years of the *Dirty War*, demanding that their loved ones be found.

The traditional family structure has been dismantled due to economic conditions and immigration; women have had to organize their own economically productive projects in order to survive. They have also been obligated to react to repression. In indigenous and campesino communities where the army is often present, men hide when the army enters the community, since many are pursued as alleged guerrillas. Women confront the soldiers, denounce rapes, and demand justice in the name of family members who have been persecuted.

Women who are part of human rights organizations have contributed a gender perspective, allowing the organizations to reflect on and analyze the special vulnerabilities and human rights situation of women. Through their work, they have called attention to the way in which women suffer from daily violence in the state, and they have seen the need to spark profound changes in society. The defense of women's rights is especially difficult when impunity is widespread and when government authorities are indifferent to women's struggles and discriminate against them. The work of women has resulted in proposals for creating spaces for women to make statements and reflections, as well as to lobby for public policies to be created with a gender perspective.



EXIBIMOS

**Defending
Human Rights**

**Social
Organizations
and Initiatives**

Impunity and the Justice System

The promotion of a profound transformation in the justice system, that would guarantee the rule of law in all orders, and which recognizes the rights of the victims [...] that the military justice system is used for its own purposes [...] strengthening the current mechanisms for investigating crimes of the past, and guaranteeing clarification of human rights violations of the past, and reparation of damages.

Diagnosis of the Situation of Human Rights in Mexico,
OACNUDH

The Office of the United Nations High Commissioner for Human Rights in Mexico was invited by the Mexican government to conduct an assessment of the human rights situation in Mexico. The quote that begins this chapter contains sections of the 11th and 12th recommendations that propose reforms to the judicial system as presented in the OHCHR's final report to the Mexican government.

This report was published in 2003 and analyzes different aspects of serious fundamental rights violations in Mexico. It shows that these violations often remain in impunity and also points out that structural deficiencies in the justice system have allowed this cycle continue. The diagnosis shows how the judicial system is manipulated to allow some people to avoid punishment while others receive sentences for crimes that do not exist (sentences that are most often associated with political objectives) and without respect for one's right to due process. As a result, the majority of the population does not trust the authorities who are responsible for investigating and punishing crimes nor does it trust the mechanisms of the justice system itself.

The diagnosis also describes the way in which Mexico ratified the Inter-American Convention on Forced Disappearance of Persons in 2002. Mexico's adhesion to the Convention was made with a reservation and a declaration, stating that the Convention could not be applied to members of the military that commit illicit acts while in service. In addition, the Convention was prohibited from being applied retroactively for crimes committed before its ratification.¹³ Ratifying the Convention in this way grants an amnesty or pardon that favors those who commit human rights violations and prevents many human rights violations from being punished.

13 Office of the United Nations High Commissioner for Human Rights in Mexico, *Diagnosis of the Situation of Human Rights in Mexico*, OHCHR, 2003, p. 27 and 28.

These reservations are, in effect, laws that serve to perpetuate impunity.

From a legal point of view, impunity exists when a country fails to investigate and punish crimes. In a strict sense, the term impunity means that crimes that are not properly sanctioned end up producing universally recognized human rights violations.¹⁴

According to Amnesty International, impunity, together with the laws and norms that allow it to perpetuate, serves to institutionalize injustice by those who should be applying the law. Victims of human rights violations are stripped of three basic rights: the right to truth, the right to justice, and the right to reparation of damages.

The Effects of Impunity on Society and on the State

Tlachinollan Human Rights Center's XI report notes that those who hold public office in Guerrero see demands made by social movements as an attack to their monopoly on power. As a result, authorities deny the legitimacy of these demands. Human rights defenders and their families are then subject to attacks against their lives, acts of intimidation, defamation, and are falsely accused of crimes; these acts remain in impuni-



Protest by AFADEM, Mexico City [PBI]

14 AMBOS, Kai, *Impunidad y Derecho Penal Internacional*, Buenos Aires, Ad Hoc en coedición con: CIEDLA, Fundación K. Adenauer-Stiftung, Instituto Max Planck de Derecho Penal Internacional, Revista Ciencias Penales de Uruguay and Coordinadora Nacional de Derechos Humanos del Perú, 1999.

ty. Members of civil society organizations must decide whether to stop their activities due to fear of reprisals, or continue their work and live under threat.

These state actions deny organizations the right to denounce human rights violations and question the moral integrity of those who make these claims. This situation contributes to the impunity with which crimes are committed and serves to protect public servants.¹⁵ This impunity fosters corruption and allows public institutions to function poorly.

Due to corruption, someone who is responsible for a crime is innocent, and those who are innocent have to fight for justice, and no one pays attention to them.¹⁶

This perpetuates an attitude of fear, mistrust, and fatalism in the population, which no longer wants anything to do with human rights issues.

I have gone to high schools to give lectures, and I have seen the rejection, especially from youth who say that a lot of things have happened because of the guerrillas. And then I say, not all of them were guerrillas. Maybe it was a movement that they might not understand for being so young, and because they do not understand the circumstances in which it began. Some say, »they took my grandfather and my uncle and it was their fault and we do not want to know.« [...] The repression was terrible at that time, and we understand that people do not want to know about it.

Tita Radilla, vice-president of AFADEM, associates the students' attitudes with the violence committed by the security forces in Guerrero in the 1970's and 1980's, and which partially resumed in 1996.

These practices are based on the way in which the political identity in Guerrero and Mexico was constructed. The government's use of force and violence has led people to associate the use of violence with legitimate political authority. If violence fulfilled the same function as an authority, then violence was the authority.¹⁷ Based on this reasoning, Abel Barrera, director of the *Tlachinollan* Human Rights Center, analyzes how the exercise of power through violence, arms, and repression, has led to the resurgence of a society that uses violence to defend its interests. In this context, there is a lack of knowledge about each person's basic human rights, and assassinations are seen as the normal way to solve interpersonal problems.

15 *Tlachinollan* Human Rights Center, *Weavers of Hope. XI report*, Tlapa, June 2005 to May 2006, p. 74 and 79.

16 Interview with Manuel Olivares, Director of the *José María Morelos y Pavón* Regional Human Rights Center, August 3, 2007.

17 Jorge Alberto Sánchez Ortega, »Los Procesos Históricos«, in Bustamante Álvarez, Tomás y Sarmiento Silva, Sergio (coord.) *El Sur en movimiento. La reinvencción de Guerrero en el siglo XXI*, México, Laguna, 2001. p. 242.

There are a lot of people who do not know anything about human rights, about the rights of women, men and children [...] We do not know because we need training. People now understand some things because we have had some human rights workshops.¹⁸

18 Interview with Celsa Valdovinos, President of the Organization of Women Environmentalists of the Sierra de Petatlán, June 20, 2007.

We have [...] kept going this whole time on a national level. We believe that this has been one of the things that has forced the State to investigate and create a Special Prosecutor's office, and has forced the National Human Rights Commission to investigate [...] I told the families: »do you think that if we go home and go to bed that the state is going to say, families, here we are, we are going to solve this?« No. We have to act; we have to be the ones to do things, to make requests, to make demands or whatever needs to be done, but nothing can be erased from the agenda. We do not want these crimes to be repeated. Although there are cases of disappearances at this time, there are a lot of disappeared people. This year alone there are 16 cases of disappearances according to the State Human Rights Commission.

Tita Radilla, AFADEM

Relatives of the Disappeared: AFADEM

The large number of people disappeared in Mexico at the end of the 1970's and beginning of the 1980's was the driving force that made families begin to work together to look for information about the whereabouts of their family members. The National Independent Committee for the Defense of Prisoners, Pursued, Detained, Disappeared, and Politically Exiled was formed in 1977, later known as the Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico (AFADEM). The primary demand of the organization has been, and continues to be, the reappearance of the disappeared and an end to all disappearances and impunity.¹⁹ The family members of the disappeared initially faced decades of silence on behalf of the Mexican government.

The government, never. We do not exist for them. There was one time that President Salinas de Gortari told us: I do not hear you, nor do I see you. This was the situation, indifference.²⁰

However, members of AFADEM continue to demand justice and bring cases of the disappeared before the Mexican justice system. After AFADEM presented a complaint in 1999 at the National Attorney General's Office, the National Human Rights Commission once again reviewed these cases. The result was a report that compiled 532 cases of crimes committed by the state and included a recommendation that the government investigate these crimes.²¹ The Mexican government accepted the recommendation, and in November 2001 created the Special Prosecutor's Office for Social and Political Movements of the Past (FEMOSPP).

As a result of their experience with the FEMOSPP and with the way the complaints have been handled in different Mexican tribunals, family members have come to mistrust the Mexican justice system. Families question its impartiality and doubt that the state has the political will to end impunity, clarify information about the whereabouts of the disappeared, and determine who is responsible for the disappearances.

We believe that the public ministries have received orders to let time go by, and to make very little advances in the investigations [...] It took the prosecutor five years to indict three cases, and those who were found responsible were not detained. How much time are they going to take if they

19 AFADEM's web page:
<<http://www.laneta.apc.org/afadem-fedefam/presentacion.htm>>.

20 Interview with Tita Radilla, vice-president of AFADEM, July 19, 2007.

continue at this rate? [...] We have said that this is the government's strategy; they create these institutions just to let time go by. They said that they created the Special Prosecutor's Office, and one or two days before [*they were supposed to turn in the final report*] it disappeared. They just want to keep the families, we could say, quiet, so that we don't cause any problems; the State does not really have the political will to resolve anything, they really just want to end the President's six years, and are not interested in solving the cases.²²

Because of this situation, AFADEM has decided to turn to international organizations to obtain justice, as we will see in the second part of this publication.

Forced disappearance of persons

According to Amnesty International's definition of forced disappearances, a »disappearance takes place when a person is arrested, detained or abducted by the state or agents acting for the state, who then deny that the person is being held or conceal his or her whereabouts, placing the person outside the protection of the law. Very often, people who have been disappeared are never released and their fate remains unknown.« These people can be the object of torture or assassination.²³

The forced disappearance of persons is among the most serious crimes that were committed in Mexico during the *Dirty War*. According to reports by organizations like Amnesty International,²⁴ AFADEM, and the OHCHR, this practice continues today. Forced disappearances are also used as a tool for investigation by state police in Guerrero.²⁵ The Preamble to the Law on Forced Disappearances in the State was approved in October 2005, and its text states:

Forced disappearances in Mexico date back to the 1960's, 1970's, and beginning of the 1980's during the so-called *Dirty War*, with the rise of the White Brigade, integrated by soldiers of the Mexican Army, and federal, state and municipal judicial police who were previously trained to carry out these tasks. There are countless cases of Forced Disappearances that have been carried out in the last few decades in our State of Guerrero, in most cases, directed toward citizens who were associated with social struggles that work to improve their living conditions.



- 21 National Human Rights Commission, recommendation 26/2001, November 27, 2001, to the President of the United Mexican States, regarding the complaints of cases of forced disappearances during the 1970's and beginning of the 1980's.
<<http://www.cndh.org.mx/publica/libreria/libdigi.htm>>.
- 22 Interview with Tita Radilla, July 19, 2007.
- 23 Amnesty International web page:
<<http://www.amnesty.org/en/enforced-disappearances>>.
- 24 Amnesty International, *Mexico: »Disappearances«: An ongoing crime*, Index AI: AMR 41/020/2002/S, June 2002, p. 1.
- 25 Recommendation 19/2002 of the Coddehum on the forced disappearance of nine people in 2001, in which two ex-directors of the State Judicial Police, now known as the Ministerial Police, were found responsible.



Tita Radilla in her office in Atoyac [PBI]

Torture and impunity

In contrast to forced disappearance, torture is not defined as a crime in the state criminal law code. While the political constitution and federal law of the United Mexican States prohibits and sanctions torture, this law is only applicable to federal government employees.²⁶ Since there is no state law on torture, the Attorney General's Office in Guerrero does not investigate allegations of torture committed by state authorities, and as a result, this crime is not punished in the State of Guerrero.

The Collective against Torture and Impunity (ccti), has worked in Guerrero since 2005 and has provided support to victims of torture, family members of those who are detained, survivors of repression, and entire communities whose social fabric has been affected by police and military interventions. ccti is made up of a group of doctors and psychologists who are trained to investigate cases of torture. These investigative reports are used to support claims of torture that are either reported through the legal process or through urgent actions.

There are communities that ask us to give them workshops about human rights and about torture. Sometimes, those who are affected do not even realize that they had been tortured. We are talking about regions in which the use of violence by military and police forces is very common, and people are at risk of getting used to this violence and seeing it as natural. We start by talking to the people in the region about what happened, about concrete cases of physical and psychological torture, and its effects on the entire community.²⁷

This legal vacuum puts the application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Mexico in 1986, at risk and generates the conditions that allow public officials to continue to use this practice as a means of investigation. This effectively allows impunity to continue.

26 *Tlachinollan Human Rights Center*, «Guerrero's Compliance with the recommendations by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples» in *Human Rights of the Indigenous People*, Program for Cooperation in Human Rights, Mexico-European Union, Mexico, Department for Foreign Affairs, 2006.

27 Interview with José Raymundo Díaz Taboada, CCTI, February 7, 2007.

Justice for All: *Tlachinollan*

The *Tlachinollan* Human Rights Center opened its doors in 1994 in Tlapa de Comonfort with the goal of working for the respect for human rights in the Montaña region of Guerrero, and it has now expanded its work to the other regions of the state. *Tlachinollan* began working around the time of the Zapatista uprising. The organization has a wide vision of human rights that has to do with justice, civil and political rights, and the collective rights of indigenous people. From the beginning, the organization's work has included direct attention to victims, documentation of infringements of rights, and presenting cases to the general public, to state and national human rights commissions, to international entities and to other human rights organizations.²⁸

The Montaña region of Guerrero is made up of 17 municipalities, 11 of which are considered highly marginalized. These municipalities rank among the 50 poorest municipalities in all of Mexico. Poverty in this region exists on all levels: a lack of economic income, serious problems in accessing educational and health care services, and poor living conditions for the majority of the population. The people in this region are mostly indigenous and face violence due to drug trafficking and militarization as well as poor access to the justice system.²⁹

Tlachinollan's work is based on an analysis of the human rights situation in the region. The people here often have to travel long distances from their communities to public offices. Roads are often in poor condition. These distances, together with a lack of economic resources, linguistic difficulties, discrimination towards the indigenous population, and the poor functioning of the Mexican judicial system make access to justice slow and expensive, as well as inaccessible to a large majority of rural communities.

We are in a region that has structural problems in gaining access to justice, in all aspects. There is cultural discrimination in which the public ministries, the health sector, all dependencies of government, lack interpreters, and do not speak the languages of the communities. This means that a Mixteco from Cochoapa has to travel five hours to come here for the first time, see if [*the public ministry*] will see him, he may not receive proper attention, and if they do attend to him, he has to come back to bring witnesses, bring evidence.³⁰

We started to go public with issues by talking about specific cases. We are talking about torture, emergencies, incursions by the army in indigenous communities [...] The human rights community began to look closer at the Montaña; we believe that in this aspect our organization has contributed a lot.

Abel Barrera, Tlachinollan

28 Interview with Abel Barrera, Director of *Tlachinollan*, July 24, 2007.

29 *Tlachinollan* Human Rights Center, *Against the Silence and Abandonment*. X Report, June 2003 to May 2004.

30 Interview with Mario Patrón, lawyer for *Tlachinollan*, July 24, 2007.



In order to respond to these needs, *Tlaxiaco* offers legal assistance together with an education program and publishes information about these issues. The legal clinic provides advice and mediation, receives legal complaints, and follows up on them.

The legal advice provided by *Tlaxiaco* fills a void for people with few resources and poor access to information and justice by providing legal assistance in criminal cases, labor cases and family violence cases.

In the advising program, people receive complete attention on a wide range of issues including civil, criminal, business, and labor matters, especially to those people that do not have the economic resources to get advice and direction about how to find a solution to their problems. [...] This way they are not so defenseless when they have to face private lawyers and public authorities. We also follow up on the people's demands in family violence matters and in criminal and labor issues.³¹

In some cases *Tlaxiaco* uses mediation to come up with solutions to conflicts and foster agreements between parties. The goal is to provide a legal solution to problems and thus avoid further violence and injustice.

People no longer believe in justice; this only generates more impunity and more violence. Faced with this situation, *Tlaxiaco* has had to search for alternative mechanisms that respond to the concrete problems of the people. This is why we started to send out subpoenas, this is a result of our legitimacy. [...] This is why people who receive a piece of paper from us not only show up in our office, but also work with us to come to agreements. We have 31 cases of *food alimony* in which men come here to leave food for his wife and children. We have cases of business debts. There is a lot of abuse in indigenous communities in which people sign an IOU, receive a loan for one thousand pesos, and then have to pay back ten thousand pesos. This is where we restructure these debts, in cases in which one party wants their money back but the other person cannot afford to pay. In these cases we restructure the debts based on fairness. We also deal with criminal matters, which are subject to reparation of damages, and these are resolved through dialog and through economic and material reparations.³²

31 Interview with Vidulfo Rosales, lawyer for *Tlaxiaco*, July 24, 2007.

32 Interview with Mario Patrón, July 24, 2007.



Tlachinollan staff [Tlachinollan]

Integral defense

When the area that attends to complaints comes across a situation that reflects a serious human rights violation, it is then passed to the integral defense department.

This mechanism [...] means that we take specific cases from all the cases that we have, and we choose the ones that are the most symbolic and that exemplify situations of human rights violations in Mexico. These are illustrative cases, and on their own can explain the concept of [human rights] violations and the structural causes behind them. Integral defense must be multidisciplinary in order to resolve these cases and demand the protection of these rights.³³

The idea behind integral defense came from an analysis by the *Miguel Agustín Pro Juárez* Center for Human Rights that examined the possibility of using this method for providing legal assistance; the tactic was first used in the defense of environmentalists Rodolfo Montiel and Teodoro Cabrera. *Tlachinollan* began to implement this tool and enhance it, using it for the analysis of economic, social and cultural rights, and the collective rights of the indigenous population.

Legal tools alone are not really enough when it comes to fighting for justice. One has to use the same state apparatuses that are based on the rationality that violates human rights. If this legal tool is not used together with political

33 Interview with Vidulfo Rosales, July 24, 2007

pressure, pressure from the media, with the construction of national and international alliances, and with an organized group of people, the possibility of achieving justice becomes even more difficult. [...] We have educational support, legal support, media support, all of which put together form a unique strategy that allows us to move forward.³⁴

Tlachinollan has also worked to implement structural changes, such as the State Agenda for the Development and Autonomy of the Indigenous People of Guerrero, and to organize processes such as the implementation of the State Coordination for Defending Territory, based on the construction of a support network amongst organizations in different regions of the state.

Women and Access to Justice: The Guerrero Human Rights Network

The Guerrero Human Rights Network was created in 2001 as an umbrella organization for several others - Human Rights Centers in the Costa Grande (*The Voice for those without a Voice, Mahatma Gandhi*), Acapulco (*Planting Hope*), Centro (*José María Morelos y Pavón*) and Montaña (*Tlachinollan*) and the Guerrero Institute for Human Rights – with the goal of working together on common proposals and strengthening the work of each organization.

The Guerrero Network began to work on public policy changes on the grounds that implementing structural changes required a different strategy than simply attending to individual cases. This has led the organization to conduct advocacy campaigns. One such campaign worked to approve the State Bill on the Forced Disappearance of Persons, and another deals with family violence. Currently the Guerrero Network is working in collaboration with the OHCHR in Mexico on a diagnosis of the human rights situation in Guerrero, sharing experiences about violence against women and assuring that the diagnosis is conducted with a transversal gender perspective.

The Guerrero Network worked with PRODESC and the National Network of Civil Human Rights Organizations to promote the Campaign for Women's Rights, *Justice for a life without Violence*, and to create a diagnosis about the situation of women in Guerrero. This analysis provides a look at the corruption and impunity in the legal system that affects women that report crimes.

After collecting information about family violence, the Guerrero Network documented 183 legal cases that are cur-

If no one reports [these crimes] they are not punished, and the violence will not be stopped. As long as a woman is subject to violence she will not be able to study, or think about fulfilling her other rights. In this way we believe that it is most important that her right to life be guaranteed, and then a life of dignity.

*Silvia Castillo Salgado,
Guerrero Human Rights
Network*

34 Interview with Mario Patrón, July 24, 2007.

rently open for homicide of women. Women who are victims of violence not only face public officials who have little sensitivity and training, but also face widespread discrimination in the state.

The first thing that we ask is that this vision is changed, and that people realize that as women we have rights and that these rights have to be respected, protected, and seen. All institutions have to be open to attending to these [problems] and not see them as: poor women we will give you something and you should thank us for it.³⁵

The campaign was presented in different cities in the state through a series of events. Time was set aside time for people to present reports of violence, and this forum allowed for information to be collected on women's rights issues. Based on this work, the Guerrero Network presented a series of proposals for changing the way in which the state institutions deal with problems that affect women. The Network is working to ensure that policies, state programs, and the budget for public expenses is elaborated with a transversal gender perspective. To complement this work, the Network has proposed changes in the state civil and criminal code, with the goal of achieving laws that account for women's rights, as well as a law against family violence.



Campaign against Gender Violence by the Guerrero Network
[Guerrero Network]

35 Interview with Silvia Castillo Salgado, Technical Secretary of the Guerrero Human Rights Network, September 20, 2007.

Militarization

From our perspective, here in the municipality of Atoyac, the army has always been here and has never left [...] We know that it is to repress movements, and not for what they say about organized crime.

Tita Radilla, AFADEM

According to various sectors of civil society, militarization is one of the most significant problems in the state of Guerrero. The Mexican government justifies the presence of the army by claiming that it is the most effective institution for fighting drug trafficking in a state that is currently one of the main producers of narcotics in the country. The presence of the army has also been presented as a way to guarantee stability in the region. However, the lack of public policies to deal with the structural causes of poverty and massive migration have undermined such stability. Civil society organizations state that the army's interventions have been largely focused on counter-insurgency and public security tasks, and that these have resulted in high numbers of human rights violations.³⁶ All of this has placed doubt on the efficacy and capacity of a military strategy for carrying out work that should cor-



Opposition to military presence in Montaña communities [Tlacinollan]

respond to civil police bodies. Overall, organizations question the legality and the legitimacy of these interventions and denounce the lack of justice for victims and the resulting impunity for the army. Cases of human rights violations committed by the military are systematically sent to the military justice system, which in practical terms has then served as a cover-up of the army's actions.³⁷

When we speak of militarization, we refer not only to the deployment of armed forces throughout a specific territory, but also to the application of the military jurisdiction in cases of human rights violations committed against civilians by army officers. Another important trend that affects human rights is the presence of members of the military in civil institutions that provide public security and administer justice.

