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Acts of aggression against the community of Zimatlán de Lázaro Cárdenas

Since March 2010, the indigenous community of Zimatlán de Lázaro Cárdenas, located in the Mixtec region of Oaxaca State, has suffered acts of aggression from an armed group based in the neighbouring community of San Sebastián Nopalera. The attacks arise from a land-based conflict between the two communities. In response to the serious security situation, on 4 August 2010 the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to guarantee the life and physical integrity of the members of the community of Zimatlán de Lázaro Cárdenas.

PBI interviewed Rufino Benítez Sánchez, lawyer and acting president of the 'Centre for Human Rights and Legal Advice for Indigenous People' (CEDHAPI) in August 2010. This organisation provides legal support to the inhabitants of Zimatlán. CEDHAPI's work in defence of the rights of the indigenous peoples of Oaxaca has put its members in a situation of serious insecurity. Given these risks, PBI Mexico has accompanied the organisation since 2009.

Could you tell us what has happened in Zimatlán de Lázaro Cárdenas?

The attacks began on 8 March 2010, with houses being set alight and constant gunfire, both day and night. The staff of the educational institutions and the doctor of the Healthcare Clinic subsequently left the community for fear of being shot. The women [of the community] ceased working in the field at that time; [now,] they are afraid that their crops will dry out and their harvest will be ruined. On 29 May, the community was taken siege and Marcelino Pedro Hernández Jiménez and Eleazar Asunción Sánchez Hernández were forcibly disappeared. To date, nothing is known of their whereabouts. On 20 July, two people were wounded by projectiles shot from fire arms. One woman is still convalescing the Civil Hospital in Oaxaca City. Approximately 70 people have left the community to take refuge in the municipal capital, Putla de Guerrero. In addition, 49 women, children, and elderly people were evacuated in a humanitarian caravan at the end of July, with the support of CEDHAPI.

What are the roots of the conflict in Zimatlán de Lázaro Cárdenas?

The conflict over land between the communities of Zimatlán de Lázaro Cárdenas, San Sebastián Nopalera and San Pedro Yosotatu has been going on for several years. A resolution was handed down in which the Agrarian Tribunal declared that the lands belonged to San Sebastián Nopalera and its annexe

Zimatlán de Lázaro Cárdenas, but it never defined the percentage of lands corresponding to each party. This lack of definition, I believe, has caused the conflict. It is the local authorities of San Sebastián Nopalera who have coordinated these acts of aggression. They are leading these attacks, but it was residents of the entire community who held Zimatlán under siege.



Women, children and the elderly are evacuated from the community of Zimatlán de Lázaro Cárdenas in a humanitarian convoy

What has the response of the Oaxacan state authorities been to these acts of aggression?

None, [they are] allowing this type of aggression to occur. They have not acted in accordance with their responsibilities. From the very moment that these attacks began, we reported them to the Interior Ministry (Secretario de Gobernación), the State Governor [and] the State Attorney General's Office (PGJE). Of one thing I am certain: if the authorities had strengthened the security in Zimatlán from the time of the very first attack against the community, we would not be dealing with forced disappearances, wounded people, houses being burnt down. This uncertainty as to what will happen in Zimatlán de Lázaro Cárdenas would not exist. People are going hungry. Community members live off their farms, and since they can't go there, they have no work and can't pay their bills.

It is essential that timely attention be paid to conflicts as a problem is developing. To calm the situation, the government should call all parties to dialogue so that the situation does not get out of control. When this does not happen, however, the situation becomes overwhelming and nobody knows what to do. Instead, security must be strengthened. Not paying attention to this conflict has caused this whole series of attacks and human rights violations.

And in regard to the disappearances, how have the authorities acted?

The disappearances were reported to the Public Prosecutor (Ministerio Público) of Putla de Guerrero, but no exhaustive investigation has been undertaken as it ought to have been. [We] don't know where these people are, what happened, if they are alive or dead. Traces were found indicating they there had been gunfire in the place they disappeared from; there are eyewitnesses; a hat and bloodstains were found – but that's as far as the investigation has gone. The Ministerial Police, who

should conduct the investigation, have not considered the matter urgent. The police themselves have stated to the court that they can't access the area because of the armed individuals, claiming they fear for their lives.

What mechanisms has CEDHAPI used to respond to this situation?

CEDHAPI has made complaints - in addition to supporting the reports made by the inhabitants of Zimatlán - to the Agency of the Public Prosecutor in Putla de Guerrero. Regarding the disappeared people, we have presented a claim for constitutional rights for illegal privation of liberty. We also presented a claim in which we laid responsibility upon the Ministry of Public Security (Secretario de Seguridad Pública) and the State Attorney General's Office for their inaction, their non-response to the formal requests made of them, and for not providing public security to the inhabitants of Zimatlán. In addition, we have also made this situation public through local and national media outlets.

The Inter American Commission on Human Rights granted precautionary measures to the community of Zimatlán on August 4. What are your expectations as a result?

For us, it is a way of fighting. Other organisations protest in the streets, for example. We don't discard that possibility, but we have used international instruments to make the Mexican State fulfil its obligations. We hope that we can successfully protect the community's physical and psychological integrity. Through the official letters and internal mechanisms we have directed to the Oaxacan State, we want to force the Mexican State to fulfil its constitutional mandate. If we don't achieve this, we can ask the Inter-American Court of Human Rights to grant provisional measures to the community, a more strongly binding responsibility [for the Mexican State].

The Centre for Human Rights and Legal Advice for Indigenous Peoples (*Centro de Derechos Humanos y Asesoría a los Pueblos Indígenas*, CEDHAPI) is based in the city of Tlaxiaco, in the Mixtec region in the north-east of Oaxaca State. The organisation is dedicated to the legal defence and public reporting of cases of grave human rights violations. Among their other cases, they represent the relatives of the three individuals assassinated in Santo Domingo Ixcatlán in April 2008. See PBI Mexico's *Entrevistas* number 8, [Impunidad en Santo Domingo Ixcatlán \(in Spanish\)](#).

For more information on the precautionary measures granted to the community of Zimatlán de Lázaro Cárdenas, see the [IACHR's precautionary measures](#) web page (in Spanish).