

**PUBLIC**

**AI Index: AMR 41/056/2007**

**13 September 2007**

**Further Information on UA 228/07 (AMR 41/054/2007, 30 August 2007) Medical concerns/ fear for arbitrary detention/ forced evictions New concern: Fear for safety**

**MEXICO**            **39 men, women and children from two Indigenous communities in Montes Azules, Chiapas state**  
**Other communities living in Montes Azules**

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At least two of the six Tzeltal Indigenous men evicted on 18 August from their home in the Montes Azules nature reserve in Chiapas state have received death threats. The seven women and 26 children from the group continue to be arbitrarily detained in unsanitary conditions.

The six men are being held in the "El Amate" prison (state prison number 14) in Chiapas state. They have been charged with damage to private property, "ecological damage", "illegal occupation", "criminal association" and carrying fire arms. Local organisations report that at least two of the six men have received death threats from other inmates in the prison who belong to a criminal gang. Members of the gang have been accused in the past of acting on the authority of prison officials to torture inmates (see UA 197/06, AMR 41/001/2006, 19 July 2006).

Amnesty International believes the evictee women and children are being held in arbitrary detention since they are prevented from leaving the refuge where they are held by police who guard the premises. On 6 September the women and children were transferred for the third time to another 'provisional refuge', a warehouse in the main town of Ocosingo municipality, Chiapas state. According to local human rights organizations, there is no clean water supply, proper sanitation facilities or electricity, which is necessary for the preparation of food but also for the safety of the evictees.

Many of the women and children are said to be suffering from infections, which are spreading as a result of the poor conditions in which they are held. A state doctor examined those women and children that were ill but has reportedly failed to make follow up visits. The two pregnant women are not receiving the pre-natal care that they need and continue to be at risk of infection. While the women and children can receive visits, they are not allowed to leave the premises. The women and children have been unable to visit or communicate with their detained relatives in prison. A senior state official visited the women and children, but made no commitment on how long they would be forced to live in the building or whether adequate alternative accommodation would be provided. None of the evictees have been consulted by the authorities about their relocation.

#### **BACKGROUND INFORMATION**

In the early morning of 18 August, six Tzeltal Indigenous families were forcibly evicted from their homes in the settlements of Nuevo San Manuel and Buen Samaritano, which are in the Montes Azules nature reserve, Chiapas state. The settlements of Nuevo San Manuel and Buen Samaritano (established eight years ago and 12 years ago respectively) are on land to which another Indigenous community, Lacandona, has a legal title. The families were evicted after the Lacandona community made a legal complaint against all irregular occupation of the area, known as Selva Lacandona. According to the testimonies of the evictees, they were given no notification by the authorities of the legal complaint against them, nor of their eviction.

Disputes surrounding land claims and land distribution in this area of Chiapas State have been at the root of violence involving Indigenous communities for decades. After a governmental decree in 1972, the Lacandona community was given a legal title of the land in the area, but many other Indigenous communities

living on the land for many years were not acknowledged or given anything. Following an agreement in 2005, the federal and Chiapas State government committed to regularize the land rights of 28 communities.

Under international law forced evictions, that is evictions carried out without consultations, due process of law and assurances of adequate alternative accommodation, are a grave violations of human rights. In particular, Mexico must respect the right to adequate housing as a party to the International Covenant on Economic, Social and Cultural Rights, including through ensuring that everyone is afforded a degree of security of tenure sufficient to protect them from forced eviction and ensuring that no one is made homeless as the result of an eviction.

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

- expressing concern for the health of the women and children evicted from their homes in the Montes Azules nature reserve on 18 August, who are now arbitrarily detained in a warehouse in Ocosingo municipality, particularly for the two pregnant women who may be at risk of catching infections and who are not being given pre-natal medical care;
- calling on the authorities to end the arbitrary detention of women and children;
- calling on the authorities to take decisive steps to ensure the safety of the six evicted men being held in "El Amate" prison, at least two of whom have received death threats;
- calling on the authorities to ensure that the six men are given a fair trial, and that the rights of all 39 evictees are guaranteed, in accordance with due process of national and international human rights law;
- calling for assurances that all evictees will have access to adequate food, clean drinking water, electricity and proper sanitation facilities;
- calling on the authorities to ensure, in consultation with those affected, that all evictees have adequate alternative accommodation;
- expressing concern that other communities are at imminent risk of forced eviction, and calling on the authorities to suspend all evictions from Montes Azules until the authorities are assured that such evictions will conform to international human rights law.

**APPEALS TO:**

Attorney General of Chiapas

Lic. Mariano Herrán Salvatti, Fiscal General de Justicia del Estado de Chiapas

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**Salutation:** Señor fiscal/Dear Attorney General

Governor of Chiapas

Lic. Juan José Sabines Guerrero, Gobernador del Estado de Chiapas

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**Salutation:** Dear Governor/Señor Gobernador

Attorney General of the Republic

Lic. Eduardo Medina-Mora Icaza, Procurador General de la Republica

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**Salutation:** Señor Procurador General / Dear Attorney General

**COPIES TO:**

Human rights organization:

Centro de Derechos Humanos Fray Bartolomé de las Casas A.C,

Brasil No. 14 Barrio Mexicanos, CP. 29240, San Cristóbal de las Casas, Chiapas, Mexico

and to diplomatic representatives of Mexico accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 25 October 2007.