Human rights organizations have documented numerous cases of fundamental rights violations committed by members of the army: torture, forced disappearances, sexual aggressions, arbitrary detentions, intimidation, eviction from lands, and illegal interrogation. The sexual aggressions documented against women, who are mostly indigenous and campesino, show the underlying gender discrimination and racism behind this violence.³⁸ In reaction to this situation, women have taken a proactive role in defending their rights and demanding justice and respect; they are gaining social recognition for their commitment and bravery.³⁹

The Effects of Militarization

Since the end of the 1970's, Mexico's national security policy has been guided by a military perspective.⁴⁰ In particular, Guerrero is a state that has witnessed constant army intervention since the 1970's under the auspices of the fight against guerrilla movements, the control of political dissidence, and the control of organized social movements. In the 1980's, with the guerrilla movement apparently under control, the army was incorporated into civil police bodies. In the mid 1990's, the institution was once again used to combat new insurgent groups.

This most recent process of militarization took place nationally in 1994 to combat the Zapatista uprising in Chiapas. Further militarization also took place in Guerrero two years later following the public appearance of the EPR in the Costa Grande. Since then, police and military operations have intensified, focusing on the search for arms and for presumed members of guerrilla groups. Within this context, there have been reports of abuse of authority, torture, and

36 *Tlachinollan Human Rights Center, Against the Silence and Abandonment*. X Report, June 2003 to May 2004.

37 *Tlachinollan Human Rights Center, Against the Silence and Abandonment*. X Report, June 2003 to May 2004., p. 30 - 38.

38 Amnesty International, *Mexico: Indigenous Women and Military Injustice*, Index AI: AMR 41/033/2004, November 2004

39 Interview with Abel Barrera, July 24, 2007

40 *Tlachinollan Human Rights Center. Militarización en Guerrero*. San Cristóbal de las Casas, First hemispheric meeting on militarization, May 6-9, 2003 <<http://www.laneta.apc.org/sclc/desmilitarizacion/encuentro/ponencias/santiago.htm>>



humiliating treatment towards inhabitants of many campesino and indigenous communities.⁴¹ In Atoyac, many people have relived what they experienced in the 1970's, when repression was particularly intense towards social organizations.

The sad and dangerous part here is that these people were reclaiming popular demands, such as the presentation of the disappeared, demands for the release of political prisoners, campesino demands, and then the state tries to [...] associate organizations that work on these issues with armed groups.⁴²

In the Sierra de Petatlán and also in the Costa Grande, the campesino environmentalists who fought to defend the forests and block the exploitation of forest resources were also pursued and accused of belonging to armed groups, mirroring the 1970's, when people in this region were accused of belonging to Lucio Cabañas' guerrilla group.⁴³ In 1999 Felipe Arreaga and other environmentalists went into hiding in the mountains for several months to flee the army. At this time Rodolfo Montiel and Teodoro Cabrera, who worked with the Organization of Campesino Environmentalists of the Sierra de Petatlán, were detained by soldiers, tortured, and interrogated about their activities. Montiel was pressured into confessing that he belonged to an armed group, a fact he continually denied.⁴⁴

Indigenous communities in Guerrero especially suffer from the effects of militarization. For this reason, opposition to militarization has become one of the main platforms of the indigenous organizations located in the municipalities of Ayutla and Acatepec. In response to militarization, many other organizations have also sprung up, such as the *José María Morelos y Pavón* Regional Human Rights Center in the municipality of Chilapa. This Center was able to stop some of the army's practices by publicly denouncing the situation.

The army and the federal government see the most marginalized indigenous communities as a potential enemy. [...] This inability to resolve a community's needs provokes many protests, demands, and a polarization of social movements, and instead of solving these demands, the only resource they have is to criminalize them, repress them in some way, and instill terror.⁴⁵

41 Miguel Agustín Pro Juárez Human Rights Center, *Informe Sobre la Presunta Implicación del Ejército Mexicano en Violaciones a los Derechos Humanos en el Estado de Guerrero*, July 1997.

42 Interview with Tita Radilla, July 19, 2007.

43 Interview with Felipe Arreaga, Campesino Environmentalist, July 19, 2007.

44 Miguel Agustín Pro Juárez Human Rights Center, *Case Study: Campesino Environmentalists* <http://centroprodh.org.mx/casos/ecologistas/index_ecologistas.htm>.

45 Interview with Manuel Olivares Hernández, Director of the *José María Morelos y Pavón* Regional Human Rights Center, August 3, 2007.

In 1998 the massacre at El Charco took place in the municipality of Ayutla in which ten Nahuatl indigenous people and one student died. This episode marked an important moment in Guerrero as these years had seen several confrontations between the army and the guerrillas. This region was a recruitment base for armed groups in 1996 and 1997, and this meant that according to the government, any sign of community organizing was considered subversive.⁴⁶ One recurring complaint of social movements is that the army has continually been used to break up community organizing processes, especially indigenous movements. In the case of Xochistlahuaca, as we will discuss further on, the community has denounced intelligence activities and harassment towards the community radio project by members of the army.

46 Interview with Mario Patrón,
July 24, 2007.

Before when I saw the army arrive, I was very scared. Now I realize that they are also people like us, they are human beings, and I tell my husband that if we organize ourselves and talk to each other, I think that they would also have to understand. [...] They have their barracks and offices where they work, they do not have the right to go around walking into the communities [...] The indigenous people do their work, go to their homes, they do not bother the army. This is how they should understand things too; they should understand how far they can go with their work.

*Guadalupe Castro Morales,
Organization of Indigenous
Na savi People*

Indigenous Organizations of the Na savi and Me phaa People

The Organization of Indigenous Na savi (Mixteco) People and the Organization of Indigenous Me phaa People (Tlapaneco) are the two organizations that previously made up the Independent Organization of Mixteco and Tlapaneco People. The work of the Na savi and Me phaa people responds to the community's need to overcome poverty, marginalization, and discrimination towards the indigenous populations. Their demands to the public powers, most often on a municipal level, are focused on a fair distribution of public resources and access to public services. The response they have received for confronting the political and economic system that has left them behind and for asking that their rights be taken into account has been the militarization of their territories.

The government does not want to change [...] When there are elections they go to the community and say, now we are friends, and they even hug you, anything. Then when they make it to their desks, we are no longer worth anything, they no longer pay attention to us. For example, we as an organization are no longer part of any political party, we no longer believe in that because they have only tried to trick us, and they make promises that are just pure lies because they are not going to follow through with them. For example on TV they always say there are programs for the indigenous people [...] soon there will be housing, there will be support from Opportunities, there will be a Popular Health Insurance. In reality these never work, they only have a name. I think that the city has these things, but for the indigenous people, never. The government always says that there are less poor people, less poor people, what else is there going to be! There will never be support against the poor, but for me there will always be more support for the large businesses.⁴⁷

The organizations were created based on the community structure that already exists. In the case of the Me phaa people, the strong participation of women arose from a need to end family violence, end alcoholism, and encourage the participation of women in community life.

Before in my community, many people drank a lot [...] and got drunk, and not just during festivities, but all the time. I saw a man beat his wife to death – she was pregnant and was bleeding.

47 Interview with Ohtilia Eugenio Manuel, Organization of Indigenous Me phaa People, July 23, 2007.

I went to a meeting with all the neighbors [...] and I told them, you know what, you cannot go around beating up your wives any more, they also have the right to talk and participate in meetings [...] No one paid any attention to me: women are not a part of this, they are only around to make tortillas, raise the children, and help their husbands. And I said to them: no. I did not give up and I went from house to house talking with the women and we came together; now they stopped selling drinks [*alcohol*], the women achieved this.⁴⁸



These organizations want the communities to be the ones to defend themselves from abuses committed by authorities – in a context of insecurity, the arbitrary nature of police action, and a lack of access to justice. In addition, they demand public works that correspond to the municipality in order to improve access to the community and community services. This is part of the work of the Organization of Indigenous Na savi People:

The people have asked us to manage the demands of each of the communities. They request public works and we are there to support them. What happens next is that the municipal president of Ayutla does what he wants, he does not respect the organization, he tells each one of the community representatives not to join the organization, that the organization does not do good work, that we just want to be difficult [...] This is not okay because the money is the people's money and the people have the right to receive public works, the need is priority in each of the communities, and he is working, he is an administrator, he does not own the money, the money is for the people.⁴⁹

Control of municipal resources is a source of corruption and therefore a way to increase wealth. Promises to carry out public works and allocations for schools and health centers are either not fulfilled, or are partially fulfilled, and a large part of the resources never arrive.

The communities [...] are abandoned and are in indigenous regions, sometimes the community leaders speak Mixteco and do not speak Spanish, I mean Castillian, and the President can easily trick them. Where he does provide public works he does not provide technical experience, he only says sign here, because [...] there are community leaders

48 Interview with Obtilia Eugenio Manuel, July 23, 2007.

49 Interview with the Organization of Indigenous Na savi People, July 22, 2007.



Meeting with the Organization of Indigenous Na savi People [PBI]

that do not know how to read, and do not know anything [...] and here Mr. President is stealing from them.

Because of this, part of this struggle focuses on supervising how the municipality administers the resources it receives from the state and from the national government. Ayutla is a region with many indigenous communities, with a high poverty rate, and this is where the massacre at El Charco occurred – for this reason Ayutla is one of the municipalities that receives the most money in the region. The two organizations try to participate in decisions about how the public works projects are distributed and monitor the way that resources are used. In order to do this they have to demand that their rights are respected and face a public power that discriminates against them and tries to manipulate them.

The right to be respected for who we are, that everyone is respected. For example [...] the constitutional law that they created. The senators and representatives were the ones that approved the law but the government sometimes violates it. This law says that no one should be harmed by the government; this means that they are breaking the law and are not respecting it, and we want them to respect us and recognize us for who we are. Of course they recognize us as indigenous people, but they want to disappear us, scare us, they do not want us to be organized. The only crime we have committed is that of organizing ourselves.⁵⁰

Militarization in the region

The organizing process of the indigenous people of Ayutla has been very difficult due to the repression that they have suffered. According to *Tlachinollan*:

This region has been very hard-hit with different forms of repression. One of the most historic and most relevant cases in Guerrero of extra-judicial execution used as a form of repression is that of El Charco. Another form of repression that has often been used is that of the gender-based sexual aggressions and attacks on women, used as a means of torture, since these aggressions have always gone hand in hand with the search for information about masked people [*guerrillas*] and these issues. In reality, this has led the communities to organize themselves so that the organization and its unity can be used as a means of resistance against militarization. This has been one of the few regions that, despite being hit by militarization, has also had some

50 Interview with Ohtilia Eugenia Manuel, July 23, 2007.

accomplishments when facing the military. One accomplishment is that the military had to learn to respect the communities; there is still a clear military presence in the communities, but there have been times [...] in which the military has turned around and left when faced with the community's imminent response – on other occasions the community has kicked the military out. This has also been an exemplary struggle given that the army has historically, and still to this day, been the authority with the most impunity in our country.⁵¹

Since the massacre at El Charco, the army, together with other police corporations, has not stopped harassing, threatening, and attacking community leaders. Raúl Lucas Lucien, leader of the Organization of Indigenous Na savi People explains:

In 1999, after the massacre at El Charco in 1998, the army began to repress me, follow me, and harass me. The army made several visits to my house, and in the last one they grabbed me, and they were there. Then they threatened me: that I was a leader that moved the community and that I was going to pay a lot for that and that they were going to kill me. They went to my house four times and after that we received death threats from the army. After that they shot at my wife. They shot at her and we never saw any justice.

This year, on February 15, 2007, I was attacked when I was in my Ford pick up truck, they threw me down, broke the windshield and hit me with a bullet in the neck. Again we did not have any support from the police, there was no justice, and the government has continued to harass us. Before the shot [October 18, 2006], they asked me [about my truck] what was it, why did I have the truck, and why did I have a new truck, and what kind of things do I grow. I explained that I was the Community Leader of Community Goods and they began to harass me: »You know your region ... and where do they grow drugs? And where are the masked people? [...] But you should know and if you do not know we are going to go around and look. And if we find anything we are going to go directly to you because we want you to help us investigate where the drugs are, the arms ...«

The military presence has been constant these last few years and has seriously affected community life. Questions and accusations at military checkpoints and in interrogations

51 Interview with Mario Patrón, July 24, 2007.

are always about the presence of alleged armed groups and drugs, exacerbating the already racist and discriminatory treatment towards the people. Me phaa leader Obtilia Eugenio Manuel states that there has been no justice when these events are reported:

Before this, they also grabbed a boy that was bathing and they took him 4 kilometers away to interrogate him, to find out if he was from a guerrilla group, and to find out where were his comrades, and if not, they said they would kill him. They forced him to put on their uniform, they took pictures of him; this was reported, a complaint was filed at the CNDH. And then there is everything that we reported about the judicial and state police, we have made these reports because they detain people without arrest warrants, without a crime, and on the roads, sometimes the judicial police put checkpoints on the roads like the state police so that they can check people, and if they do not detain them, then they ask where they are, why they have boots on, if they are guerrillas, what is their name, where do they come from, they are already interrogating them. We have presented all these reports and they have never told us if a crime was committed or not, we just present a report and then we never hear anything else.

The military sets up camp on the communal lands of the communities, they destroy crops, rob people, scare children (who are too scared to go to school), bother women at the river, enter communities to find out what is going on in the community, and accuse men of carrying machetes – the tool they use for work.

The guachos [*soldiers*], come to the land where we grow milpa [*corn*] and they fire shots, and they go into the homes to steal. They kill chickens, goats, and they take everything that we have, everything for them, and they rape women when they leave some food for their husbands [...] Many women were raped and they just cry and say: I cannot do anything, they are government employees and they have guns and we do not have guns.⁵²

Gender violence as a means of repression

On February 16, 2002, 17 year old Valentina Rosendo Cantú of the Me phaa community, a native to the municipality of Acatepec, was raped and tortured by members of the military. Just one month later, on March 22, members of the army

52 Interview with Obtilia Eugenio Manuel, July 23, 2007.

entered the Me phaa community of Barranca Tecuani and raped Inés Fernández Ortega. Obtilia Eugenio Manuel and her sister Andrea attended to and accompanied Valentina and have acted as translators to support both women's reports:

Inés also came, she had also been raped by the guachos [soldiers] and we went everywhere with her, because we have not seen justice. Now whenever the guachos show up the people say: it does not matter if you report this because there will never be justice. And that is when they decide in this community here in [Barranca] Tecuani to kick out the guachos, they kicked them out down the road, all the way out there, there is no video of that. There is a video of the community that they call Barranca de Guadalupe where they kick out the guachos just the same way. Because they say: make a report, there is no justice, they just stay there, we do not know what happens, and the people are now annoyed about this.



Andrea Eugenio Manuel, accompanied by PBI, in front of the OPIM's office [PBI]



Obtilia Eugenio Manuel, Andrea Eugenio Manuel, and Inés Fernández Ortega [PBI]

Women have been the objects of sexual aggressions that have been documented as torture, since these rapes are accompanied by a demand for information about supposed links with guerrilla groups. These attacks have serious consequences for indigenous communities and provoke family and community disintegration. The main human rights defenders in these communities have been women, who have taken an active role in defending their physical integrity and protecting their communities. Women have faced the military on several occasions, and have kicked the military off their land. They are tired of seeing their demands for respect and for justice unfulfilled: respect for them as women and as indigenous people, respect for their culture, their customs, and their ways of organizing themselves, and justice for the damages, aggressions, and human rights violations.⁵³

Disintegration of organizing processes

The presence of soldiers in the region is not perceived as the only tool used to control communities and threaten community leaders. Organizations report the presence of people who carry out military intelligence tasks, and the presence of armed civil groups that they identify as paramilitaries.

What they do is investigate the indigenous people, the campesinos, see how they work, what way they work, what they grow, and see who is the leader of the community, they know the relationships, they know who has influence in the community, the leaders of the community, so later the army can go in and harass them.⁵⁴

This situation is not new and has occurred in other regions of the state, such as in the Sierra de Petatlán since the end of the 1970's, as campesino environmentalist Felipe Arreaga remembers:

I started to defend social things, the forests, we started to take action and carry out strikes, and some paramilitaries arrived, I think they were allied with the army. The colonel, the general, I don't know, sent people, they were from the army but they were dressed as civilians and they spent time with us and then they killed us, assassinated us, saying that there were guerrillas there.⁵⁵

The presence of army informants in the communities has been detected on several occasions. In the commemoration of the massacre at El Charco in 2002, the community expelled an

53 Interview with Inés Fernández Ortega and Obtilia Eugenio Manuel, June 23, 2007.

54 Interview with the Organization of Indigenous Navesi People, July 22, 2007.

55 Interview with Felipe Arreaga, July 19, 2007.

army informant who was collecting information about the community's activities. As a result, Obtilia Eugenio was harassed and threatened. These threats continued when she started to defend Inés Fernández and Valentina Rosendo's cases:

I say this, after Valentina, when I helped Inés as her translator, they came to threaten me. When I ran into an indigenous man on the street [...] who we know is part of the military, he said to me: »I tell you for your own good to be careful, do not go around talking about things because what the women have said is not true, you say only lies, but the ones that are accused are very mad, they want revenge, I am telling you this for your own good because I know you, you need to be careful.« I did not say anything to this man and then the anonymous notes came and all that. Because of all this I have precautionary measures that were granted to me, not because the government wants to, they did it because they were obligated to do it by other countries, and they are not complying as they should.

The level of pressure and harassment suffered by Obtilia and other members of the organizations was clear by the end of 2004. A few days after participating in a public forum in which she made public statements about militarization and the sexual aggressions, she received an anonymous note with a death threat that was clearly related to these cases.⁵⁶ This death threat motivated the Inter-American Commission on Human Rights to order precautionary measures to protect Obtilia and her family. In 2007, pressure was then directed toward Fortunato Prisciliano Sierra, Inés' husband, who was attacked and threatened by the same people, with the clear goal of preventing him from making further reports against the military.⁵⁷ According to Obtilia, this situation was clearly motivated by the following:

They wanted to scare me so that I would stop organizing the people; this is the fear that they put into us. We know that the government has people, paramilitary groups, and we know who they are because they are indigenous people. When people die the government just says: they are just fighting amongst each other because they are indigenous people.

Aggressions towards the communities and the organizations have also come from groups of armed civilians that have

56 Amnesty International, Urgent Action, AMR 41/001/2005, January 12, 2005

57 *Tlachinollan* Human Rights Center, Press Release, August 27, 2007.

58 *El Sur*, September 19, 2007.

59 *La Jornada Guerrero*,
January 30, 2007.

60 *El Sur*, September 19, 2007.

61 *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, Rodolfo Stavenhagen, Mission to Mexico June 1 - 18, 2003.

ties to the army and to police corporations.⁵⁸ One group of families of the Me phaa community in Barranca de Guadalupe, who has maintained ties to the army, formed another community known as La Unificada in 2000. These people receive protection from the army, carry arms and carry out surveillance activities of the members of the social organizations. The community has also been used as an army base.⁵⁹ In 2006 there were reports that armed groups entered a community school, destroyed books and materials, and made threats to members of the organization. In 2007 there were reports about the presence of armed men in the communities who dress in black, cover their faces, and patrol the communities.⁶⁰

UN Special Rapporteurs have received reports about the existence of paramilitary groups in Guerrero and in Oaxaca. This contributes »to an environment of insecurity and harassment for indigenous communities amidst environmental, agrarian, political and social conflicts, sometimes linked to guerrilla groups or organized crime, and the presence of the Mexican Army.«⁶¹



March in commemoration of the massacre at El Charco, June 2007 [PBI]

Rights of Indigenous People and Proposals for Autonomy

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples has stated that the human rights violations towards indigenous people have been propitiated by high social volatility in rural regions. These conflicts have to do with land, natural resources, and control of political power.⁶² In Guerrero, about 18% of the population is indigenous and is mostly located in the Montaña, Costa Chica, and to a lesser extent, in the Centro and Norte regions of Guerrero.

The constitutional reforms of 2001 aimed to constitutionally strengthen the rights of the indigenous people, and modified some of the most important articles of the constitution. These reforms were superficially inspired by the COCOPA's legislative proposals, which were based on the San Andres Accords signed between the EZLN and the federal government in 1996. However, these reforms did not live up to expectations, and many essential issues that seriously affect recognition of rights were left out.⁶³ Of special concern was the fact that the reforms did not recognize the demands of the indigenous people about management of their territories, application of their own normative systems, recognition of a popular legal figure as part of their collective rights, and the right to self-determination.

Guerrero is one of the states with the least legal recognition for the rights of indigenous people. There is a normative void in the legal framework that not only does not recognize their collective rights, but also has generated an atmosphere of repression against movements that reclaim their right to self-determination.⁶⁴ Many authorities do not know about

62 *Ibid.*

63 *Ibid.*

64 *Tlachinollan Human Rights Center. Un año más de resistencia de los pueblos indígenas de Guerrero*, October 12, 2004.



international treaties, such as Convention No. 169 of the International Labor Organization (ILO) which was ratified by Mexico in 1990, and this lack of knowledge makes it very difficult to implement the treaties.

The projects explained here are examples of communities that are working to reclaim their rights. The Community Police has been a novel project both at the local and national level, and is considered a model for public security. The indigenous Nancue ñomndaa people from Xochistlahuaca show how people can reclaim their right to self-governance, and outlines the structural causes behind the high level of conflictivity in Mexican municipalities.

A System for Security, Justice, and Community Reeducation in the Costa Chica and the Montaña

The Regional Coordination of Community Authorities (CRAC), also known as the Community Police, is an organization of indigenous and mestizo people in the Costa Chica and Montaña regions in Guerrero. This organization was formed in 1995 to combat a sense of violence and insecurity in the region. Both corruption amongst public officials combined with difficulties with the justice system led to a high level of mistrust toward the legal system. The creation of the CRAC was the result of a long process of community decision making in community and regional assemblies. The goal was to improve public security, administer justice, and reeducate delinquents. The CRAC’s organizing process has been one of the strongest and widest in most recent years in Guerrero.⁶⁵



The House of Justice for the Community Police in San Luis Acatlán [PBI]

65 Community Police web site: <<http://www.policiacomunitaria.org>>.

According to *Tlachinollan*, this project has been a way for the people to reclaim their indigenous collective rights and their right to self-determination, as well as apply their own normative systems.

In the historic process of the CRAC there was never a public or political statement, saying that this was an organization based on its own normative systems. This was an organization based on necessity and reality: violations, robberies, executions, attacks; we have gone to the authorities and the authorities have not responded. So we have organized ourselves and we brought our own justice system. In reality, the creation of this justice system comes from the Tlapaneco and Mixteco ethnicities, who have generated their own organizing process, with their own cosmovision, their own culture, their own way of applying and resolving conflicts; this brings them to the Regional Coordination, and from here they begin to create an effective system for public security.

Creating the community police: justice and community reeducation

At the beginning of the 1990's, communities in the region held a series of assemblies that worked to find solutions to the increasing problems caused by delinquents in the region, whose actions remained in impunity. Around the same time at which the Guerrero Council of 500 years of Native, Black and Popular Resistance was formed, together with the work of the Light of the Mountain (*Luz de la Montaña*), the General Campesino Union (*Unión General Campesina*) and the work



The House of Justice for the Community Police in San Luis Acatlán [PBI]

of some municipalities, the Council of Indigenous Authorities began to work towards the construction of a road that would go from Tlapa to Marquelia, connecting the Costa Chica to the Montaña in Guerrero. When the road was finished in 1995, the organization began to deal with the sense of insecurity in the region due to cattle being stolen, armed attacks on the roads, and rapes. Word soon spread to the different municipalities and the problem was discussed in community and regional assemblies.⁶⁶

At first we thought about very generic ideas, we had different points of views, different levels of participation, we were teachers, farmers, housewives... everyone came to work together and to think about how the unit could face the violence that exists in the municipality and in the region. In this way we began a reflection process, through assemblies in different places, [...] we did all of this in order to come to a solution to this problem. In the end we were able to name the community security force that now exists, the Community Police.⁶⁷

In the beginning they formed groups of police in the communities who were in charge of patrolling the roads, providing a preventative security watch in some neighborhoods, and providing security for assemblies and public events. They were able to substantially diminish crime and control delinquency, but soon after they had problems with administering justice. The alleged delinquents were detained and handed over to the corresponding judicial authorities, but in the end they were set free. The inefficiency and corruption of public servants who were in charge of applying and administering justice was now even more clear.

This situation led to the creation of the Regional Coordination of Community Authorities, a specific entity that would be in charge of administering justice, and that left surveillance and protection to the local police.⁶⁸ The CRAC was created based on a community organizing model; the Regional Assembly was the main authority and the entity that resolved most serious conflicts. Members of the Coordination are elected by the Assembly and are people that have already held community responsibilities (police, community leaders, agrarian authorities). In terms of administering justice, they receive assistance from Councilmen, people that have already acted as authorities and who are named by the Assembly to support the coordinators' work by resolving internal organizing problems or attending to more complex cases.

66 Interview with Father Mario Campos, Director of the Social Ministry in Tlapa, July 24, 2007.

67 Interview with Jesús Reyes Bonifacio, CRAC, September 29, 2007

68 Community Police web site

In this way we choose the people that will be authorities, these are people that participate, that are concerned about social problems, and they are named by popular vote in an assembly.⁶⁹

With the creation of the CRAC, a system of community reeducation was introduced, a program in which people who were detained for common crimes would participate in community service projects. The type of service project was determined by the severity of the crime that was committed, and its focus was on reparation of damages and a friendly settlement between the parties.

Relationship with the state

Throughout this process, relationships with authorities of the three levels of government were not easy, given that this model questions the efficacy of traditional public security and justice entities. Initially there were confrontations and conflicts of interest with other local police, however this situation was later resolved. In the beginning, the project received positive reviews, and received different levels of support from the state which included training from the Department of Public Security and from the Mexican Army, a supply of arms from the Governor, arms registration with the army, and recognition and support from the municipalities.

In the municipality we have the Public Ministry, the Justice of the Peace, the Judicial Department, and the Municipal Preventative Police, which are the entities of government that are here. Apart from these entities we have the coordinators that do their job [...] When we come across each other, each person goes their own way, trying not to hurt each other; these are the internal agreements that we have with the local government.

The most serious problems and confrontations began when the CRAC began to administer justice. In 2002 the community police and the coordinators were detained and falsely accused of crimes that had to do with their role in administering justice, a role they carried out based on the authority and legitimacy given to them by the people. The people then protested before the state government, and in turn the CRAC was able to establish agreements for cooperation and respect with different state institutions.

The state began to implement a new strategy in which it tried to incorporate the Community Police into state public

69 Interview with Jesús Reyes Bonifacio, September 29, 2007.

security forces, encouraging lawyers from the community to become judges and prosecutors. The CRAC saw these proposals as a way of limiting its autonomy and freedom of action,⁷⁰ and as a lack of understanding by the state towards the indigenous peoples. They were in confrontation with a state that was trying to deny their legality, and the Regional Assembly decided to turn to international legislation on native people in order to defend the legitimacy of the project: this movement is »an expression of a people who work to construct their own tools to provide the security that the state cannot provide.«⁷¹

Since the beginning of Zeferino Torreblanca's term in 2005, the Community Police has stated that the state has acted ambiguously: while on the one hand it tolerates and even recognizes the CRAC, on the other hand it allows the justice system to criminalize the CRAC's work. Several coordinators have warrants out for their arrest based on accusations from people who have been detained by the CRAC, and who »do not recognize that they have committed crimes or that they have done things to hurt their neighbors; they easily find support and complicity from public authorities who will accuse and process an entity that has provided them with the opportunity to be reeducated and live in peace and tranquility.«⁷² The CRAC is a perfect example of the lack of recognition for the justice systems of the indigenous peoples since arrest warrants have been put out against the coordinators. According to the CRAC's analysis, these warrants are authorized without any previous investigation to confirm whether or not there is sufficient evidence that these crimes had been committed.

And this is very complicated: the same state system does not understand that there are indigenous people and that they have the right to equality, and that these are customary rights, and legal rights.⁷³

The community police as a model for public security

The organizing process and the results that were obtained throughout the years have legitimized the organization on a municipal level, and have produced a structural impact on the state level.

At this convulsive time for public security in the State of Guerrero, the Governor has not had any other option but to recognize the efficacy of the Community Police. [*The state*] is faced with a crisis of state institutions and this is now more evident [...] due to the mafias involved in organized

70 Community Police web page

71 Mendoza Zaragoza, Jesús, »The community police, between illegality and legitimacy«, in *El Sur*, October 28, 2007.

72 Regional Coordination of Community Authorities, Press Release, September 7, 2007.

73 Interview with Jesús Reyes Bonifacio, September 29, 2007.

crime. Their impact has been not in terms of norms or legislative reforms, but in a reform by way of example, through the recognition and respect of their justice system.⁷⁴

The Community Police project extends throughout ten municipalities and 65 communities that include Me phaa, Navesi, Nahua and Mestiza ethnicities, and in turn benefits one hundred thousand people. As of the end of 2007, the community police expanded from one to three Houses of Justice in order to increase their coverage throughout the region. As with any social organizing process, they are not exempt from times of crisis, and also need to evolve and reorganize themselves. Sometimes a sense of security makes it difficult for communities to see the importance of actively participating in the organization, although when something does happen, there is an immediate reaction by the community to defend their project.⁷⁵ At the same time there are new challenges: the security questions faced by those who began the project are no longer the same, there are new factors to consider, and crimes have changed. They have to work towards adequate economic sustainability, together with an ample vision of defending their territory, their natural resources, and creating new markets for local production.



Commemoration of the XII Anniversary of the Community Police [Tlachinollan]

74 Interview with Mario Patrón, July 24, 2007.

75 Interview with Father Mario, July 24, 2007.

We have a lot to do with water: our names, the name of our language, many things, many elements, and water is always there. For example, our language means *the word from water* or *the language from water*; when we say *our municipality* we say *water-land* [...] when we say *dream* we say *sleeping in the water* and many other things that have to do with water. Water is very important to us, it is vital, just like land, territory.

David Valtierra,
Radio Ñomndaa

Radio Ñomndaa, The Word from Water

The municipality of Xochistlahuaca is mostly inhabited by the Amuzgo, or Nacue ñomndaa⁷⁶ people. It is located in the Costa Chica of Guerrero, bordering Oaxaca. Xochistlahuaca (or Suljaa') is also inhabited by Mestizo people and by native Nahuas from the state of Puebla that came here for refuge during the Revolution. There are also Amuzgo communities in other municipalities that live on the border between Guerrero and Oaxaca.

In the last thirty years, the indigenous Amuzgo movements periodically rebelled against the municipal powers. In 1979, 1989-1990 and 1998, different movements confronted the political and economic system that has supported municipal presidents, who have always been part of the PRI, and denounced their authoritarian and violent way of governing.⁷⁷ Radio Ñomndaa is a result of the Amuzgo's fight for autonomy.

Municipalities are the basis for territorial and political divisions in Mexico, the place where public resources are managed, and the place from which people maintain a relationship with state and federal powers. Municipal elections take place every three years. Communities and farming settlements are integrated into the municipality, and these communities choose community leaders that manage the internal functioning of the region, and represent the interests of the community before the municipal president. Indigenous communities continue to elect their authorities through *uses and customs*, which usually take place in assemblies, and these leaders change each year. However, municipal legislation does not recognize these community representatives.

The municipal president is the person in charge of managing resources from the federation and the state. In municipalities that do not have an economic sector independent from the state, which often occurs in rural areas, this situation tends to be a source of controversy. Campesino and indigenous organizations (such as the organizations in Ayutla) often express their displeasure with the way resources are managed, and often have to confront the power of the municipal president.

Traditional authorities in Suljaa'

In the year 2000, many community authorities in the municipality were named by the municipal president, and were imposed through violence and abuse of power.⁷⁸ The authorities elected in community assemblies were not recognized, and party delegates and leaders were put into power.

76 The words Xochistlahuaca and Amuzgo come from the Náhuatl language. The language of the Amuzgos is Ñomndaa. The Amuzgos identify themselves as Nancue ñomndaa and their municipality as Suljaa'.

77 Gutierrez Ávila, Miguel Angel, *Déspotas y caciques. Una antropología política de los amuzgos en Guerrero*, México, University of Guerrero, 2001.

78 Centro de Derechos Humanos Miguel Agustín Pro Juárez, *Xochistlahuaca: la herencia del poder. Informe sobre las violaciones a los derechos humanos y abuso de poder de las autoridades de Xochistlahuaca, Guerrero*, Mexico City, February 2001.

Bilingual teachers were also divided, and two sets of schools began to function.

This generated unrest in many different ways. The political parties intermediated, but they intermediated between discontent and the authority. [...] They put together a delegation that went to Chilpancingo, they came back with promises, and then they left. It ended because nothing happened and the people said: »so they are tricking us because they are not doing anything, everything is just the same.« At that time there was a strong mobilization by the Zapatistas called »The March for the Color of the Earth«. This created a good environment, a climate that was better than before, so that the constitutional rights, that we never had before, of the indigenous people could be recognized; this encouraged us to start fighting back, to recover what we are [...] The communities had authorities that were named by the people, but not by the municipality. This is like someone without a head, without coordination and unorganized, isolated acts of resistance. We decided to name municipal authorities that would coordinate the different movements and try to establish a new relationship, this was when the traditional authorities were named. We call them traditional because this is how things were before, but many people see this as autonomy, or popular power, or they want to call it self-management. Whatever you call it, the idea is that the decisions about our lives, our communities, and our land are in our own hands, and we can strengthen our culture.⁷⁹

At the end of 2002, the Traditional Authorities overtook the Municipal Palace and installed a government that ran parallel to the official government. They defended their normative systems by electing community leaders and municipal authorities, and recovered many municipal public spaces.

For example, when we elect authorities in each community, we have someone that we call *tsaⁿmats'ia*. *Tsaⁿmats'ia* is like saying *people that are dirty* [...] and they are dirty because they are at work, they are doing chores, they are not just sitting around giving orders. Now the vision is different, now it is about the one who gives orders, the one in charge. They are not elected like they were before. Before there was an assembly, an assembly was convened and the community met as many times as was necessary and decid-



79 Interview with David Valtierra, Coordinator of the Steering Committee for Radio Ñomndaa, July 26, 2007.

ed who was going to be their *tsa'mats'ia'*, no one could nominate himself, nor were there campaigns, nor were there groups that would say »let's see, we nominate this person«. None of that! It was the community that would get together and elect someone according to his level of participation, there was a scale of participation. Someone who was only able to talk a lot would not necessarily be named *tsa'mats'ia'*, because no one has seen his work, no one has seen how he takes part in the Water Committee, no one has seen his work in the School Committee.

There were attempts to break up this process by harassing and criminalizing the Traditional Authorities. In 2004, a community assembly agreed to incarcerate a farmer who had illegally taken some land. In turn, authorities released arrest warrants against several members of the assembly, thereby denying their normative systems. One ejidal leader was detained, and was later released on bail, however his criminal case is still open. The rest of the arrest warrants are still in effect.

The autonomous government was weakened and fragmented with the 2005 elections in which the traditional authorities decided to participate in the electoral process through the political party system, and lost.

The first thing the new government did was to weaken the Traditional Authorities. There was a negotiation with the previous government, which allowed some programs to go to the campesinos, and these programs went directly to the



Members of Radio Ñomndaa [PBI]

campesinos without the intermediation of the municipal president. However, because of this pressure, everything had to be done through the municipal president. Now there is no relationship with the organizations, only the authority, the official authority exists.

The agrarian authorities continue to maintain the same presence, in part because the land is seen as a »refuge of resistance.« Their general assembly is legally recognized, and many campesinos participate in this assembly.⁸⁰

The right to the word in the airwaves

Radio Ñomndaa began transmission at the end of 2004. It was a smaller project than that of the Traditional Authorities, but had the same logic in terms of defending autonomy and providing a space for organization and reflection. David Valtierra belongs to the Coordinating Committee of Radio Ñomndaa:

We as part of Radio Ñomndaa are part of this struggle for autonomy, because the radio is independent from all political parties and all religious beliefs, we do not defend any religion or any political party. The radio itself is an exercise of a right that is not recognized by the law. Native people are legally denied having their own means of communication.

However, the 2001 constitutional reforms do not fully recognize the people's rights and demands for autonomy, and the right to a means of communication was part of their demands.

Any people, in any part of the world, have the right to think and to speak. And not just to speak words, but to speak them through the airwaves, through frequencies. And the frequency does not belong to anyone, it does not belong to the one who has the most money, the frequency, the air, belong to all of us. So why are we denied the right to transmit our word, our thoughts in the air, in the frequencies? Why are the rich allowed to? Why does the government have radio, television, and why don't the people? Why is our culture not allowed to be heard from a distance? There are no arguments, it is a matter of discrimination, of succession, of controlling us.

⁸⁰ Interview with David Valtierra, July 26, 2007.

According to Mexican law, airspace is the property of the Nation, and therefore access to frequencies and radio waves requires a permit from the Department of Communication and Transportation (scr). Concessions are determined by the interests of Televisa and TV Azteca and do not incorporate any cultural criteria so that communities can also have access.⁸¹ From the point of view of the state, radios are seen as damaging, subversive activities:

The government was the first one to tell us that we were illegal, that we were violating the law, and that we were delinquents. They told us that we had a federal report against us, and that they were going to take away our equipment. That was the first thing, and then the army began to investigate, [...] we do not know why. The army does not have this role, but they were the first ones that they sent here to investigate, to get our names, and trick us to get information. Later it was even worse because the army has small planes and on at least three occasions [...] they flew overhead here in circles over this mountain where we have our antenna [...] There are also people that are not from the government, that do not like what we say, and since there are telephones, they call us and threaten us [...].

For this reason, the main rights reclaimed by Radio Ñomndaa are the right to freedom of expression, which is recognized in the constitution, and the rights of indigenous people as recognized in ILO Convention No. 169.

We are exercising are the San Andres Accords, and this right is denied, it is not recognized. We are doing what we can with our possibilities, and they do not have any reason to say that what we are doing is wrong.

The radio is a space for communication that is adapted to the needs of those it serves and provides a space for the language, culture and identity of the Nancue ñomndaa people, and for other indigenous and mestizo people in the region. Although sound technicians receive some compensation, all other work provided for the radio is on a voluntary basis. The radio is financed by donations, annual events, raffles, sponsorships from vendors in the region, and sales of cd's. Musicians now have a way to spread regional music and make their own recordings:

81 Interview with Mario Patrón, July 24, 2007.

Before, there were no musicians. Now there are people that sing in Amuzgo, and compose music. In reality they have always been there, but before no one let their voice be heard, it is the voice silenced by our country, the voice of the indigenous people.⁸²

The word of the women

Among other programs, women participate through the program Women of Xochistlahuaca. This is a program that talks about health care, women's and children's rights, family problems, and about current cultural traditions or traditions that are disappearing.⁸³ The program is broadcast in Spanish and in Nómndaa, and encourages women to actively participate. The program presenters are not the only ones to select the content, other women from the community sometimes come to the radio to make suggestions about topics that they would like to hear about on the radio. Sometimes program coordinators talk to other women, »so that their voice will be heard, their word on the radio, so that they learn to communicate more, because years ago women barely even talked«:

Older woman were never allowed to go to meetings or participate in political meetings in the town hall or in any other place. Now they talk. They were not allowed to go to school, however with the radio women have now begun to talk about so many things. People listen to the radio every day, and they learn more, now they know their rights. They know things that they could not talk about before, and they also know more about their bodies because before it was considered an insult or rude to talk about a woman's body, or talk about her sicknesses, and this is even more important now with cancer. Years ago, and still to this day, there were women who were ashamed of their bodies, or who had husbands who would not let them go to the hospital or to the health center to be checked by a doctor. This has caused many women to die of this disease. I know several women that did not go to a doctor before, and now they say they go, now they take care of their health because I always tell them, if they do not care for themselves, no one will. They have to take care of themselves, of their family.



Announcer for the radio program Women of Xochistlahuaca [PBI]

82 Interview with David Valtierra, July 26, 2007.

83 Interview with Roberta Pineda Morán, broadcaster for Women of Xochistlahuaca, July 26, 2007.

Natural Resources and Development Projects

To the extent that campesino and indigenous territories hold natural resources, be it water, minerals, or forests, these lands become an area in dispute between companies, the government, and the campesinos. In Guerrero the most emblematic struggles in the last few years have been to defend land, territory, and natural resources. There are many examples of this: the campesino environmentalists, the case of La Parota, and Carrizalillo.

Mario Patrón, Tlachinollan

The campesino population shares many common problems in many rural regions of Guerrero and Mexico. These include access to public sanitation, potable water, and education. In addition, roads and transportation are extremely poor. In order to get to schools and clinics, people have to travel long distances on unpaved roads, often in poor conditions. The main activity in these regions is small-scale subsistence farming, food that is mainly used for their own consumption.

In contrast, these regions have natural resources, such as forests, minerals, and water reserves, that have a high value on international markets. The exploitation of these resources has sparked the interest of private or state-sponsored companies. In many cases, authorization for extracting these resources has been granted without informing or consulting the communities. Agreements are negotiated without providing adequate information about the extent to which land would be exploited, and the impact of this exploitation. The compensations agreed to are not proportionate to what the companies earn, nor are they proportionate to the environmental impact of the project, projects that are often incompatible with land that is traditionally used for food production. This situation is made worse by the fact that public policies do not consider the opinion of the rural population in elaborating development and management plans that ultimately affect their territory, yet they count on the local community to act as a source of labor during the time in which the project is carried out.

Organizations in opposition to these development plans are often formed in ejidal or communal lands. In order to make their demands known to the state and to the public, they often decide to block roads, this way preventing companies from continuing with their work. These actions affect

economic interests and have made organizations the target of defamation campaigns. Many are accused of falsely committing crimes, are pursued, incarcerated, and in the worst-case scenario, some of them are assassinated. The conflicts that are generated, sometimes due to a third party's intervention to gain support for the plans in the communities, cause divisions that may lead to violent outbreaks.⁸⁴

Campesino and Women Environmentalists: Defending the Forests and the Right to Food

The Organization of Campesino Environmentalists of the Sierra de Petatlan and Coyuca de Catalán (OCESP) was created with the goal of putting an end to the exploitation of the forests. The campesinos in the region were witness to the progressive drought of the rivers and to massive deforestation projects that seemed to inevitably put an end to the region's forests. They began to organize themselves out of a concern for the diminishing water supply, the deteriorating water quality, and the increasingly arid soil.

We wanted to stop this because the forests were coming to an end and there was no other promise at that time. [...] They told me, »Don't you see that the water from Banco [Nuevo] is drying up? Don't you see that it is not okay anymore?« And it was true, the water in Banco was contaminated, we could not bathe in the water anymore, and I remember that I got a skin rash. The water from the ravine was red. It was becoming a desert. I saw that it was something that was necessary, the water was drying up and we had to face this.⁸⁵

During the timber strike in February 1998 some one hundred campesinos in the region closed the roads that led to the sierra to prevent logging trucks from entering or leaving the mountains. In March of that same year, they filed a report against the Ruben Figueroa Union of Ejidos for excessive exploitation of resources and illegal logging. The OCESP provided proof that was not only based on official studies, but also on their own experiences. Many of the campesinos worked for the logging company and had proof that many more trees were being cut down than what the permit allowed. They also sent letters that expressed their demands to the governor, to the Department for the Environment, and to the Congress in Guerrero.

What we did here was to create sustainability; if the forest does not burn, the water will not dry up. These are ideas, things that are in the field and then it comes down to the facts, and sometimes it is moving, painful to see what is happening.

*Felipe Arreaga,
campesino environmentalist*

84 These reflections are a synthesis of the ideas shared in the interviews with different people from *Tlachinollan*, the CECOP, the OMESP and the Permanent Assembly of Landowners of Carrizalillo.

85 Interview with Felipe Arreaga Sánchez, OCESP/OMESP, July 19, 2007



In 1995, the governor of the State of Guerrero, Rubén Figueroa Alcocer, signed an agreement with Canadian company Boise Cascade allowing for exploitation of the forests in the Costa Grande. This company operated locally through the Rubén Figueroa Union of Ejidos. One of the impacts of this exploitation was the rapid deforestation of the region. According to studies by the National Commission on Biodiversity (CONABIO), and according to a comparative analysis between the years 1992 and 2000 from satellite images in 18 locations in the Sierra de Petatlán and Coyuca de Catalán, 40% of the forests had been cut down in the region, this meant that some 86,000 hectares had been cut down.⁸⁶

Reaction against the environmental movement

The work of the environmental campesinos was quickly discredited and delegitimized. Their protests and actions damaged economic interests, and according to them, turned them into the targets of personal revenge. They were soon accused of using environmentalism to hide their delinquency, and were accused of being part of guerilla groups and of growing drugs; they were harassed, detained, tortured and even assassinated.

When we talk about Petatlán we are talking about an area that is controlled by the army and by the caciques. The forest is left to the caciques, drug traffickers, and the military. The problem of the forest is who controls the forest, who controls what is in the forest, and we know that poppy and marihuana are grown here, so the campesino feels trapped. The experience of Rodolfo, Teodoro, and Felipe is that they begin to react when faced with what is being destroyed, they are faced with excessive logging and they say, we are going to defend the forests. But they never thought that defending the trees meant that they would be hitting the deepest fibers of cacique power structures, and they never thought that defending the mountains would put their lives at risk, that they would be pursued by the army and tortured.⁸⁷

In this context, the activists from the Organization of Campesino Environmentalists were denied the right to defend the environment, the right to life, personal freedom, the presumption of innocence, and the right to due process. Four people were assassinated; one of whom, Salomé Sánchez, was assassinated during army actions that ended in the detention of Rodolfo Montiel and Teodoro Cabrera. Years

86 *Tlachinollan* Human Rights Center, Case Study: Campesino Environmentalists of the Sierra de Petatlán and Coyuca de Catalán <<http://www.tlachinollan.org/english/cases/ecologistas.htm>>.

87 Interview with Abel Barrera, July 24, 2007.

later Felipe Arreaga Sánchez was detained, and another person reported being detained and tortured by army soldiers. Several members of the OCESP had to leave the region to avoid being the target of violence. Even to this day there are fourteen arrest warrants against members of the organization.⁸⁸ Amnesty International declared Rodolfo Montiel, Teodoro Cabrera and Felipe Arreaga prisoners of conscience⁸⁹ and considers their detention and incarceration to be motivated by reprisals for their work to protect the forests.

Rodolfo Montiel and Teodoro Cabrera were detained in 1999. After five days without communication during which they were tortured in army installations, they were turned over to the civil justice system and found guilty on charges of planting drugs and possession of arms of the exclusive use of the Mexican army. They remained in prison for two and a half years and were later freed on a Federal Executive order that argued that their health situation was not compatible with the prison.⁹⁰ Shows of solidarity and political pressure in and outside of Mexico played an important role in their liberation. Much of this pressure came from reactions to the assassination of lawyer and human rights defender Digna Ochoa, who had been in contact with the OCESP during the months prior to her death.⁹¹

Felipe Arreaga was accused of belonging to a guerrilla group and was later accused of committing murder. He was detained in November 2004 and remained in prison until September 2005 when he was declared innocent.⁹² Felipe Arreaga's defense lawyer Mario Patrón points out the importance of this acquittal; it was the first time that a prisoner of conscience has been found completely innocent in Mexico.

The Impact of the OCESP's work

The OCESP's work has been fundamental in conserving the forests in the Sierra de Petatlán and Coyuca de Catalán. The members of the organization have worked to reforest and to prevent and put out forest fires, sometimes risking their own lives.

They have seen the resources removed from their forests and the criminalization of their struggle. They are the ones that risk their lives to put out forest fires, but they are not taken into account or respected by the authorities in charge of protecting the environment. They are environmentalists by necessity. They were face to face with those that have power and money, and they have been obligated to de-

88 *Tlachinollan* Human Rights Center, Case Study: Campesino Environmentalists of the Sierra de Petatlán and Coyuca de Catalán.

89 Amnesty International considers a »prisoner of conscience« to be anyone who is incarcerated or submitted to physical restrictions due to their political, religious, or any other conviction, provided that this person has not used or encouraged the use of violence, <<http://web.amnistia.org.mx/prensa/section.php?name=articulo&id=339>>.

90 Miguel Agustín Pro Juárez Human Rights Center, Case Study: Campesino Environmentalists <http://centroprodh.org.mx/casos/ecologistas/index_ecologistas.htm>

91 Interview with Mario Patrón, July 24, 2007.

92 *Tlachinollan* Human Rights Center, Case Study: Campesino Environmentalists of the Sierra de Petatlán and Coyuca de Catalán.

93 Interview with Abel Barrera, July 24, 2007.



Felipe Arreaga and Tlachinollan staff member Alejandra González [PBI]

announce this situation, and put their life and freedom at risk in order to stop the destruction of the forests.⁹³

The OCESP's actions were influential in putting an end to timber exploitation by the transnational company Boise Cascade, and in changing policies of the National Forest Commission (CONAFOR) in terms of the permits that were conceded for exploiting forests in the region. Little by little, all of the permits initially granted for using the forest were suspended, and to this day there is only one permit, and this permit was granted with the authorization of the environmental organization. This process also provoked a greater awareness amongst the people in the region, and sparked an increased interest in the forest and in the fight to prevent forest fires.

It was worth it because in the struggle, in the timber strike, although we were pursued and beat up, we were able to make advances. If we had not stopped [*the deforestation*] in Banco Nuevo, we would not have water; many springs and water sources were already dry.⁹⁴

Environmental defense and the right to food security

The Organization of Women Environmentalists of the Sierra de Petatlán, OMESP, arose in 2001 with an interest in defending the environment, influenced by the actions of the OCESP.

94 Interview with Felipe Arreaga Sánchez, July 19, 2007.

Its founder, Celsa Valdovinos, Felipe Arreaga's wife, was witness to the work and demands of the Organization of Campesino Environmentalists and the problems they faced. She saw the need to train people, especially the women, so that they could take a more active role in protecting their environment, participate in reforestation, and diversify their food production. The people that previously opposed the environmental defense work of the Organization of Campesino Environmentalists, also rejected the OMESP's educational work.⁹⁵

The OMESP's work is focused on getting women involved in the community. Women participate in meetings that provide information about taking care of the environment and producing their own food. This theoretical training is translated into a commitment by its members to protect the forests, keep water sources clean, encourage reforestation in the region, and control the elimination of trash. In addition, the organization has projects that encourage families to create their own gardens and raise poultry. The goal is to improve a family's quality of nutrition in a region with high levels of poverty, and where families have not traditionally planted vegetables for self-consumption. They also have a community savings that provides a credit to families in the community to help them deal with large expenses, such as medical costs for a sick family member.

Celsa Valdovinos' hope is that the Organization of Women Environmentalists evolves to the point in which it is managed and driven by its members.

With the same number of people, I would like to see them start to work on their own, and that everything we teach them, that we share with them, becomes something that they begin to feel as their own commitment, their own duty. For example, good nutrition is useful to us in the family, being able to eat healthy. And reforestation, the trees are all being cut down. [*I want*] people to make the work their own, so that they see and feel the need to continue to do the work on their own.

Integrating the project into community life

Members of the OMESP have stated that participating in the organization has provided them with the knowledge, and helped them economically, to carry out productive projects, using an organic model of production with organic fertilizers. These projects have provided more diverse nutrition for families and on some occasions have allowed for a small means of obtaining an economic income. Participation in the organiza-

95 Interview with Celsa Valdovinos, July 20, 2007.



Members of the OMESP [PBI]

tion also means a commitment to defending the environment within their families, and women teach their children about what it means to protect the environment. The visible result of this work is a region in which there is no trash on the side of the roads, in the rivers or in the communities.

We did not know before. If we did something that we shouldn't, it was because we did not know. Taking care of the forests, keeping the community clean, watching out for contamination of the streams, these are things that we should watch out for. Before it was easy to throw almost anything into the water [...] Now we get together and we clean up the community, the river, and we are also careful not to cut anything, we do not cut down the trees for just any reason like we did before. Or the kids, [...] they ask us, «Why shouldn't we kill the birds? We even eat them,» they say. We tell them that if they kill a bird they have to eat it, because why would someone kill a bird just for it to be left around, and in fact, we should not kill the birds. »And why?« We have to tell them that the birds are part of the environment, that we have to take care of the environment, we start to talk to them and it gets them thinking.⁹⁶

96 Interview with Minerva Mendoza Martínez, Organization of Women Environmentalists, July 20, 2007.

Defending Water: the Hydroelectric Dam La Parota and the Zihuatanejo Bay

In the Acapulco area, an opposition movement to the hydroelectric dam known as »La Parota« began to take shape at the beginning of 2003. According to its members, the Council of Ejidos and Communities Opposed to the La Parota Dam, CECOP, was created shortly after campesinos began to take action by blocking the work initiated by the Federal Electricity Commission (CFE), the company responsible for implementing the project. This work was initiated without the authorization of the ejidos and the affected communities, this in effect puts Mexican agrarian legislation at risk.

Because of what it represents, La Parota is an emblematic case, not just in the state but on a national and international level. La Parota represents a struggle against a development model, a development model that gives privilege to the great capital. It is an investment project designed to send the campesinos from their lands to the cities. Campesino and indigenous territories are valued not for who owns them, but for the resources that they have, for how these resources can be exploited, and for how they can be used to generate more wealth for investors and for the government.⁹⁷

However for the CFE, a project like La Parota represents a development opportunity that would allow people in the region to overcome poverty. The CFE has planned programs to support the affected communities that include productive projects, health promotion, trash destruction, education and recreational activities, and there are plans to improve the living conditions of those who would be displaced and relocated. The CFE also expects the project to have a positive impact in the region due to the amount of jobs that would be created.⁹⁸

Violating rights

The CFE has been carrying out studies prior to the construction of the hydroelectric dam on the Papagayo River since 1976 in the Acapulco area. In the year 2003, without consulting the affected communities, construction began on new roads that would provide the infrastructure necessary for machines to enter the area. The hydroelectric project planned to flood 17,300 hectares, at a cost of approximately one billion dollars, and would affect Acapulco, Tierra Colorada, San Marcos and a part of Chilpancingo. The supposed benefits from the project

Our struggle is clear, it is transparent, we are not doing this for money, we are doing it to defend our territory so that the government will allow us to keep living here, this is where we are happy. I hope you can send this information to wherever you want it to go. The struggle for La Parota is to defend the land and the water; we are not doing this so that they can pay us more for our land. We have said, the land is not for sale. Something that is not for sale cannot be bought, it does not have a price, if you buy something with force no one will sell.

*José Venus Hernández
Nicanor, CECOP*

97 Interview with Mario Patrón, July 24, 2007.

98 Federal Electricity Commission, *La Parota, una alternativa al desarrollo*, September 2007.

include electrical energy production, and a water reserve that could be used to supply cities like Acapulco. In terms of the people that would be displaced and relocated, there is a large discrepancy between the numbers that the CFE has given, and the numbers used by the opposition movement. According to the opposition movement, the project would affect more than 100,000 people. While the opposition estimates that 25,000 people live on land that would be flooded and would have to be displaced, the CFE estimates that this would only be 3,000 people. The opposition estimates that an additional 75,000 would be affected by diverting the river, leaving them without water for their lands and for their basic necessities. For these people, the CFE has not set aside any compensation.⁹⁹

According to the CECOP and to *Tlachinollan*, this process violates the people's rights to access to information and consultation. According to Mexican legislation, a development project on collective lands is subject to previous approval in communal and ejidal assemblies, which should be announced and carried out according to the law. In addition, the environmental impact of the dam could violate the community's right to use the land and its natural resources, and the right to a clean environment.

They are violating all of our rights: the right to housing, the right to healthcare, the right to information, the right to self-determination, and the right to food. We all have the right to live, being poor does not mean that you do not have the right to live.¹⁰⁰

The project has divided the communities into those in favor and those against the project and has left three dead, three severely injured, four arrested, seven imprisoned, and many people injured by confrontations in assemblies. The assemblies in 2005 were organized with the intention of gaining approval from landowners, however these assemblies did not respect legal procedures for announcing and carrying out assemblies, and in some cases public forces were used to prevent participation by the opposition. All of these assemblies were contested before agrarian tribunals and were annulled. The opposition movement has denounced defamation, death threats towards some of its members, harassment from public security forces, and arrest warrants against them.¹⁰¹ José Venus Hernández Nicanor, legal representative for the CECOP, joined the organization after his father's arrest. His father was an active member of the organization.

99 *Tlachinollan* Human Rights Center, Case Study: The Hydroelectric Dam La Parota <<http://www.tlachinollan.org/english/cases/parota.htm>>.

100 Interview with José Venus Hernández Nicanor, Representative of the Council of Ejidos and Communities Opposed to the La Parota Dam, June 22, 2007.

101 *Tlachinollan* Human Rights Center, Case Study: The Hydroelectric Dam La Parota.



The opposition movement shows pictures of police interventions during consultation assemblies [PBI]

It was when they fabricated an arrest warrant against him for kidnapping and robbing a federal vehicle together with our *compañero* [*friend*] Marco Antonio. When my father was arrested, I asked the *compañeros* to support me in marches and protests, because this could not be possible since my father had never committed a crime.

According to Abel Barrera, director of *Tlachinollan*, the opposition movement's impact has been unexpected.

La Parota is a forgotten region, an invisible rural Acapulco, with an enormous richness from the Papagayo. No one has ever done anything for these people, but when the CFE decided to exploit the water to produce electrical energy, the confrontation with the *campesinos* began. No one would have ever imagined that the *campesino* from La Parota, from this region, would have the strength to resist and the bravery to take out their machetes and say, you cannot go past here. They never imagined that there would be such a reaction. It is not such a big movement, but they are brave and very determined and have said, you cannot go past here, and if you do, it will be over our bodies, and in no other way.

In this example of social resistance, the CECOP used legal methods and campaigns, together with expressions of



UN Special Rapporteur Rodolfo Stavenhagen with Mario Patron and Abel Barrera from Tlachinollan during a visit regarding the La Parota dam project [Tlachinollan]

strength, such as roadblocks and protests when necessary. This strategy has led them to their current situation in which the hydroelectric company does not have any legal permits that allow them to begin construction, and campesinos keep watch over the area to assure that construction does not begin.

Campaigns about the case

In March 2006 the case was presented before the Latin American Water Tribunal (TLA), an international, ethical environmental justice entity. The tribunal's decision, which is elaborated by experts in the field, was to discontinue the project.

The hydroelectric dam La Parota should be suspended, given that it does not provide any benefits to the local population, nor does it contribute to regional development or to the protection of the environment and natural resources [...] The government of the state of Guerrero should guarantee the security conditions for the population, respect human rights, and contribute to the social peace of the inhabitants in the affected region.¹⁰²

In addition, three UN Special Rapporteurs have made statements about the La Parota project. Rodolfo Stavenhagen,¹⁰³ together with other Rapporteurs for the Right to Food and the Right to Adequate Housing, sent letters to the Mexican government in which they expressed their concerns about the project and the way in which the project is being imposed on the communities. In May 2006, the United Nations Committee on Economic, Social and Cultural Rights also expressed concern for the lack of proper consultation of the indigenous communities, the environmental deterioration, and the possible human rights violations that would result from the displacement of thousands of people.¹⁰⁴

Conserving the environment and development for tourism: the Zihutanejo Bay

Tourism is Acapulco's most important source of income. One of the elements outlined in the TLA sentence on la Parota is that the project planned to use water for »new housing and tourist development.«¹⁰⁵ The environmental impact caused by tourist development is one of the main problems reported by environmental groups and is what affects centers for tourism like Acapulco or Zihuatanejo.

The TLA also made statements in 2006 about the contamination of the Zihuatanejo Bay, which was presented to the

¹⁰² Latin American Water Tribunal, Case: Hydroelectric power project »La Parota« on the Papagayo River in the state of Guerrero, March 2006, <<http://www.tragua.com>>.

¹⁰³ *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, Rodolfo Stavenhagen, Mission to Mexico June 1 - 18, 2003.

¹⁰⁴ *Tlachinollan Human Rights Center, Case study: The Hydroelectric Dam La Parota.*

¹⁰⁵ Latin American Water Tribunal, Case: Hydroelectric power project »La Parota« on the Papagayo River in the State of Guerrero, March 2006

Tribunal by the Zihuatanejo Network of Environmental Organizations (ROGAZ), fishermen, boaters, small business owners, and the *Miguel Agustín Pro Juárez* Human Rights Center. The sentence criticized the negligence with which authorities tolerate the dumping of residual water directly into the bay, without previously treating the water, without environmental licenses, without having studied the environmental impact, and without licenses from water treatment plants. Consequently there have been cases of massive death to marine life, and the bay has been declared inept for recreation and for fishing.¹⁰⁶

At the end of the 1990's, various sectors of civil society in Zihuatanejo reacted toward this situation. The organization SOS Bahía was created with the goal of saving and preserving the bay, while also working to promote environmental consciousness in the local population, sustainable development in the area, put an end to contamination, and protect ecosystems from »irresponsible development projects that threaten to destroy the fragile equilibrium of our environment.«¹⁰⁷

The Zihuatanejo Network of Environmental Organizations, ROGAZ, was later created with similar goals, and soon began to denounce the actions of authorities and private

106 Latin American Water Tribunal, Case: Marine And Coastal Contamination In Zihuatanejo Bay, Due To Gray Water Contamination From The City Of Zihuatanejo And From A Large-Scale Tourist Complex, State Of Guerrero, March 2006.



Mural by the opposition movement [PBI]



companies in the tourist sector. In 2006 this organization registered several acts of intimidation and threats against its members, most likely related to the actions they were taking to defend the environment, and which coincided with the presentation of a demand in the TLA.¹⁰⁸ One of the largest projects that affected these organizations was a housing development designated for nautical development and up-scale tourism known as *Puerto Mío*.¹⁰⁹ This project included the construction of a new pier that would reach out into the bay. The project was halted in 2000 by SEMARNAT, which denied an environmental impact authorization to one of the units and declared the project unviable. SEMARNAT's recommendations are still in effect, however construction has been initiated again, this time with the authorization of the Department of Communications and Transportation. Now the organizations are not the only ones opposed to the project; businesses are also upset about tourist development that does not adequately benefit their interests.¹¹⁰

Using tourism as a means of viable economic development for the region does not take into account the environmental impact, both on the ecosystem as well as on the population. For this reason fisherman, businessmen, teachers, professionals, as well as diverse groups of civil society in Zihuatanejo have organized themselves in order to avoid uncontrolled development. By carrying out this work, they have confronted the interests of authorities that grant permits and concessions, as well as the economic powers of the tourist sector.

107 SOS Bahía web site:

<www.sosbahia.org>.

108 Observatory for the Protection of Human Rights, *Urgent Action*, MEX 007 / 0606 / OBS 073, June 15, 2006.

109 Latin American Water Tribunal, Case: Marine And Coastal Contamination In Zihuatanejo Bay, Due To Gray Water Contamination From The City Of Zihuatanejo And From A Large-Scale Tourist Complex, State Of Guerrero, March 2006.

110 Silvestre Pacheco León, «El muelle de cruceros en Zihuatanejo es inviable», *El Sur*, November 15, 2007.



Registration table at the informative assembly about the La Parota project in August 2007 [PBI]

The Mine Must Provide for Everyone: Gold in Carrizalillo

The Permanent Assembly of Landowners and Workers of Carrizalillo arose in 2007 in the farming settlement known as Carrizalillo. The assembly was formed in order to oppose the way in which the extraction company began exploiting the gold mine *Los Filos*. The ejidatarios stated that at the beginning of the organization's activities, Luismin had promised to provide them with jobs and provide infrastructure, sanitation, and educational projects in the town – for the most part these projects were not carried out. In January 2007, the majority of the ejidatarios got together and began a sit-in on their ejidal land, land that belonged to them, and blocked access to the mine, thus preventing workers from entering. They demanded that the contracts they had signed be revised and renegotiated, and at the same time began negotiations with the company and with the presence of a state government representative.¹¹¹

About one month after beginning the blockade, landowners were evicted by one hundred state and municipal police, several of whom were armed and who arrested about 70 campesinos and took them to the state capital of Chilpancingo. A few hours later, the blockade was once again installed. In February, the company reported these events in several national newspapers and asked federal authorities to react. Shortly thereafter, a military checkpoint manned by more than 20 soldiers was installed a few kilometers from the blockade. In addition, the company presented a complaint against more than 20 members of the Permanent Assembly of Ejidatarios and Workers of Carrizalillo, which then led to a criminal investigation against the Assembly.¹¹²

The people were furious that they had been kicked around. We were pleased to see [*the blockade*] full of women, children, [...] this helped us get more strength, more strength for the movement.¹¹³

At this time the media, politicians, and state and federal congress all began to pay attention to the movement. Soon after, the Assembly contacted *Tlachinollan*, who then began to provide the Assembly with legal assistance in the negotiation process. *Tlachinollan* has stated that the community's rights to information, informed consent, consultation, and management of their territory were being violated.

With the arrival of the corporation, the folks from Carrizalillo found out that they live on top of gold. [...] The company came to exploit their rich soils, and they continued to be poor. Carrizalillo is an example of defending territory with the idea of constructing a relationship of justice and equality together with the company [...] They have a logic that says: »if the company wants to come, it is welcome, but under these conditions.« We do not want them to come in here and get rich at our cost, but they can get rich with us.

Mario Patrón, Tlachinollan

111 Interview with Crisóforo Guzmán Montiel, President of the Carrizalillo Ejido, September 19, 2007.

112 *Tlachinollan* Human Rights Center, Case Study: Carrizalillo, <<http://www.tlachinollan.org/english/cases/carrizalillo.html>>.

113 Interview with Crisóforo Guzmán Montiel, September 19, 2007.



Due to pressure from reporters, representatives to congress, and with support from *Tlachinollan*, we were able to accomplish something. Although it was not what we wanted to [*initially accomplish*], we were happy with what we got in the end. We had several meetings here in the blockade, where we began negotiations. In the end, they all began to come up here, soon they were more interested. In the beginning we said that we were not going to the town hall to negotiate, and they began to come here. And then we began to negotiate, and of course *Tlachinollan* was always present.¹¹⁴

In the end, negotiations ended with a much higher price for the temporary occupation of the land, a commitment by the company to carry out infrastructure and public service projects, and an agreement to retract the investigations against the landowners.

The Carrizalillo mine

The farming settlement of Carrizalillo is located in the municipality of Eduardo Neri, in the Centro region of Guerrero. It is a town of about two thousand inhabitants who mostly cultivate mezcal¹¹⁵ and corn. Since 1994 the Peñoles mining company began exploring the land and confirmed the possibility of extracting gold from these communal lands. The initial compensations offered to the campesinos included a payment equivalent to the average agricultural production from



Negotiations between landowners from Carrizalillo and representatives from Luismin [TLACHINOLLAN]

114 Interview with Crisóforo Guzmán Montiel, September 19, 2007.

115 Mezcal is an alcoholic drink distilled from the fermented juice of a certain species of agave.



Impact of mining activities [PBI]

their land. In 2005, the mining company Luismin, which belongs to the Canadian transnational company Goldcorp, bought the concession to begin open-air mining on Carrizalillo land. This company has mines in Canada, Guatemala, Argentina, Brazil and Honduras. According to a report from 2005, Luismin projected extraction of about 2.8 million ounces of gold from Carrizalillo's 900 hectares during the next ten years.¹¹⁶ The actual market value of the ounce (in the year 2007) is \$646.50 dollars. The company initially signed temporary occupation agreements with the landowners at 1,475 pesos annually, around 150 dollars.¹¹⁷

The movement's impact

Mobilizations and negotiations have resulted in the elaboration of an integral development project for the community. Landowners participated in these negotiations, and its implementation will be negotiated annually with Luismin. Even after obtaining the results initially sought, the movement has not disbanded. It has even had an impact on the company's workers, who have decided to unite with the inhabitants of Carrizalillo to create the Permanent Assembly of Landowners and Workers of Carrizalillo.

This is a paradigmatic case, and has really generated an impact [...] It is a case that has generated a community organizing processes. For example, the Zapotec people from the community of Capulalpam in Oaxaca are now facing a similar experience with a Canadian mining company, and are using what they have learned from Carrizalillo. In a

¹¹⁶ *Tlachinollan* Human Rights Center, Case Study: Carrizalillo.

¹¹⁷ *Tlachinollan* Human Rights Center, Case Study: Carrizalillo.

way, this has generated an entire movement around mines [...] This has become an example for resistance and for social movements. Today for example, Nicolas Chavez, one of the most emblematic leaders in the state was arrested. Chavez is part of the State Coordination for Education Workers, CETEG. The social base from Carrizalillo was able to get him released from jail, by using political pressure. They have a strong capacity for mobilization.¹¹⁸

Luismin representatives have stated that they are satisfied with the current agreement with the landowners. They want to use this experience from Carrizalillo in the future, so that they can come to agreements that avoid conflicts and satisfy expectations of both parties, because according to the words of the executive director of Luismin, the mine must provide for everyone.¹¹⁹

118 Interview with Mario Patrón,
July 24, 2007.

119 Interview with Salvador
García, General Director of
Luismin, September 21, 2007.

ORGANIZATION OF AMERICAN STATES



**The Mexican
Government
and Social
Demands**

Public Policies and Human Rights

Mexico's Presence in International Organizations that Work to Protect Human Rights

One thinks globally and acts locally, and this is important in terms of human rights, having a global vision of human rights and transporting it to the local arena.

*Hipólito Lugo Cortés,
General Examiner from the
CODDEHUM*

The United Nations

Mexico has played a significant role in the construction of the current international legal human rights framework. Following the defeat of the PRI in 2000, and with the new government led by Vicente Fox of the National Action Party (PAN), Mexico intensified its work in international institutions of the United Nations. Approving international instruments became a priority on Mexico's foreign policy agenda, and Mexico worked to approve the Convention on the Forced Disappearance of Persons, the United Nations Declaration on the Rights of Indigenous Peoples, and the Protocol for Economic, Social and Cultural Rights. Mexico is one of the countries that worked to encourage reforms in the United Nations Human Rights Commission, which resulted in the substitution of this entity for the Human Rights Council. When member states were voted into the new Council, Mexico was one of the countries that received the most votes, and was later elected to the presidency. Mexico has opened its doors to all who wish to visit the country and has shown respect for the work of UN human rights organizations within its territory. Mexico welcomes all United Nations Rapporteurs that wish to visit and invited the High Commissioner for Human Rights to open an office in Mexico to provide technical services regarding human rights.¹²⁰ Both within the United Nations as well as amongst human rights organizations in Geneva that work in the UN (such as the International Jurist Commission), Mexico's human rights actions have received very positive feedback.¹²¹

¹²⁰ Interview with Juan Carlos Gutiérrez, Professor for the Master's Program in Human Rights at the Ibero-American University, July 28, 2007.

¹²¹ Interview with Juan Carlos Gutiérrez, July 28, 2007.

Mexico has been working on human rights in the international arena for a long time, and according to the High Commissioner, the country is a very important member and an international ally. It has defended and supported the main human rights issues, and has participated in the creation of international institutions.¹²²

However, the *All Rights for All* National Network of Civil Human Rights Organizations gives very critical reviews of Mexico's foreign policy, stating that the main goal of Mexico's foreign policy is not the defense of human rights, but other objectives that are far from issues related to fundamental rights. According to the Network, this commitment to the promotion and defense of human rights does not have repercussions on Mexico's internal policies.

The Mexican government's international work experience, by both the PAN and the PRI political parties, has shown a greater concern for what people outside the country think, than about what people in the country think [...] In terms of foreign policy, Mexico is a champion of human rights, and all the international organizations want to ask Mexico to support their proposals. [...] When Fox entered into power, he presented an open invitation for all United Nations mechanisms to come to Mexico; meanwhile nothing happened internally. Soon after there was Guadalajara, and then Atenco, and then Oaxaca and there have been no investigations, and then the Special Prosecutor's Office for Social and Political Movements of the Past. So we have come to the conclusion that Mexico was very interested in their international image. They needed an international image of respecting human rights in order to do business, [...] businesses are always interested in human rights, and Mexico wants to look good so that they can attract investors, and sign commercial agreements.¹²³

During the protests against the European Union-Latin American Summit held in Guadalajara in 2004, protesters were strongly repressed. More than 50 people were arrested, tortured and in some cases obligated to sign self-implicating declarations.¹²⁴ In its 2007 report on the human rights situation in Mexico, Human Rights Watch denounced the »excessive force when carrying out crowd-control operations. In April 2006 [...] during a police intervention to disperse a miner's strike in Lazaro Cardenas, police forces killed two workers and injured dozens. In May, while dispersing demon-



AFADEM's bus at a protest in Mexico City [PBI]

122 Interview with Amerigo Incalcaterra, representative of the OHCHR in México, September 17, 2007.

123 Interview with Michel Maza, *All Rights for All* National Network of Civil Human Rights Organizations, September 17, 2007.

124 Human Rights Watch, *World Report 2005*, January 2005 <www.hrw.org>.



Protest by AFADEM in front of the cathedral in Mexico City's main square [PBI]

strators in San Salvador de Atenco, police officers killed two people, including one teenager, and arbitrarily detained, beat, and kicked demonstrators. Police also sexually harassed women while they were being transported to a penitentiary.« During the months from June until December 2006, Oaxaca was the scene of widespread protests against Governor Ulises Ruiz and against the state government, led by the Popular Assembly of the People of Oaxaca. Intervention by both state and federal police resulted in the deaths of 20 people; hundreds were arbitrarily detained and imprisoned, and there are reports of forced disappearances and torture that have not yet been investigated.¹²⁵

¹²⁵ Christiane Schulz, »Oaxaca – hat Mexikos Rechtsstaat eine Zukunft?«, en Giga Focus, Institut für Lateinamerika-Studien, núm. 2, Hamburg, 2007.

The Inter-American system for the protection of human rights

The Mexican government's commitment to the promotion and protection of human rights in the Inter-American arena is demonstrated by its respect for the American Convention on Human Rights and its respect for international treaties.

Mexico became part of the Convention in 1981, and in 1998 accepted the competency of the Inter-American Court of Human Rights. Mexico declared a political will to comply with decisions by this jurisdictional body and put a significant effort into implementing recommendations by the Inter-American Commission on Human Rights (IACHR).¹²⁶ Within the Organization of American States (OAS), Mexico is an active member and has worked to promote human rights issues. In June 2007, Mexico presented six proposals for resolutions before the General Assembly.¹²⁷

Organizations from Mexican civil society have turned to the Inter-American system to denounce cases of human rights violations. From the year 2000 to 2006, about 550 cases have been sent to the IACHR. Juan Carlos Gutiérrez observes that the IACHR gives little response to the demands for justice sent to them by Mexican citizens. Of all the cases presented before 2007, only one has received a recommendation, and four have been resolved by friendly settlement between the Mexican government and the victims. The Commission has only sent one case to the Court, which was rejected for procedural reasons; this case was not investigated since it had to do with events that occurred before Mexico recognized the competency of the Court.

The Inter-American Commission has not had the capacity to see Mexico as a country where serious human rights violations occur. Mexico is a country with an important political capacity, a country with an important economic capacity, and is an especially important donor to the Inter-American system, [...] a system that has had economic crises; and because of the lack of organization within the Inter-American Commission.¹²⁸

The Inter-American Commission has been the most responsive to requests for precautionary measures. The Commission can urge governments to implement the necessary measures to protect people whose lives are in danger or who have suffered from aggressions to their fundamental rights. Despite the deficiencies that still exist in implementing precautionary measures by the Mexican state, there have also been positive advances in this area in the last few years.¹²⁹

126 Department of Foreign Affairs, *México en el Sistema Interamericano*, <http://www.sre.gob.mx/derechoshumanos/t_relevante/sis_intera.html>.

127 The proposals were: internally displaced people; situation of the Inter-American Indigenous Institute; human rights defenders and support for their work; rights for migrant workers and their families; rights of prisoners and the detained; and protection of human rights in the fight against terrorism. Department of Foreign Affairs <www.sre.gob.mx/derechos-humanos/t_relevante/sis_interna.html>.

128 Interview with Juan Carlos Gutiérrez, July 28, 2007.

129 *Idem*.

International organizations as a resource for gaining access to justice

According to the principles that guide a citizen's access to the IACHR, one can turn to this international entity once the internal mechanisms for accessing justice have been exhausted. For human rights organizations and people that have filed complaints with the IACHR, this is the last chance for them to obtain justice. Organizations in Guerrero have used this legal resource to file cases on behalf of Valentina Rosendo Cantú, Inés Fenández Ortega, and Rosendo Radilla Pacheco, who was disappeared in 1974. These cases are currently awaiting resolutions from the Commission, with the possibility that these cases will be taken to the Inter-American Court. As we will see further on, these three cases share an underlying controversy about the reach of the military jurisdiction in Mexico.

International organizations, the international community, international bodies, we see this as our alternative. We do not believe in the Mexican State, we know that for them we do not exist, the problems do not exist. We believe that international organizations are the support that allows the state to respond in some way to our expectations.¹³⁰

Mexican organizations do not bring their cases before the United Nations system. They see the Inter-American system as a much quicker option, which is much closer and more accessible economically. As a result, the most important impact that the United Nations has had within Mexico has been through the Diagnosis elaborated by the OHCHR in Mexico and through reports emitted by the Rapporteurs that visit Mexico. There are currently more than 400 recommendations from Rapporteurs to the Mexican government on a wide range of issues, among these justice, impunity, indigenous peoples, and gender. However, there is no analysis about the Mexican government's follow-up and implementation of these recommendations.¹³¹

¹³⁰ Interview with Tita Radilla, July 19, 2007.

¹³¹ Interview with Juan Carlos Gutiérrez, July 28, 2007.

The OHCHR Diagnosis and the National Human Rights Plan

The Office of the United Nations High Commissioner for Human Rights was invited to work in Mexico at the beginning of Vicente Fox's government. The initial request was to implement a technical cooperation project that would work on torture. However, in 2002 Mexico signed a more ample agreement that included opening a permanent office in Mexico and the elaboration of a diagnosis of the human rights situation in the country.

The presence of the United Nations office in Mexico was implemented in a historic moment: Fox began his six-year term, and placed some people from civil society into his cabinet, most importantly, well-known human rights defender Marieclaire Acosta. She was named Ambassador for human rights and handled the technical cooperation agreement with the High Commissioner. The first visit to Mexico took place just after signing the technical agreement, [...] and a permanent presence of the United Nations entity was negotiated. This is the only country to do this.¹³²

During the elaboration of the Diagnosis, the OHCHR was in contact with a large number of civil society organizations. The UN document presented to and later accepted by the Mexican government at the end of 2003 was compiled from reports from social organizations and from information sent by entities of Mexican public administration. According to Amerigo Incalcaterra, the current representative of the OHCHR in Mexico, the Diagnosis maintains its relevance and validity to this day.

In the search for a solution to the problems identified in the Diagnosis, Mexico elaborated a National Human Rights Plan, based on the recommendations in the Diagnosis. However, this plan was not implemented and was later abandoned with the change of government in 2006; the new government led by Felipe Calderon has put together a technical team in charge of elaborating a new plan.

The National Human Rights Program had a monitoring commission made up of public officials and NGOs. They created a report [...] that was very critical of the national program and of the lack of a methodology for its implementation. It was a long process, four years of wear and tear, meetings, and ended with a program that did not have the political will needed at the end of Fox's term.¹³³

132 *Idem.*

133 *Idem.*

After elaborating the Diagnosis, the OHCHR has focused its work on technical assistance in public policies related to human rights. The OHCHR is closely monitoring the elaboration of a new national plan, and is monitoring the state diagnoses and state plans. The OHCHR wants to learn from the experiences with the National Plan during Fox's government and hopes that the new national or state plans will be valid beyond the term of the current administration. The OHCHR has signed technical cooperation agreements with the Congress of the Nation and the Supreme Court of Justice, establishing periodic meetings and technical assessment to the Human Rights Commissions in the Congress and the Senate. Proposals for constitutional human rights reforms are analyzed in these meetings. In addition, the body has supported the creation of a text about this constitutional reform, written by representatives from universities and civil society. The OHCHR also provides assessment to the legislative branch by informing legislators about international human rights standards. In the case of the Supreme Court, the work has focused on strengthening knowledge about human rights in the judicial branch. Training is offered on publications and national and international jurisprudence in human rights matters. In addition, periodic assessments are provided on any issues requested by the Court.¹³⁴

The FEMOSPP

Faced with demands to pay more attention to crimes committed against political dissidence from the 1960's, 70's and 80's, Vicente Fox's government created the Special Prosecutor, known as the FEMOSPP (Special Prosecutor's Office for Social and Political Movements of the Past). The goal of the Prosecutor's work was to review actions, which were mostly considered federal crimes, committed directly or indirectly by public servants against those people linked to social and political movements of the past.¹³⁵

¹³⁴ Interview with Amerigo Incalcaterra, September 17, 2007.

¹³⁵ Miguel Agustín Pro Juárez Human Rights Center, *Derechos incumplidos, violaciones legalizadas. Los derechos humanos en el sexenio 2000-2006*, Mexico, D. F., November 2006.

One of my nephews was the one to point the finger at me, saying that I was in the guerrilla movement, but this was not true. And so they took me to Acapulco, to one part near the ocean, they took all of us there, so many people. (...) Two helicopters were taking people daily, and they also took my son in-law.

The only payback is that the government recognizes their mistake. This is not so easy, especially because the list of

those that have filed reports [*about these crimes*] are few. I don't know how many people were there, there were many people, men and women, and none of them ever came back. Besides, those are the ones that I saw there, but all over the place, wherever they wanted, people were killed and left around.¹³⁶

The FEMOSPP was created in November 2001 and closed five years later. It was created in response to a recommendation from the CNDH that documented human rights violations committed during the *Dirty War*.¹³⁷ In order to clarify responsibilities for crimes of the past, the prosecutor's office was given competency as an investigative unit of the Attorney General's Office and competency as a truth commission to investigate and clarify these events. While the mandate of the Prosecutor's Office did not restrict it from taking action with the military, the Military Attorney General's Office took on many of the investigations.¹³⁸

The relatives of the disappeared saw this initiative as a tool that could provide a response to their demand for justice, despite certain deficiencies in its inception.

In reality, the establishment of the Special Prosecutor created great expectations. We thought: »now they are going to investigate and maybe now we can find the location of the disappeared people.« However unfortunately, after 5 years, there was nothing, there were 13 indictments, no one was detained, no one was found responsible. There was no success.

However, in Guerrero the Special Prosecutor did not fully delve into investigations about forced disappearances during the 1970's. At the end of 2003, Zacarías Barrientos Peralta, who was both victim of and witness to the detention, torture, execution, and disappearance of dozens of campesinos in Atoyac, was assassinated. Zacarías Barrientos Peralta was a key witness for the FEMOSPP; he had acted as an army informant during those years. In AFADEM's evaluation, the National Attorney General's Office did not take the necessary precautions to protect witnesses who provided testimonies in the FEMOSPP's public investigations.

The Special Prosecutor only tried to keep the families quiet and happy so that they would not publicly report that the Special Prosecutor was not really investigating. They wanted to give basic necessities to the families, give them med-

136 Interview with Ascensión Rosas Mesino, »Don Chon«, father of Lino Rosas, disappeared during the Dirty War, July 21, 2007.

137 National Human Rights Commission, Recommendation 26/2001 November 27, 2001.

138 ADIN: Digital News Agency, March 10, 2006 <<http://www.adin-noticias.com.ar/0100306.htm>>.



Paulina Mesino, Asención Rosas, and Tita Radilla prepare for the burial of Esteban Mesino and Lindo Rosas whose bodies were exhumed and turned over to family members by the PGR. [PBI]

icine [...] The Prosecutor said that he was going to provide reparation of damages, he wanted the families to accept the compensations. We always said that we could not accept money because we were searching for our relatives, we are not looking for money [...] Many people have blamed us for not taking the compensations, but we believe that this is not an option. For us, paying for damages is really about returning our disappeared family members back to us.¹³⁹

According to Amnesty International, in order to work toward a fair justice system, reconciliation, stability in society, and reparation of damages to victims, it is important that the authors of serious human rights violations are found responsible for their crimes. In order to implement these changes, the state must create institutional mechanisms that put an end to the structural and political causes that allow for impunity. In addition, the state must consistently monitor the proper functioning of these mechanisms.

The Special Prosecutor's final report was not ratified by the government, and in the end not one person has been convicted for crimes investigated by the Special Prosecutor. An unofficial draft of the report was published in February 2006. This document identified more than 700 cases of forced disappearances, more than 100 extrajudicial executions, and more than 2,000 cases of torture committed by armed forces and security agencies during the *Dirty War*.¹⁴⁰ When the FEMOSPP closed, the General Coordination of Investigations of the National Attorney General's Office (PGR) took over the responsibility of continuing the investigation of about 500 cases. However, when asked in August 2007 for information¹⁴¹ about documents elaborated by the FEMOSPP, the PGR emitted a press release stating that they did not have this information. According to a report by the Miguel Agustín Pro Juárez Human Rights Center, the FEMOSPP's work was a failure and »was used to create a de facto amnesty, to the detriment of individual and collective rights to justice and truth.«¹⁴²

The relatives of the disappeared had urged the Special Prosecutor to investigate, and as a result, the remains of Lino Rosas Pérez and Esteban Mesino Martínez were returned to Atoyac in February 2007. At the request of the families, their remains were exhumed by the FEMOSPP in 2005; the families later provided the necessary proof to identify the cadavers in November 2006. Although the Special Prosecutor had promised to deliver the remains to the municipality of Atoyac, the process was delayed several months and the remains were

¹³⁹ Interview with Tita Radilla, July 19, 2007.

¹⁴⁰ Draft of the report of the FEMOSPP. Published in *The National Security Archive*, February 26, 2006 <<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB180/index.htm>>.

¹⁴¹ *La Jornada*, August 28, 2007.

¹⁴² Miguel Agustín Pro Juárez Human Rights Center, *op. cit.*

finally turned over to family members in the PGR's Mexico City office. This process was a traumatic experience for family members who had been waiting for this day for more than 30 years. According to AFADEM, the way in which the remains were handed over to the families not only showed the lack of sensitivity and arrogance on behalf of authorities, but it also once again victimized the family members: the skeletons were handed over after an eight-hour wait, and authorities insinuated that the remains would not be handed over if the families allowed the media to take pictures of the boxes that contained the remains.¹⁴³

On the one hand it was good, but on the other hand you can never completely agree, you are hurting. I am happy because we now have them here. At my age, I thought that he would just end up being left out there, it is hard to get the whole family to make this commitment.¹⁴⁴

Advances and Challenges for the State of Guerrero

Commission for the Defense of Human Rights in Guerrero

In 1990, a public institution for the defense of human rights was created in Guerrero. The Commission for the Defense of Human Rights in the State of Guerrero, CODDEHUM, was created with the mission of fighting against impunity from illegal actions and abuses of power by the state's public servants. This is the main entity in charge of receiving and investigating complaints from citizens.¹⁴⁵

After receiving a complaint, the CODDEHUM begins an investigation that can lead to recommendations to the state administration, judicial authorities, or municipal authorities. The recommendations contain the results of investigations, evaluate whether or not a human rights violation was committed, and identify those who are presumed to be responsible. Of the 101 recommendations emitted in 2006, 36 were directed toward the State Attorney General's Office, 24 to municipal authorities, 20 to the Department of Public Security and Civil Protection, and 17 to the Department of Education in Guerrero.¹⁴⁶

These recommendations are then monitored for compliance. When the competent authorities reject the recommendations, the CODDEHUM tries to convince them of the need to abide by them, and if this effort is still unsuccessful, the issue is sent to the State Congress or to the National Human Rights

143 Peace Brigades International, *Mexico Project Bulletin*, Num. 21, Spring 2007.

144 Interview with Ascensión Rosas Mesino, «Don Chon», father of Lino Rosas, disappeared during the Dirty War, July 21, 2007.

145 In the event that these illicit acts are committed by federal employees, such as the military or federal police, competency is turned to the National Human Rights Commission.

146 Commission for the Defense of Human Rights in the State of Guerrero, *XVI annual report*, 2006
<<http://coddehumgro.org.mx>>.

Commission. The Commission also has programs that attend to issues that are particularly serious, such as forced disappearances. For less serious cases, they work to provide a quick solution through reconciliation. In addition, the CODDEHUM permanently supervises state penitentiaries and municipal jails, and provides training and education programs in human rights for police bodies and public officials.¹⁴⁷

The Commission has expressed a desire to strengthen its independence from the executive branch of government and to modernize its work. It has proposed reforms to this entity that fall within the framework of an integral reform to the Constitution of the state of Guerrero, and that include proposals to include a more ample catalog of fundamental rights in this document. In addition, the CODDEHUM has worked together with civil society organizations on initiatives, such as the campaign to define forced disappearance as a crime in Guerrero, and on workshops and training programs.¹⁴⁸

In the CODDEHUM's analysis, the socioeconomic context in Guerrero propitiates the violation of civil and political rights by public servants and creates a context in which all rights are violated. For this reason, in cases in which a social organization's demands conflict with current legislation or with a third party, it is important to look at the bigger picture. There are different forms of protest, such as blocking streets or marching, that may often be the only way for an organization to be heard by authorities. In terms of conflicts with organizations that fight for the autonomy of indigenous people, the CODDEHUM sees the importance of respecting the community's way of organizing and the community's authorities, in accordance with international human rights standards.¹⁴⁹

According to the President of the Commission on Human Rights in the State Congress, one of the main human rights problems is that people do not know their rights and how they can be protected. She points out the important role of human rights organizations in supporting people whose rights have been violated. These organizations look for solutions to problems in which the state has been unable to respond. As far as social protests in Guerrero, she sees the need to clearly regulate at what point the exercise of a right ends and at what point abuse begins.

Congress perceives a lack of communication between this entity, other public officials, and citizens. The public ministries, for example, often do not know the laws that have been approved; in addition, there is no clear way to distribute this information and assure that people know about Congressional activities. There is also a clear lack of interest

147 Interview with Hipólito Lugo Cortés, General Examiner for the CODDEHUM, September 18, 2007.

148 *Idem.*

149 *Idem.*

on behalf of the populace, due to a general view of Mexican politicians as people who are corrupt, do little work, and get rich at the expense of others.¹⁵⁰ With regard to the way in which public policies are implemented by the government, they see a lack of sensibility towards the problems of the people. Policies mainly focus on strengthening the government's good image, and often ignore the people who are affected by these policies. Public officials lack a long-term vision and can only see as far ahead into the future as the time that their mandate lasts.¹⁵¹

The law on forced disappearances

In collaboration with the Guerrero Human Rights Network and the *Miguel Agustín Pro Juárez* Human Rights Center, the CODDEHUM worked on a 2003 campaign to put into law the crime of forced disappearance of persons. The result was the Law to Prevent and Sanction Forced Disappearance of Persons in the State of Guerrero, which was approved in 2005. The law places international legal standards on this matter, such as those that are part of the Inter-American Convention on Forced Disappearance of Persons. This law defines forced disappearance as a »crime of illegal restrictions on freedom, that is committed, supported or consented to by public servants, and is considered serious, autonomous, continuous and permanent, as long as the location of the victim remains unknown.«¹⁵²

The participation of civil society in elaborating the law has been seen as a novel initiative in Mexico, compared to other processes that work for legal reforms to recognize human rights.¹⁵³ However, organizations that worked to promote the law say that it is not being applied. The majority of authorities in the judicial branch of government and in the State Attorney General's Office do not know about the law, or say that they cannot apply it retroactively for crimes that were committed before the law was put into effect. The CODDEHUM criticizes this interpretation and has stated that this criteria contradicts the jurisprudence of the National Supreme Court of Justice and international human rights standards.¹⁵⁴

This is a complex issue, and authorities have not been willing to collaborate since many people from the state are involved. This makes the law even more delicate, it is published and approved but it is not being implemented.¹⁵⁵

150 Interview with Rossana Mora Patiño, President of the Commission on Human Rights in Congress, October 2, 2007.

151 *Idem*.

152 Law to Prevent and Sanction the Forced Disappearance of Persons in the State of Guerrero, Number 569, published in the Official Newspaper of the State of Guerrero, October 14, 2005.

153 Interview with Juan Carlos Gutiérrez, July 28, 2007.

154 Interview with Hipólito Lugo Cortés, September 18, 2007.

155 Interview with Silvia Castrillo, September 20, 2007.

A diagnosis for Guerrero

In 2006 the OHCHR came to an agreement with the State of Guerrero to work towards the elaboration of a diagnosis of the human rights situation in the state. According to the OHCHR representative in Mexico, the elaboration of this diagnosis is a priority, given that Guerrero is one of the states with the most serious human rights problems. When the OHCHR first began to establish contact with the executive branch of government, the governor showed interest in the diagnosis and showed support for the analysis.

In order to elaborate the diagnosis, a coordinating committee was put together with representatives from the executive, legislative and judicial branches of government, the CODDEHUM, civil society organizations and representatives of public and private universities. The role of the OHCHR is to monitor the process and provide advice in international human rights standards.

There is political will on behalf of all state entities to participate in this exercise, and political will on behalf of civil organizations to constructively participate in a complex exercise. One of the main things that you have to face when you talk to organizations from civil society is, why do I have to sit down with someone who violates human rights? [...] This exercise has an extremely novel quality, we are not carrying this out in any other part of the world. This is a pilot experience [...] And on the other hand, the state must try to understand why organizations take on a specific role in society.¹⁵⁶



United Nations Forum on Forced Disappearances [PBI]

¹⁵⁶ Interview with Amérigo Incalcaterra, September 17, 2007.

The goal of the Diagnosis is to present recommendations and conclusions to the executive, judicial and legislative branches, and according to the coordinating committee, it is important that this document is distributed amongst the population. A human rights plan will be elaborated for the state, based on the analysis described in the Diagnosis. This plan will come up with solutions to the problems identified in the Diagnosis, and should be accompanied by a continuous evaluation process by representatives from each party that participated in its elaboration.

The goal is that those involved observe, appropriate, integrate the recommendations, in order to start making changes [...] The people should know what was done, how it was done, when it was done, who did it, what the recommendations say, and what comes next. The idea is that at this time next year, this same coordinating committee can elaborate a state human rights program for Guerrero that will start to change public policy.¹⁵⁷

157 Interview with Rossana Mora Patiño, October 2, 2007.

Public Security and Militarization

Well, now the army is the president's right hand. The president even uses the army for public security, which he should not do, since this is what we have the police for [...] The army does not have the faculty, nor the training, to administer justice, they have another job to do.

Tita Radilla, AFADEM

Recommendations from international institutions on public security and justice continue to argue that Mexico should »promote the progressive and verifiable substitution of the armed forces in public security tasks« and »limit the scope of the military justice system.«¹⁵⁸ However, in the last few years there continues to be an increase in the military's participation in public security, and military justice entities continue to try cases of human rights violations committed against civilians by the army.

Militarization of Civil Public Security Spaces

In the last few years, issues related to national public security have been closely associated with the participation of the army in the fight against drug trafficking. During his presidency, Fox created *Mexico Seguro*, which has been reinforced by the new administration led by Felipe Calderón. This issue is currently a priority on the agenda, and the military has been in charge of implementing a strategy for security and for fighting drug trafficking. Intervention by civil police forces has been seen as a reinforcement for the military, and not the other way around.¹⁵⁹

The inclusion of the armed forces in public security policies began in 1996, and increased when Fox created inter-institutional coordinating groups in every state of the country. Among other activities, the military puts checkpoints to inspect vehicles and passengers on highways, and participates together with other federal and state police forces,¹⁶⁰ in Mixed Operation Bases.¹⁶¹

According to Edgar Cortés, Executive Secretary of the *All Rights for All* National Network of Civil Human Rights Organizations, there is an effort on behalf of the government to defend this military presence as the best option for public security, and the option that best corresponds to the expecta-

158 Office of the United Nations High Commissioner for Human Rights in Mexico, *Diagnosis of the Situation of Human Rights in Mexico*, OHCHR, December 2003.

159 Interview with Edgar Cortés, *All Rights for All* National Network of Civil Human Rights Organizations, November 7, 2007.

160 Office of the United Nations High Commissioner for Human Rights in Mexico, *Diagnosis of the Situation of Human Rights in Mexico*, OHCHR, December 2003, p. 44.

tions and needs of the population. These ideas are presented in an enormous publicity campaign in the media:

Even before this administration, this was a permanent [*media strategy*] to defend the [*military presence*] as something that is essential, key, necessary for the [*security*] strategy; always trying to show these campaigns as a decision that naturally coincides with the demands and expectations of the people.¹⁶²

However, from the point of view of the human rights community, public security should correspond to the state's civil security forces; the army is not the ideal institution to carry out this effort. When the army participates in public security matters, there is a real risk that the human rights situation could deteriorate and that human rights violations could increase.¹⁶³

In Guerrero, a state that has one of the largest drug trafficking problems in the country, organizations such as *Tlachinollan* have strongly criticized both the naming of members of the military to civil public security posts and to the Attorney General's Office, as well as military participation in the fight against drug cultivation and trafficking: »Placing members of the army in public security posts, or training special police [...] in military camps, or coordinating actions between elements of the armed forces and different civil police bodies, has all been justified due to the corruption and inefficiency of the police, and due to the recent increase in organized crime throughout the territory. At the same time, the armed forces are prepared for combat, and not for decreasing delinquency; and using this military institution for these tasks could provoke corruption and increase human rights violations.«¹⁶⁴

161 The Mixed Operation Bases are mobile surveillance operatives in which the army participates in coordination with authorities and police from different levels of government. According to the Department of Public Security, these operatives allow for »revisions of occupants of all kinds of vehicles« and survey federal and state highways »as a preventive measure to lower the crime index in high-risk areas« <www.ssp.gob.mx>.

162 Interview with Edgar Cortés, November 7, 2007.

163 *Idem*.

164 *Tlachinollan Human Rights Center, Against the Silence and Abandonment*. X Report, June 2003 to May 2004., p. 30-31.

Public Security in the State of Guerrero

General Juan Heriberto Salinas Altés is the head of the Department of Public Security and Civil Protection in the State of Guerrero, and was named to this post by newly elected PRD governor Zeferino Torreblanca in 2005. Salinas Altés shows the political will to put an end to the poor practices that have characterized the police in the past, and states that the proper forces management of police has led to a decrease in human rights violations.

The Department of Public Security and Civil Protection in Guerrero manages three areas: the State Preventative Police (made up of different police bodies: Preventative, Auxiliary, Environmental, Transit, etc.), prisons or Centers for Social Readaptation, and Civil Protection. In addition, Secretary Salinas Altés is the vice-president of the State Council for Public Security, an entity that coordinates between state authorities, representatives from the federal government, and the armed forces.

According to Salinas Altés, Guerrero has very diverse regions, each with its own set of complex and diverse problems. Attacks and general insecurity on the roads are common in the Costa Chica, while inland, in an area that includes the Montaña, problems have more to do with social problems and less with public security. The Secretary has to attend to the different conflicts in the region (agrarian, community, and religious conflicts) and at the same time has been open to collaborating with different organizations such as the Community Police (CRAC) and *Tlachinollan*.

The Secretary has also shown a willingness to collaborate with a new initiative called the Civil Monitor, a project designed by *Tlachinollan*, *Fundar* and *INSUDE*, and whose goal is to integrally monitor the working conditions of police bodies in the Montaña region. Based on an ample analysis, the goal is to have a greater impact on public policy proposals related to public security. The Secretary has also worked with the Community Police, even though their legal situation has not been regularized:

It is a situation that has to be constitutionally regularized, the conditions are there and we are working to regularize the indigenous situation. We have worked with them in such a way that complements our work.¹⁶⁵

Most of the drug trafficking problems are in the mountains, between the Costa Grande and Tierra Caliente regions. Guerrero is the main producer of poppy in the country, and the

¹⁶⁵ Interview with Juan Heriberto Salinas Altés, Secretary for Public Security and Civil Protection for the State of Guerrero, September 20, 2007



Tlachinollan takes testimonies about army actions in Barranca de Guadalupe in October 2006. [PBI]

second largest producer of marihuana. Narcotics are cultivated in these regions and are then trafficked by way of coastal and inland cities at the base of the mountains, including the larger cities in the state such as Chilpancingo and Acapulco. Because of this situation, the mountainous regions have become a priority for the state, and an integral social development plan is being created to respond to the people's needs for education, medical attention, communication and security. The hope is to respond to the needs of people that have few income alternatives, and as a result find themselves obligated to grow narcotics. Another goal is to improve the presence and coordination of the state police with the municipal police, in order to put an end to the insecurity caused by attacks, assassinations and sexual assaults.¹⁶⁶

Military Justice: Appeals to International Organizations

In Mexico, the military justice system continues to prevail in legal cases in which the military is involved. Complaints against the military are systematically reviewed by the military justice system, or are sent by civil authorities to the military jurisdiction. Mexico has ratified international human rights treaties with reservations or interpretive clauses, thus failing to validate the principle that civil entities should be the ones to judge the military in cases in which civilians are involved.¹⁶⁷ This contradicts the principles established in

¹⁶⁶ *Idem.*

¹⁶⁷ Interview with Edgar Cortés, November 7, 2007.



Mario Patrón, Obtilia Eugenio, Inés Fernández, and Valentino Rosendo at the Inter-American Commission on Human Rights in Washington, D.C. [Tlachinollan]

international conventions on fundamental rights. In addition, the experience in Guerrero, and in Mexico, is that the military jurisdictions do not condemn members of the army when they are accused of crimes; this creates a serious problem when it comes to ending impunity.¹⁶⁸

In Guerrero, both relatives of the disappeared and indigenous communities who are victims of aggressions face this obstacle in the justice system. According to AFADEM, a military tribunal cannot satisfy their demands for truth and justice, and for this reason family members have often decided not to present their testimonies before the Military Attorney General's Office:

They have subpoenaed us to present our testimonies, but we have decided not to testify; they are the ones who are directly responsible. We are accusing them, stating that they are responsible for the disappearance of our family members, we cannot go to a military tribunal. We are civilians, our family members were civilians and we do not believe that a trial would be impartial. General Mario Arturo Acosta Chaparro was found responsible in 22 cases and he was set free. Even the army investigated and accused him of the assassination of 22 campesinos in the municipality of Atoyac, but in the end he was exonerated.¹⁶⁹

168 *Tlachinollan Human Rights Center, Against the Silence and Abandonment. X Report, June 2003 to May 2004.*, p. 203 y 205.

169 Interview with Tita Radilla, July 19, 2007.

According to *Tlachinollan*:

The Army is seen as not only directly violating human rights, (in cases of torture, sexual assaults) but also indirectly violating human rights, since it not only violates human rights but also protects its people through the military jurisdiction. All cases filed by civilian victims are reviewed by the military justice system – and there is no justice.¹⁷⁰

Victims and organizations have turned to international entities as their only alternative to achieving justice. Rosendo Radilla Pacheco's case (disappeared in Guerrero in 1974) has been taken to the Inter-American Commission on Human Rights by AFADEM and the Mexican Commission for the Defense and Promotion of Human Rights; it is possible that the case will be sent to the Inter-American Court of Human Rights. In this entity the State will be obligated to respond to the victim's demands.

The Organization of Indigenous Me phaa People has not wavered in their demands for justice for Inés and Valentina. These cases were also presented before the IACHR with legal support from *Tlachinollan*, *Centro Prodh* and CEJIL, at a time when the judicial process in Mexico was at a standstill: the Attorney General's Office in Guerrero found themselves incompetent in the case and sent the case to the military justice system; the military justice system then closed the cases stating that the rapes had not occurred.¹⁷¹

Both the Mixtecos [*Na savi*] as well as the Me phaa have successfully converted Valentina Rosendo Cantú and Inés Fernández Ortega's cases as the tip of the sword for justice against the military. They have gone to the Inter-American system, [...] and there is a real possibility that these cases will be tried and that no-repetition measures will be established. Their idea is not just reparation of damages for the two women, but that reforms are established so that cases involving civilians are no longer reviewed by the military [...] This has been one of the virtues of the Mixteco [*Na savi*] and Tlapaneco [*Me phaa*] movements in Ayutla, they understand that their fight against militarization will not be immediately resolved, and that it is a long-term [*struggle*]. They have put their efforts into a judicial process that is very long, and because of this they have had to face the challenge of protecting both Valentina and Inés.¹⁷²

170 Interview with Mario Patrón, July 24, 2007.

171 Admissibility Report, Inter-American Commission on Human Rights. IACHR, Report No. 94/06, Petition 540-04, Admissibility, Inés Fernández Ortega and others, Washington, D. C., October 21, 2006.

172 Interview with Mario Patrón, July 24, 2007.

Both Inés Fernández Ortega and Valentina Rosendo Cantú's cases, together with four other indigenous women in Guerrero who were allegedly raped by soldiers between 1994 and 2004, were compiled in a report by Amnesty International.¹⁷³ The report states that »serious shortcomings in the investigations conducted by Mexican military prosecutors and the fundamental unsuitability of the military justice system to investigate human rights violations committed by members of the armed forces.« It concludes by affirming that the way the military tribunals interpret the Constitution in favor of the military jurisdiction, »undermines the rule of law, fosters impunity and exacerbates the denial of justice for victims.«

173 Amnesty International,
*Mexico: Indigenous Women
and Military Injustice*, Index
AI: AMR 41/033/2004,
November 2004.

Development Policies and the Fight against Poverty

Conflicts that have to do with the exploitation and use of natural resources, and with the management of public funds, are vivid examples of the organizations' discontent with the state's public policies for guaranteeing economic, social and cultural rights. These conflicts often have to do with public policies related to rural areas, respect for the indigenous population, land ownership reforms, and the way in which money is invested in basic equipment and infrastructure.

The fight against poverty has been a priority for Mexico and the government has worked to create social assistance programs such as Opportunities, one of the few programs that has received positive reviews internationally because it has apparently achieved positive results in combating poverty. However, several Mexican organizations have also criticized the program, stating that the program does not make changes to the root causes of poverty, and is not conceived with the idea of implementing structural changes.

Land ownership

The social structure of the rural population in the southern states of Mexico, including Guerrero, is based on collective land ownership, lands that are either ejidal or communal. Following the Mexican Revolution, policies towards rural Mexico have responded to campesino social struggles that fought for recognition as landowners, and that this ownership be protected when faced with the risk of being stripped of their lands. This population has seen their lifestyle largely affected by the fall in prices of agricultural products, which is directly related to the North American Free Trade Agreement, NAFTA, between the three North American countries. Since NAFTA, immigration has increased, and the state responded by

creating programs to fight poverty. In the rural southern regions, agriculture was once one of the central pillars that allowed for survival, and is now another source of income, combined with income obtained from immigration and from state programs.¹⁷⁴

According to an analysis by the National Association of Companies that Commercialize Products from the Countryside, in the 1980's politicians held the idea that the countryside was overpopulated and produced very few products. They thought that Mexico could do away with a large part of the campesino sector and substitute it with imports. In addition, there is a tradition of submission amongst the rural population, and democracy and citizenship are concepts that have evolved in the cities, while the countryside has not followed the same political transition. This environment has allowed for the maintenance of political domination systems such as caciques and systematic rights violations. It also adds to discrimination towards the indigenous population, most of whom are campesinos, and who are not considered to be part of the economy and national culture.

The resources in campesino and indigenous communities are in dead hands, and therefore need to be expropriated through legal or almost legal means, or by taking away any economic support for their products. As a result they are obligated to rent or sell their lands. Then we construct a dam on ejidal and communal territories because it is in the public interest, and because their lands and resources are in dead hands, they are unproductive. This happens in the same way with mineral and forest resources, water resources, beaches [...] Behind this is also the idea that putting the land, the water and the natural resources in the hands of few people will make these resources a means for growth and development, this is the neoliberal concept, that these resources are in dead hands and that the only way to make them productive is to put them in private hands, in the hands of large, transnational companies.¹⁷⁵

The idea is that small and medium producers are incapable of being efficient and competitive due to the small size of their land, and from a racist and classist perspective, campesinos, especially if they are indigenous, are anchored to the past and are incapable of recognizing the need for progress and modernity.

174 Interview with Juan Carlos Martínez, FUNDAR, September 22, 2007.

175 Interview with Víctor Suárez, National Association of Companies that Commercialize Products from the Countryside, September 21, 2007.

Any strategy for support, investment, credit, subsidies, or technical assistance to the rural population has been abandoned. The idea is that it does not make sense to support the rural sector since it is not viable. It is important to support the sector that has a viable production – this means supporting the richest products and agrobusiness. The rest of the population then migrates and leaves the countryside, and then needs public or private assistance, public or private charity through fiscal transfers, such as Opportunities, or other kinds of support.¹⁷⁶

When NAFTA was first signed, it was clear that these regions did not have the capacity to compete with large producers from the United States. Most of the southern states had regional economies based on agriculture and local exchange. However, corn and beans were not recognized as products and basic foods that should be protected, and instead these products were opened to the competitive market. In 2008 all restrictions on the importation of corn, beans and sugarcane will be eliminated, and many fear that the effects of this liberalization will deepen poverty and migration.¹⁷⁷

One of the key elements in the signing of NAFTA were the 1992 constitutional reforms to Article 27, in which Agrarian Law was enacted, and PROCEDE was created. The Program for Certification of Ejidal Rights and Urban Land Titles aims to promote fair development in the countryside by providing legal certainty to rural land ownership, and by allowing assemblies in farming settlements to be the ones to decide whether or not lands can change from communal to ejidal ownership, and from ejidal to private ownership.¹⁷⁸ PROCEDE changes collective land ownership to private ownership by providing land titles to individual land parcels. The underlying political vision is one that encourages individual production that can hopefully be competitive in the market. Application of this program has been a source of new agrarian and community problems since in many cases it is applied through threats, pressure, bribery and corruption.¹⁷⁹

However, in implementing PROCEDE there have not been many instances of land privatization. Campesinos are strongly connected to their land and do not want to sell it. In addition, families that live in the countryside often receive money from migrants, and with this money they can continue to live in the countryside.¹⁸⁰

176 *Idem*.

177 *Idem*.

178 Agrarian Prosecutor web site, PROCEDE: <www.pa.gob.mx/publica/pao70113.htm>.

179 Interview with Manuel Olivares Hernández, August 3, 2007.

180 The *Tlachinollan* Human Rights Center has a Agricultural Day Laborer program. In their report *Migrar o Morir, el dilema de los jornaleros agrícolas de la Montaña de Guerrero*, Tlapa, December 2005, *Tlachinollan* shows that: »The official statistical data from 2005-2006 on day laborers talks about a migration of about 12 thousand agricultural day laborers just in the Montaña region.« These numbers may really be as high as 20 thousand since many day laborers that travel to other states do not necessarily register themselves. We must also consider that migrants also travel to the United States: »official and unofficial data vary, and some sources report that about 3,000 people cross the border daily, including migrants from the Montaña.«

Companies have not shown an interest in buying land from the campesinos in the southern states, because rural activity does not produce a profit compared to unfair competition from subsidized products from the United States.¹⁸¹

The Fight against Poverty and Investment in Infrastructure

Parallel to legislative changes in the agrarian sector, programs that focused on fighting poverty, such as PRONASOL, later PROGRESA or what is now known as Opportunities, began to take shape. Opportunities benefits approximately 5 million families, thus providing for around 25 million people. The program provides nutritional support to program recipients, all of whom are women. This nutritional support is conditional, and requires that children go to school, that the family goes for a medical checkup every other month in the health center, and that family members participate in lectures about health care. If the family has school-age children, they are also given a scholarship.¹⁸³

Our evaluation was based on spending, and in reality this program does not resolve any long-term or structural problems. It is a largely economic program, thought to cover 25 million people. The state spent 6,797 pesos on each poor family in the year 2005. In reality this is nothing. It is very little [...] It does not create work opportunities nor does it create infrastructure [...] What I have heard in evaluations by civil society organizations is that poor families have different strategies to obtain income and to survive. This is one piece. When the father or the oldest son goes to the United States, he also sends some money, and the family puts together some money and can more or less overcome extreme poverty and nutritional poverty, and enter into what is called capacity poverty, which is a less extreme poverty. The state can then get rid of this concern, and at the same time fulfill other objectives such as increasing the schooling rate, lowering the rate of infant mortality and other things. There has been better coverage in terms of healthcare and nutrition, although economic inequality has simultaneously increased.¹⁸⁴

Mexican human rights organizations see these programs very critically. They report that these programs see people as clients, and that the program can be used for political profit by forming an attachment between beneficiaries and the

181 Interview with Juan Carlos Martínez, September 22, 2007.

182 More information about this program can be found at <www.oportunidades.gob.mx>.

183 Interview with Kristina Pirker, FUNDAR, September 22, 2007.

184 *Idem*.

political party in power. In addition, the program does not work to guarantee universal rights, but instead focuses on economic assistance. This means that economic benefits are not meant to produce structural change, and even if they help families out of extreme poverty, they do not generate a change in the poverty situation that it tries to fix.¹⁸⁵

Opportunities is an emblematic program that suggests that the rural population is not subject to support for economic or productive development, given that it does not have capacity or potential. It is only possible to provide them with assistance to maintain their health and to maintain a level of nutrition and education that allows them to migrate to being a workforce that will not be too costly to employers. It is great that they can read, write and do math [...] It is great that they have minimum health conditions, because without these conditions, their work would be very unproductive. [...] This has not been a way to overcome poverty, but instead a way to administer the waves of migration.¹⁸⁶

Social Development Policies in the State of Guerrero

The current government in Guerrero has shown concern for the high levels of poverty and marginalization in the state, and has worked in coordination with federal and municipal governments and with different governmental entities to improve basic rights such as health care, housing and education.

The Department for Social Development has worked to train the citizens of Guerrero at Integral Centers for Human Development, with the goal of teaching people to formulate their own development plans. In addition, these centers have a series of programs, such as Pro Vivir or Pensión Guerrero, to which it dedicates 74% of its budget. This program reaches fifty thousand adults who live in poverty and are over the age of 65 in the state, providing them with an economic income of 800 pesos every two months, to be used to complement basic health and nutrition needs. There are also programs that provide scholarships for low-income families, providing awards to students that show dedication to their studies. Another program allows for the repatriation of migrants who died in the United States – 106 cases were attended to from January to October 2007. Yet another program supports the handicapped with microcredits; they receive a credit that they must return after two years, without interest, providing support to 1,887 families. The department also coordinates a

185 Interview with Michel Maza, Technical Secretary for the *All Rights for All* National Network of Civil Human Rights Organizations, September 17, 2007.

186 Interview with Víctor Suárez, September 21, 2007.

program that receives funding from individual donations from migrants. This money is then reinvested in productive projects and in infrastructure, developing the land that corresponds to the donor's place of origin.¹⁸⁷

Municipal Investment in infrastructure

The municipalities receive resources directly from the federal government, through the 33rd Branch of the National General Budget. This fund also finances the healthcare and educational sectors in the states.

Several different formulas are used to assign and divide up resources. One index is the marginalization index, which analyzes the population and the marginalization in which they live. However, when it comes to dividing up money for health care and education, money is divided up according to the number of staff and the number of health centers that are currently functioning, a system that maintains inequalities between those areas that have public services and those that do not. The main problem associated with this transfer of funds is how to assure proper supervision of the way in which public money is spent. In rural municipalities, the proper functioning of the local government traditionally depends on maintaining a good relationship with the population. Now with this additional money, this relationship is not necessary. In many cases the people do not know how much money the municipality receives, nor do they know how it is spent. Within municipalities the smaller sub-populations are often excluded from this money, and conflicts within these groups are common. In these situations the state government and the local congress intervene by auditing municipal spending. As a result, the municipal governments are particularly loyal to the state government.¹⁸⁸

¹⁸⁷ Interview with Gloria Sierra, Secretary for Social Development in the State of Guerrero, September 26, 2007.

¹⁸⁸ Interview with Juan Carlos Martínez, September 22, 2007.

Public Policies for the Indigenous Population

In the year 2000 President Fox turned in a legislative proposal from COCOPA¹⁸⁹ to a governmental commission that was given the task of elaborating a new bill. However, representatives from the indigenous population did not have the opportunity to provide their input on this new proposal. In August 2001 the constitutional reform based on this new proposal was enacted.

The reform included an anti-discrimination clause based on ethnicity, as well as guarantees to support indigenous women, and to support improvements in the educational system. It also recognized the right to autonomy of indigenous communities in terms of culture, education, language, and local administration. However, this reform was widely rejected; the final result was far removed from the spirit of the bill originally proposed by COCOPA.

Regarding land use, the bill proposed by COCOPA would have included the indigenous populations' right to collectively exercise their territorial rights and their rights to subsoil resources. This original proposal was then turned into a clause that recognized the rights of the indigenous population as the first ones to have access to subsoil resources, and which recognized their territorial rights to the land on which they live. The indigenous population could use and cultivate territory only in terms of »priority«; this meant that economic plans could determine that these territories could be handed over to companies that exploit subsoil resources. In terms of the legal status of the indigenous people, indigenous communities do not have legal recognition of a legal figure as an *entity of public law*, but instead as an *entity for public interest*. In reality this means that they are not subject to international law and cannot collectively reclaim their rights.¹⁹⁰

Vicente Fox also worked to transform the National Indigenous Institute into the National Commission for the Development of Indigenous Peoples. With its own legal status and its own patrimony, this commission was given the autonomy to work on programs that would attend to the indigenous people. Programs included basic infrastructure, promotion and development of indigenous culture, productive organizations for women, and the promotion of legal agreements. However, its creation was widely criticized because it was not subject to congressional approval and because it had a vision of the indigenous people as »poor« people who needed assistance, and not as people subject to international law.¹⁹¹

189 The Commission for Concord and Peace, COCOPA, was a commission created based on Article 8 of the Law for the Peace Process in Chiapas in 1995, and was made up of members of Congress and representatives from the Chiapas government. The COCOPA wrote the Initiative for Constitutional Reforms for Indigenous Rights and Culture based on the San Andrés accords.

190 Interview with Carola Hausotter, German Work Group for Comparative Constitutional Rights, December 1, 2005.

191 Magdalena Gómez, »¿Jaque a la autonomía? Indigenismo de baja intensidad« in *Ojarasca* Number 90, *La Jornada*, October 2004.

Guerrero is one of the states with the least legal recognition for the rights of the indigenous population, and where there is a lack of knowledge about international instruments such as ILO Convention No. 169, or the UN's recently approved Declaration on the Rights of Indigenous Peoples.¹⁹² The state government has not shown an interest in supporting initiatives such as the State Agenda for the Development and Autonomy of Indigenous People in Guerrero, a document that was created and presented in 2005 by various organizations and indigenous communities, and with support from the *Tlachinollan* Human Rights Center.¹⁹³ The agenda was the result of several public forums, and compiled concrete proposals that would work towards the respect of a series of rights that have been at risk, including civil, political, economic, social and cultural rights. It also laid out the people's demands for the exclusive use of their territory and its natural resources.

192 The Declaration was Approved on September 13, 2007 and contains 46 articles that establish minimum parameters for the recognition of the rights of indigenous people: these include land ownership, access to the natural resources of these lands, and the respect and preservation of their traditions and self-determination. *La Jornada*, September 14, 2007.

193 *Tlachinollan* Human Rights Center (coord.) *Agenda estatal para el desarrollo y la autonomía de los pueblos indígenas de Guerrero, Mexico*, May 2005.

The background of the page is a grayscale halftone pattern of small dots. Overlaid on this pattern is a faint, light-colored map of the world, showing the continents. The map is centered and occupies most of the upper and middle portions of the page.

The Protection of Human Rights Defenders

Defending Human Rights: PBI Accompaniment in Guerrero

You see it morally. You see that you are valued, that someone sees that the work you do is good. I have received letters and postcards and this gives me a lot of courage to know that other people are supporting me, instead of being supported in my own country.

Obtilia Eugenia Manuel,
OPIIM

194 Eguren, Luis Enrique, *De las resistencias (colectivas) a la amenaza (política): dos miradas desde la protección por el acompañamiento internacional*, Peace Brigades International, 2006, p. 13.

195 More information about human rights defenders and their work can also be found at: *Human Rights Defenders: Protecting the Right to Defend Rights Fact Sheet Number 29*, Office of the United Nations High Commissioner for Human Rights, Geneva, United Nations, 2004.

Peace Brigades International in Mexico provides international accompaniment to human rights defenders that suffer from threats and harassment as a result of their work. The methodology for providing accompaniment in Mexico is designed to help protect the people that request accompaniment and to create spaces for civil society organizations in Guerrero and in Mexico to continue with their non-violent human rights work.

International accompaniment is used as a tool for conflict transformation, fulfilling the dual role of both protecting victims of human rights violations as well as encouraging human rights defenders to continue their activities in the face of threat. Some sectors of the state in Mexico use the conditions of impunity and corruption to protect and perpetuate their sphere of power. When social and human rights movements question and denounce the consequences of this form of governance, the movements are stigmatized and neutralized in order to protect the interests of those in power. An international presence can contribute to the construction of a new discourse that recognizes the legitimacy of these human rights concerns.¹⁹⁴

Human rights defenders¹⁹⁵

According to Amnesty International,¹⁹⁶ »Human rights defenders are men and women who act on their own or collectively to contribute to the effective elimination of all violations of the fundamental rights of peoples and individuals. This work includes the search for truth and justice in the case of human rights violations, the struggle for gender and racial equality, the protection of economic, social and cultural rights and the rights of indigenous peoples, and the struggle against hun-



Environmentalist Felipe Arreaga [PBI]

ger, poverty, and discrimination. Defenders work in various spheres of society and their work is inspired and guided by human rights standards.«

In general, human rights defenders carry out activities in a hostile environment, and as a result they become victims of different types of aggressions. These aggressions aim to reduce a defender's work space by paralyzing their activities. In some cases, assassinations or forced disappearances are used to achieve this goal, while in other cases threats and other forms of harassment are used. A threat is a declaration or indication of the intention to inflict damage, punishment, or hurt someone in order to accomplish the above-mentioned goals.¹⁹⁷ Threats can be considered an indicator of the extent to which a human rights defender's work affects other actors.

Threats tend to be systematic, are often very sophisticated, and have a double impact: both an emotional impact and an impact on security. People and organizations that are under threat feel more vulnerable, anxious, confused and impotent. Aggressors instill widespread fear, which then prevents leaders and anyone else who is involved, or who has felt the impact of an attack, from making public denouncements.¹⁹⁸ PBI's international accompaniment aims to have an impact on both aspects and complements its presence with training in security and protection for organizations and human rights defenders.

According to the IACHR,¹⁹⁹ when human rights violations are directed toward human rights defenders, an intimidating message is sent to an entire society, making people feel defenseless. These acts discourage human rights defenders, instill fear in the population, and silence victims from making

196 Amnesty International, *Mexico: Daring to raise their voice*, Index AI: AMR 41/040/2001/s, December 2001.

197 Eguren, Luis Enrique, *op. cit.*, p.17.

198 Eguren, Luis Enrique, *op. cit.*, p. 17-18.

199 Inter-American Commission on Human Rights, *Report on the Situation of Human Rights Defenders in the Americas*, Washington, D. C., Organization of American States, p. 40.



Fortunato Prisciliano, Inés Fernández, and Obtilia Eugenio with a PBI volunteer
[PBI]

any public reports, complaints, and demands on behalf of human rights. This situation encourages impunity and prevents full access to the law and democracy.

As a member state of the UN and in compliance with norms established by international law, Mexico is responsible for protecting human rights defenders and taking specific actions on their behalf. Civil and police authorities bear most of the responsibility for providing this protection. In 2003, the Diagnosis by the OHCHR recommended that the Mexican government »establish concrete measures to favor criticism, and guarantee that all public officials, including members of security forces, recognize the legitimate work of human rights defenders.«

Defending human rights: legality and comparing rights

According to the *All Rights for All* National Network of Civil Human Rights Organizations, social movements that fight for fundamental rights and the organizations that support them are actors that construct democracy by working to ensure that these rights are respected. However, many times the perspectives of the state and of the social movements on human rights, legality, and democracy clash.

For us, human rights, democracy, only exists if the result a respect for human rights. A democracy in which human rights are not respected cannot be called a democracy.²⁰⁰

Organizations sometimes find themselves obligated to take actions of questionable legality; they see these actions as part of their struggle to defend human rights and as the only way for the public powers to hear them and attend to them. Blockades are a common means of protest in Mexico and may often block transit or take over public spaces such as town halls.

The state talks about legality, legality when it is convenient for me [...] and since I have the law in my hands, I apply the law when it is convenient for me. Not all legislation is fair, not all legislation looks out for your rights, and you in fact have the right to resist legality.

The institutional resources are not working, and social mobilization is the only way to stop unfair situations. Social movements cannot ignore legal resources, they have to use them because if they do not, then they are labeled as

200 Interview with Michel Maza, September 17, 2007.

intransigent. However, if you only use legal resources, even if you win you are going to end up losing, even if you win you do not win.

Social movements are often discredited and delegitimized by the argument that protest may have the effect of violating the rights of third parties (for example, in a roadblock). According to the National Network, respecting the rights of others is an important element to consider, however, at the same time one has to always compare a respect for the rights of others with the organizations' complaints and demands about rights that have been violated, or that have not been protected by the state.

I always believe that all human rights have limits [...] but if you want to know which right is above another when both are compared, you have to think about the situation and think about which situation is more serious. In this way, if there are people in conditions of extreme poverty, in conditions in which their right to a life with dignity is violated, compared to the right to circulate on the street in a car, if you think about it, there is no comparison.²⁰¹

The Mexican government recognizes and authorizes PBI's work in Mexico, with the understanding that PBI's actions are always based on the principals of non-violence, non-interference, non-partisanship, and above all, with respect for the laws of the country. In order to receive international accompaniment, an organization's actions must be within the framework established by international human rights norms and these actions must be non-violent.²⁰² PBI does not try to supplant or become involved in local initiatives and provides accompaniment to organizations that work to defend human rights, work for social change, and work to develop civil society through non-violence. In conflict situations, PBI acts as a third party. The organization is completely independent of political parties and the church, and provides objective and impartial information.

Human right defenders in Guerrero

Following the assassination of Digna Ochoa, Amnesty International published a report in 2001 that explains that abuses to human rights defenders in Mexico are not the work of isolated individuals, but instead are committed with the acquiescence and complicity of a large number of public officials.²⁰³ This report finds authorities from the three levels of govern-



Abel Barrera and Celsa Valdovinos [Tlachinollan]

201 Interview with Michel Maza, September 17, 2007.

202 Eguren, Luis Enrique, *op. cit.*, p. 17-18.

203 Amnesty International, *Mexico... op. cit.*



Tita Radilla accompanied by a PBI volunteer [PBI]

- 204 Inter-American Commission on Human Rights, *Report...*, *op. cit.*
- 205 *Proceso*, 1589, April 15, 2007.
- 206 21 cases have been reported including: Cándido Félix Santiago, leader of the Regional Council for the Development of the Indigenous Me phaa Peoples of the Bátháá Linguistic Variety; Rodolfo Chávez Galindo, member of the Council of Ejidos and Communities Opposed to the La Parota Dam (cccop); Nicolás Chávez Adame, leader of the State Coordination to Defend the Principles of the State Coordination of Education Workers of Guerrero (CERP-CETEG); David Valtierra Arango, member of the Community Radio Ñomndaa; Cirino Plácido, founder of the Community Police and leader of the Regional Coordination of Community Authorities (CRAC); Virgino Vázquez Pileño, leader of the Chilapa Citizens Council and José Manuel Olivares Hernández, Director of the *José María Morelos y Pavón* Regional Human Rights Center, Press release, Guerrero Human Rights Network, November 12, 2007.

ment (federal, state, and municipal) as well as the army and judges responsible for these abuses.

The IACHR recently defined the problems faced by human rights defenders in countries in the Americas. These problems include: extra-judicial executions and forced disappearances; aggressions, threats and harassment; discrediting campaigns and legal actions against them that impair their work; illegal entrance into their homes, and other arbitrary and abusive interferences in the offices of organizations, in correspondence, and in telephone and electronic communication; intelligence activities directed against them; restrictions in accessing information that is in the state's power and habeas data actions; arbitrary administrative and financial control; and impunity in investigations into attacks to defenders.²⁰⁴

PBI's presence in Guerrero was motivated by aggressions towards human rights defenders who requested international accompaniment. In Mexico, social and human rights organizations are victims of a low intensity repression, rather than cases of massive executions and forced disappearances. In some cases this repression has been able to successfully break up and divide resistance and human rights defense movements. Throughout this publication we have presented the difficulties faced by social activists and organizations. One sign of impunity that prevails is the lack of results in investigations, such as the investigation of the death threats to Obtilia Eugenio Manuel. In 2007 the IACHR renewed precautionary measures for protection awarded to Obtilia in 2005 and explicitly ordered the government to »legally clarify the events that justify the adoption of these measures.«²⁰⁵

As another example, during the elaboration of this publication (from February until November 2007), several organizations documented detentions, incarcerations and legal processes against at least seven well-known social leaders, community authorities and human rights defenders.²⁰⁶

Conclusions: Ways to Protect Human Rights Defenders

The protection of human rights defenders is a responsibility of all UN member states.²⁰⁷ As of December 1998, the UN formally recognized the work of human rights defenders in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. This declaration not only recognizes the role of human rights defenders but also establishes the duty to ensure their protection.

In June 2004, the European Council approved the European Union Guidelines on Human Rights Defenders, which establishes concrete measures that members of the European Union and their diplomatic missions can adopt to ensure the protection of human rights defenders. These measure include: coordinating closely and sharing information on human rights defenders; taking actions on their behalf if they are threatened or at-risk; providing recognition and reinforcement to their work and maintaining adequate contact with them, through visits to their workplace or receiving them in Missions.

Parliamentary assemblies in each country can also establish measures for the protection of defenders, ensure that the Declaration is observed, and urge their governments to observe this document. Parliaments in Belgium, Germany, and the Spanish Congress have adopted specific resolutions. In this way, they have created tools that will have an international impact on the protection of human rights defenders. Peace Brigades International has become part of the international support that organizations and people from other countries have shown for human rights movements in

Yes, we have a lot of letters. And that was very useful for us, I think that without the international support Felipe [Arreaga] would not have been released, we have to thank you and everyone a lot. PBI also supported us a lot because they accompanied me, they came every week, every week. They gave me more confidence and I felt okay because sometimes I went alone, I traveled from Zihuatanejo to the prison, almost every three days, and when I was accompanied I felt much safer because they went with me.

Celsa Valdovinos, OMESP

²⁰⁷ For more information on human rights defenders and how to protect them, please consult the web site for Protectionline: <www.protectionline.org>.

Guerrero and in Mexico. Numerous delegations and international non-governmental organizations continue to follow the human rights situation in the state and provide support through shows of solidarity, urgent actions, thematic reports, visits, and support for awareness and political incidence campaigns. The impact of this support is usually seen in a positive light by Mexican organizations, and extends to both aspects previously mentioned: protection and support for human rights defenders.

On an international level we have also had quite a bit of support from organizations such as Amnesty International. When we had problems with some people in government, and when we saw our physical integrity threatened, letters and urgent actions began to arrive, directed towards authorities so that they would pay attention to our situation. I think that this is a special situation for us, the support, the accompaniment that we have had from Peace Brigades International. Their work has been really important for us, it has been one of the factors that has kept our physical integrity intact. The accompaniment, the interviews they do with authorities on different levels, somehow inhibits actions that the government could take against us. I think that this [*has protected us*], together with actions, letters that have been sent from internationals, PBI's [*work*] and their close relationship with many different people, even with the authorities that at some point have tried to do something to hurt us.²⁰⁸

208 Interview with Manuel Olivares, August 3, 2007.

Appendix

List of interviews conducted between July and November 2007

Non-governmental organizations

- *All Rights for All* National Network of Civil Human Rights Organizations: Edgar Cortés Morales and Michel Maza, Executive Secretary.
- Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico (AFADEM): Tita Radilla Martínez, Vice-president, and Ascensión Rosas Mesino.
- Council of Ejidos and Communities Opposed to the La Parota Dam (CECOP): José Venus Hernández Nicanor, Legal Representative.
- *José María Morelos y Pavón*: Regional Human Rights Center: José Manuel Olivares Hernández, Director, and Casiana Nava Rodríguez, Treasurer.
- FUNDAR Center for Analysis and Investigation: Juan Carlos Martínez, Human rights institutions and public safety, and Kristina Pirker, Transparency, budgets and public policies.
- Guerrero Human Rights Network: Silvia Castillo Salgado, Technical Secretary.
- Institute for Security and Democracy (INSYDE): Laura Díaz de León, Coordinator for Public Security, Criminal Justice and Human Rights, and Carlos Silva Forné, Consultant.
- Organization of Women Environmentalists of the Sierra de Petatlan: Celsa Valdovinos Ríos, President; Felipe Arreaga Sánchez, Advisor; Minerva Mendoza Martínez, and María de Jesús Pineda Ríos, Treasurer.
- Organization of Indigenous Me phaa People: Obtilia Eugenio Manuel, Andrea Eugenio Manuel, Inés Fernández Ortega and Cuauthémoc Ramírez Rodríguez.
- Organization of Indigenous Na savi People: Raúl Lucas Lucien, President, Guadalupe Castro Morales.
- Permanent Assembly of Landowners of Carrizalillo: Crisóforo Guzmán Montiel, President of

- the Ejidal Commissary and Valeriano Celso Solís, President of the Surveillance Council.
- Radio Ñomndaa: David Valtierra Arango, Coordinator of the Steering Committee, and Roberta Pineda Morales.
- Regional Coordination of Community Authorities (CRAC): Jesús Reyes Bonifacio.
- *Tlachinollan* Human Rights Center: Abel Barrera Hernández, Director, Ana Paula Hernández, Assistant Director, Vidulfo Rosales Sierra, Coordinator of the Legal Team, Mario Patrón Sánchez, Coordinator of Integral Defense.

Authorities and advisors

- Alejo Zavala Castro, Bishop of the Diocese of Chilpancingo and Chilapa.
- Amerigo Incalcaterra, Representative in Mexico to the United Nations Office of the High Commissioner for Human Rights.
- Arturo Rodríguez Tonelli, Coordinator for Cooperation in Human Rights and Good Governance, The European Commission's Delegation in Mexico.
- Celia Aguilar Setién, Programming Official for the United Nations Development Fund for Women (UNIFEM).
- Eckhard Finsterer, Misereor
- General Juan Heriberto Salinas Altés, Secretary for Public Security for the State of Guerrero.
- Gloria Sierra López, Secretary of Social Development [*Secretaría de Desarrollo Social*] for the State of Guerrero.
- Hipólito Lugo Cortés, General Examiner for the Commission for the Defense of Human Rights in Guerrero (CODDEHUM).
- Eugenio Laris Alanís, Director of Financed Investment Projects for the Federal Electricity Commission.
- Juan Carlos Gutiérrez Contreras, Professor for the Master's Program in Human Rights at the Ibero-American University.
- Maribel Gutiérrez, Reporter for the newspaper *El Sur*.
- Mario Campos Hernández, Head of the Social Ministry of the Diocese of Tlapa.

- Rossana Mora Patiño, President of the Commission on Human Rights of the State Congress of Guerrero.
- Salvador García Ledesma, General Director of Luismin.
- Víctor Suárez Carrera, Executive Director of the National Association of Companies that Commercialize Products from the Countryside.

List of people and organizations that have been accompanied by PBI in Guerrero since 2001

- Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico (AFADEM)
- Authentic Colonists of the Workers Unit of the Colonia Leonardo Rodríguez Alcaine
- Enedina Cervantes Salgado (at the request of ACAT, *Miguel Agustín Pro Juárez* Human Rights Center and the *José María Morelos y Pavón* Regional Human Rights Center)
- *José María Morelos y Pavón* Regional Human Rights Center
- *Miguel Agustín Pro Juárez* Human Rights Center
- Organization of Women Environmentalists of the Sierra de Petatlán (OMESP)
- Organization of Indigenous Me phaa People (OPIM)
- *Planting Hope* Human Rights Committee [Comité de Derechos Humanos *Sembrador de la Esperanza*]
- Ranferi Hernández Acevedo (at the request of AFADEM)
- *Tlachinollan* Human Rights Center
- The Voice for those without a Voice Human Rights Committee

List of non-governmental organizations with whom PBI has maintained contact in Guerrero

- Campesino Organization of the Sierra del Sur (OCSS)
- Christian Association for the Abolition of Torture (ACAT)
- Citizen Council for Obtaining and Administering Justice for Zihuatanejo
- Collective against Torture and Impunity (CCTI)
- Collective of Women Campesinos (COMUCAM)
- Committee for the Defense and Promotion of Human Rights in Acapulco
- Democratic Organizations Front of Guerrero (FODEG)
- *Emiliano Zapata* Southern Agrarian Revolutionary League (LARSEZ)
- Eureka Committee of Guerrero
- Guerrero Coordination of Indigenous Women
- Guerrero Council of 500 years of Indigenous Resistance
- Guerrero Human Rights Institute
- Guerrero Human Rights Network
- Independent Organization of Mixteco and Tlapaneco People (OIPMT)
- Indigenous Women in Struggle
- Leftist Social Movement (MSI)
- *Lucio Cabañas Barrientos* Civil Community Committee (CCCLCB)
- *Mahatma Gandhi* Human Rights Center
- National Plural Indigenous Association for Autonomy (ANIPA)
- Organization of Campesino Environmentalists of the Sierra de Petatlán and Coyuca de Catalán (OCESP)
- Organization of Indigenous Na savi People
- Popular Revolutionary Front (FPR)
- Radio Ñomndaa
- Regional Fund for Indigenous Tinochimej Tinejeme Women
- SOS Bahía
- Traditional Authorities of Xochistlahuaca
- Women for Peace
- Zihuatanejo Network of Environmental Organizations (ROGAZ)

Glossary

ACAT – Christian Association for the Abolition of Torture – *Acción de los Cristianos para la Abolición de la Tortura*

ACG – Guerrero Civic Association – *Asociación Cívica Guerrerense*

ACNR – National Civil Revolutionary Action – *Acción Cívica Nacional Revolucionaria*

AFADEM – Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico – *Asociación de Familiares de Detenidos, Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México*

ANEC – National Association of Companies that Commercialize Products from the Countryside – *Asociación Nacional de Empresas de Comercializadoras de Productores del Campo*

ANIPA – National Plural Indigenous Association for Autonomy – *Asociación Nacional Indígena Plural por la Autonomía*

CCCLCB – Lucio Cabañas Barrientos Civic Community Committee – *Comité Cívico Comunitario Lucio Cabañas Barrientos*

CTTI – Collective Against Torture and Impunity – *Colectivo Contra la Tortura y la Impunidad*

CDI – National Commission for the Development of Indigenous People – *Comisión Nacional para el Desarrollo de los Pueblos Indígenas*

CECOP – Council of Ejidos and Communities Opposed to the La Parota Dam – *Consejo de Ejidos y Comunidades Opositoras al Proyecto Hidroeléctrico La Parota*

CEJIL – Center for Justice and International Law – *Centro por la Justicia y el Derecho Internacional*

CETEG – State Coordination of Education Workers in Guerrero – *Coordinadora Estatal de Trabajadores de la Educación en Guerrero*

CFE – Federal Electricity Commission – *Comisión Federal de Electricidad*

CG500ARI – Guerrero Council of 500 Years of Indigenous Resistance – *Consejo Guerrerense 500 Años de Resistencia Indígena Negra y Popular*

CMDA – Mexican Environmental Law Center – *Centro Mexicano de Derecho Ambiental*

CNDH – National Human Rights Commission – *Comisión Nacional de Derechos Humanos*

CNI – National Independent Committee for the Defense of Prisoners, the Pursued, the Detained Disappeared and Political Exiled – *Comité Nacional Independiente Pro-Defensa de Presos, Perseguidos, Detenidos Desaparecidos y Exilados Políticos*

COCOPA – Commission on Agreements and Peace Processes of the National Congress – *Comisión de Concordia y Pacificación del Congreso de la Unión*

CODDEHUM – Commission for the Defense of Human Rights in Guerrero – *Comisión de Defensa de los Derechos Humanos de Guerrero*

COMUCAM – Collective of Women Campesinos – *Colectivo de Mujeres Campesinas*

CONABIO – National Commission on Biodiversity – *Comisión Nacional de Biodiversidad*

CONAFOR – National Forest Commission – *Comisión Nacional Forestal*

CRAC – Regional Coordination of Community Authorities – *Coordinadora Regional de Autoridades Comunitarias*

DESCA – Economic, Social, Cultural and Environmental Rights – *Derechos Económicos, Sociales, Culturales y Ambientales*

EPR – Popular Revolutionary Army – *Ejército Popular Revolucionario*

ERPI – Revolutionary Army of the Insurgent People – *Ejército Revolucionario del Pueblo Insurgente*

EU – European Union

EZLN – Zapatista Army for National Liberation – *Ejército Zapatista de Liberación Nacional*

FEMOSPP – Special Prosecutor's Office for Social and Political Movements of the Past – *Fiscalía Especial para Movimientos Sociales y Políticos del Pasado*

FODEG – Democratic Organizations Front of Guerrero – *Frente de Organizaciones Democráticas del Estado de Guerrero*

FPR – Popular Revolutionary Front – *Frente Popular Revolucionario*

FTA – Free Trade Agreement

IACHR – Inter-American Commission on Human Rights

- ILO** – International Labor Organization
- IMF** – International Monetary Fund – *Fondo Monetario Internacional*
- INI** – National Indigenous Institute, now CDI – *Instituto Nacional Indigenista*
- INSYDE** – Institute for Security and Democracy – *Instituto para la Seguridad y la Democracia*
- LARSEZ** – Emiliano Zapata Southern Agrarian Revolutionary League – *Liga Agraria Revolucionaria del Sur Emiliano Zapata*
- MSI** – Leftist Social Movement – *Movimiento Social de Izquierdas*
- OAS** – Organization of American States
- OCESP** – Organization of Campesino Environmentalists of the Sierra de Petatlan and Coyuca de Catalan – *Organización de Campesinos Ecologistas de la Sierra de Petatlán y Coyuca de Catalán*
- OCSS** – Campesino Organization of the Sierra del Sur – *Organización Campesina de la Sierra Madre del Sur*
- OHCHR** – Office of the United Nations High Commissioner for Human Rights
- OIPM** – Independent Organization of Mixtec or Navesi People – *Organización Independiente del Pueblo Navesi*
- OIPMT** – Independent Organization of Mixteco and Tlapaneco People – *Organización Independiente de Pueblos Mixtecos y Tlapanecos*
- OMESP** – Organization of Women Environmentalists of the Sierra de Petatlán – *Organización de Mujeres Ecologistas de la Sierra de Petatlán*
- OPIM** – Organization of Indigenous Me'phaa People – *Organización del Pueblo Indígena Me'Phaa*
- PAN** – National Action Party – *Partido de Acción Nacional*
- PDLP** – Poor People's Party – *Partido De Los Pobres*
- PFP** – Federal Preventative Police – *Policía Federal Preventiva*
- PGJE** – State Attorney General's Office – *Procuraduría General de Justicia del Estado*
- PGR** – Federal Attorney General's Office – *Procuraduría General de la República*
- PRD** – Revolutionary Democratic Party – *Partido de la Revolución Democrática*
- PRI** – Institutional Revolutionary Party – *Partido Revolucionario Institucional*
- PROCEDE** – Program for the Certification of Ejidal Rights and Urban Land Titles – *Programa de Certificación de Derechos Ejidales y Titulación de Solares*
- PRODESC** – Economic, Social and Cultural Rights Project – *Proyecto de Derechos Económicos, Sociales y Culturales*
- PROGRESA** – Education, Health and Nutrition Program – *Programa de Educación Salud y Alimentación*
- PRONASOL** – National Solidarity Program – *Programa Nacional de Solidaridad*
- ROGAZ** – Zihuatanejo Network of Environmental Organizations – *Red de Organizaciones y Grupos Ambientalistas de Zihuatanejo*
- SCJN** – National Supreme Court of Justice – *Suprema Corte de Justicia de la Nación*
- SCT** – Department for Communication and Transportation – *Secretaría de Comunicaciones y Transportes*
- SEDENA** – Department for National Defense – *Secretaría de la Defensa Nacional*
- SEDESOL** – Department for Social Development for Guerrero – *Secretaría de Desarrollo Social de Guerrero*
- SEG** – Department of Education for Guerrero – *Secretaría de Educación de Guerrero*
- SEMARNAT** – Department for the Environment and Natural Resources – *Secretaría de Medio Ambiente y Recursos Naturales*
- SIPAZ** – International Service for Peace – *Servicio Internacional para la Paz*
- SRE** – Department of Foreign Affairs – *Secretaría de Relaciones Exteriores*
- SSP** – Department of Public Security – *Secretaría de Seguridad Pública*
- TLA** – Latin American Water Tribunal – *Tribunal Latinoamericano del Agua*
- UN** – United Nations
- UNAM** – National Autonomous University of Mexico – *Universidad Nacional Autónoma de México*
- U.S.A.** – United States of America
- WB** – World Bank

Additional Translations

Authentic Colonists of the Workers Unit of the Colonia Leonardo Rodríguez Alcaine – *Auténticos Colonos de la Unidad Obrera de la Colonia Leonardo Rodríguez Alcaine*

Citizen Council for Obtaining and Administering Justice for Zihuatanejo – *Consejo Ciudadano de Procuración y Administración de Justicia de Zihuatanejo*

Committee for the Defense and Promotion of Human Rights in Acapulco – *Comité de Defensa y Promoción de Derechos Humanos de Acapulco*

Eureka Committee of Guerrero – *Comité Eureka Guerrero*

General Examiner – *Visitador General*

Guerrero Coordination of Indigenous Women – *Coordinadora Guerrerense de Mujeres Indígenas*

Guerrero Council of 500 years of Indigenous Resistance – *Consejo Guerrerense 500 Años de Resistencia Indígena*

Guerrero Human Rights Institute – *Instituto Guerrerense de los Derechos Humanos*

Guerrero Human Rights Network – *Red Guerrerense de Organismos Civiles de Derechos Humanos*

Indigenous Women in Struggle – *Mujeres Indígenas en Lucha*

José María Morelos y Pavón Regional Human Rights Center – *Centro Regional de Defensa de los Derechos Humanos José María Morelos y Pavón*

Mahatma Gandhi Human Rights Center – *Centro de Derechos Humanos Mahatma Gandhi*

Miguel Agustín Pro Juárez Human Rights Center – *Centro de Derechos Humanos Miguel Agustín Pro Juárez*

National Independent Committee in Defense of Prisoners, Pursued, Detained, Disappeared, and Political Exiles – *Comité Nacional Independiente Pro-Defensa de Presos, Perseguidos, Detenidos, Desaparecidos y Exilados Políticos*

Organization of Indigenous Na savi People – *Organización Indígena del Pueblo Na Savi*

Social Ministry – *Pastoral Social*

Permanent Assembly of Landowners of Carrizalillo – *Asamblea Permanente de Ejidatarios de Carrizalillo*

Planting Hope Human Rights Committee – *Comité de Derechos Humanos Sembrador de la Esperanza*

Regional Fund for Indigenous Tinochimej Tinejneme Women – *Fondo Regional de Mujeres Indígenas Tinochimej Tinejneme*

Secretary for Public Security – *Secretario de Seguridad Pública*

Secretary of Social Development – *Secretaria de Desarrollo Social*

The Voice for those without a Voice Human Rights Committee – *Comisión de Derechos Humanos de La Voz de los sin Voz*

Tlachinollan Human Rights Center – *Centro de Derechos Humanos de la Montaña Tlachinollan*

Traditional Authorities of Xochistlahuaca – *Autoridades Tradicionales de Xochistlahuaca*

Women for Peace – *Mujeres por la Paz*

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- *Proceso*: www.proceso.com.mx
- *Reforma*: www.reforma.com.mx

Internet Web Sites

Mexican governmental organizations

- State of Guerrero: www.guerrero.gob.mx
- Commission for the Defense of Human Rights in Guerrero: www.coddehumgro.org.mx
- Coordinating Committee for Analysis and Participation in Human Rights: <http://www.diagnostico-guerrero-mexico.org.mx>
- National Human Rights Commission: www.cndh.org.mx
- National Commission for the Development of Indigenous Peoples: www.cdi.gob.mx
- National Institute for Statistics on Geography and Informática: www.inegi.gob.mx
- Opportunities Program: www.oportunidades.gob.mx
- PROCEDE: www.pa.gob.mx/Procede
- Department for Foreign Affairs: www.sre.gob.mx
- Unit for the Promotion and Defense of Human Rights: www.derechoshumanos.gob.mx

International entities

- The European Commission's Delegation in Mexico: www.delmex.ec.europa.eu
- Inter-American Commission on Human Rights: www.cidh.oas.org
- OHCHR: www.hchr.org.mx

Mexican non-governmental organizations

- *All Rights for All* National Network of Civil Human Rights Organizations: www.redtdt.org.mx
- AFADEM: www.laneta.apc.org/AFADEM-fedefam
- CCTI: <http://es.wordpress.com/tag/CCTI-guerrero>
- Community Police: www.policiacomunitaria.org
- Eureka Committee: www.eureka.org.mx
- FUNDAR: www.fundar.org.mx
- Guerrero Human Rights Network: www.mujeres-sinviolencia.org
- INSYDE: www.insyde.org.mx
- Mexican Commission for the Promotion and Defense of Human Rights: <http://comisionmexicana.blogspot.com>
- Mexican League for the Defense of Human Rights: <http://espora.org/limeddh/>
- *Miguel Agustín Pro Juárez* Human Rights Center: www.centroprodh.org.mx
- PRODESC: www.prodesc.org.mx
- SOS Bahía: www.sosbahia.org
- *Tlachinollan*: www.tlachinollan.org

International non-governmental organizations

- Amnesty International: www.amnesty.org
- CEJIL: www.cejil.org
- Front Line: www.frontlinedefenders.org
- Human Rights Watch: www.hrw.org
- Latin American Water Tribunal: www.tragua.com
- Peace Brigades International: www.peacebrigades.org
- Protection line: www.protectionline.org
- SIPAZ: www.sipaz.org

Others

- The National Security Archive: www.gwu.edu/~nsarchiv

Peace Brigades International | Mexico Project

International Office | P.O. BOX 40007 | San Francisco | CA 94140 USA

Tel. +1 415 287 0895

pbimexico@pbi-mexico.org | www.pbi-mexico.org

Mexico City Office

Medellin 33 | Colonia Roma

06700 México DF | México

Fax/Tel. +1 55 55 14 28 55

pbidf@pbi-mexico.org

Guerrero team

Lerdo de Tejada 9 | Colonia San Mateo

39022 Chilpancingo | Guerrero | México

Fax/Tel. +1 747 47 119 62

pbigro@pbi-mexico.org

We started to go public with issues by talking about specific cases. We are talking about torture, emergencies, incursions by the army in indigenous communities.

Abel Barrera Hernández, Tlachinollan Human Rights Center

People no longer believe in justice; this only generates more impunity and more violence.

Mario Patrón Sánchez, Tlachinollan Human Rights Center

If no one reports [*these crimes*] they are not punished, and violence will not be stopped. As long as a woman is subject to violence, she will not be able to study or think about fulfilling her other rights. In this way we believe that it is most important that her right to life be guaranteed, then a life of dignity.

Silvia Castillo Salgado, Guerrero Human Rights Network

I told the relatives: »do you think that if we go home and go to bed that the State is going to say, relatives, here we are, we are going to solve this?« No. We have to act. We have to be the ones to do things, to make requests, to make demands or whatever needs to be done, but nothing can be erased from the agenda. We do not want these crimes to be repeated. Although there are cases of disappearances at this time, there are a lot of disappeared people.

*Tita Radilla Martínez, Relatives of the Detained,
Disappeared and Victims of Human Rights Abuses in Mexico*

What we did here was to create sustainability; if the forest does not burn the water will not dry up. These are ideas, things that are in the field and then it comes down to the facts, and sometimes it is moving, painful to see what is happening.

Felipe Arreaga Sánchez, Campesino Environmentalist

Our struggle is clear, it is transparent, we are not doing this for money, we are doing it to defend our territory so that the government will allow us to keep living here where we are, because this is where we are happy.[...] The struggle for La Parota is to defend the land and the water; we are not doing this so that they can pay us more for our land, because we have said, the land is not for sale. Something that is not for sale cannot be bought, it does not have a price, if you buy something with force no one will sell.

*José Venus Hernández Nicanor, Council of Ejidos and
Communities Opposed to the La Parota Dam*

The right to be respected for who we are, that everyone is respected. For example the constitutional law that they create; the senators and representatives were the ones that approved it, but the government sometimes violates it. This law says that no one should be harmed by the government. [...] Of course they recognize us as indigenous people, but they want to disappear us, scare us, they do not want us to be organized. The only crime we have committed is that of organizing ourselves.

Obtilia Eugenio Manuel, Organización del Pueblo Indígena Me phaa

