I
n the early hours of 4th July 2011 five families from Las Conchitas, Chiapas, Mexico were forcefully evicted from their lands. Mateo Pérez Pérez is the father of five children, his youngest is seven months old. His is one of the five families who subsequent to their eviction travelled to San Cristobal de las Casas, Chiapas where they occupied the main square. Seated on an empty water tanker and under a plastic tarpaulin which sheltered them from the heavy rains which fall in the rainy season here, Mateo explained to me what had happened that night: ‘In the early hours of the morning on 4th July 2011 they grabbed me from my bed and held me with my hands behind my back whilst they beat me. They beat my brother and mother too. They stuck a revolver in my wife’s mouth. The children fled into the hills in the darkness of the night. The paramilitaries had come into the village firing gunshots so as to terrify us. They held me to the ground with a revolver to my cheek and asked me if I liked it. “Don’t think of coming back” they said, “or we will kill you”. I know they were serious. I asked them if we could gather our belongings; our clothes, livestock and tools. They wouldn’t let us take anything; they said it was now theirs. We have lost everything. We have no home, no means of sustaining ourselves, no work and no food. I recognised three of the men. They were Marciano Gaspar González and his two sons. He is a rich landowner in the area. The rest weren’t locals. They were probably campesinos from some other part. It is not uncommon for paramilitaries to recruit in campesino communities. It’s a much easier way to make a living.’ This was not the first time that Mateo and his family and neighbours had been displaced. ‘On one occasion after we had to flee our lands’ he explained, ‘we sought refuge in the Lacandona jungle for a couple of months. It was very difficult to survive there. We were then chased by officials as the land was part of a national park. They eventually offered us title to lands on the condition that we leave. So we left on the condition that we would be given titles within 15 days. We spent six months in hostels in Comitan, waiting for these titles. We still haven’t received anything. The Government has broken promise after promise. We were
The five families and comrades from the Frente Nacional en Lucha por el Socialismo just before their return to their lands.
Land remains one of the greatest areas of conflict in Mexico and throughout Latin America. When the Spanish and Portuguese conquistadors colonised what is now Latin America in the 16th Century they stole the ample natural resources the continent held in order to develop European capitalism. The grab for land was at the heart of the colonial struggles against the indigenous populations, who were massacred, chased off or enslaved.

The registration of land titles was introduced in Mexico by the US backed dictator, Porfirio Díaz, who ruled Mexico until the revolution of 1910. In theory this gave everyone the opportunity to register their lands. In practice it led to the theft of vast lands by those in power or close to power. It was not uncommon for such landowners to thereafter use the manual labour of the indigenous populations as they wished often to enslave them and work them to death.

The Mexican revolution which started in 1910 had at its heart the demand for the redistribution of land. The Mexican revolutionary, Emilio Zapata famously proclaimed that land belongs to those who work it. The revolution paved the way for much of the agrarian reforms which took place throughout Latin America in the twentieth century and influenced both the Bolivian and Cuban revolutions of 1952 and 1959. Article 27 of Mexico’s Constitution of 1917, which emerged from the revolution, radically reformed land law. Prior to the 1910 revolution around 95 per cent of rural families had no land.

Post-1910 the Mexican state in theory recognised three types of land ownership: (1) land belonging to indigenous communities; (2) ejidos (communal lands); and (3) small private ownership of land.

In the process of redistribution, land was expropriated from the large latifundio regimes. Whilst progress was slow, by 1992, 28,000 ejidos and 2,000 indigenous communities had been given legal recognition. However the North American Free Trade Agreement (NAFTA) which came into force in 1994, has interrupted attempts to fairly distribute land. In 1992 and as part of the negotiations leading to the enforcement of NAFTA, Article 27 of the Constitution was modified, essentially to allow for the privatisation of lands. Whilst previously ejidos and indigenous lands were collectively owned, non-transferable, unseizable and inalienable, Article 27 as amended allows both national and international capital to buy and rent these lands.

Coincidentally the national budget for rural areas has been reduced by 65 per cent, as agricultural development in Mexico is increasingly determined by transnational agro-industrial groups and Mexico is turned into an importing country. The lands that Mateo Pérez Pérez, his family and neighbours have lived off are amongst the most fertile in Mexico and highly sought after.

As the economic crisis deepens, investment in fertile lands has become a strategic priority for the capitalist class. ‘We need to be organised’ explains Mateo, ‘as this is not just our problem. Today it’s us who need support, however, tomorrow it might be others.’ The families attempted to report the matter to the police and the Procurador Fiscal in Palenque. They also asked the State Human Rights Council to intervene. In both cases they were told it was outside the competence of the organisation. Article 11 of the International Covenant on Economic, Social and Cultural Rights of 1976 guarantees everyone the right to an effective remedy for any violation of the rights set for in that Covenant, under conditions that do not constitute an impediment to its exercise.

Abigail Escalante has been working as a full-time lawyer with the Observatorio Nacional de Prisiones (ONP-Mexico) for two years. She is also a member of the Mexican League for the Defence of Human Rights (Limeddh). She is a young lawyer who specialises in representing clients who have been tortured, in most cases by State officials, as well as representing the family members of those who have been disappeared. She is the only full-time lawyer within the organisation and while based in Mexico City, her work frequently requires her to travel around Mexico.

I met her at a press conference in Chiapas last summer which was held in support of communities which had been affected by a natural disaster on the Rio Grijalva, Chiapas in 2007. 33 villages were wiped out. At least 404 homes were destroyed and 960,000 square kilometres of farming land ruined. She spoke on the platform about the arbitrary imprisonment and torture of some of her clients who had been protesting against the paramilitaries at the Rio Grijalva, Chiapas. She also said that the paramilitary forces had carried out an illegal land grab from the communities.

TORTURE, POLITICAL PRISONERS AND THE WAR ON DRUGS

Fiona McPhail interviews Abigail Escalante

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against the non-payment of compensation owed to them further to this disaster.

I had the privilege of speaking to her and obtaining a glimpse of what it means to be a human rights lawyer in contemporary Mexico.

‘Everyone knows that there is corruption by the State in the so-called ‘War on Drugs’. Public opinion calls for the army to be taken off the streets. There have been numerous extra-judicial killings in this war; it’s not just a case of collateral damage. An estimated 44,000 people have died since 2006. These are mainly innocent people. Many of those killed are migrants. Most of the forced disappearances now relate to the ‘War on Drugs’. And the State is complicit, even if it hasn’t directly carried out the disappearance.

Our work focuses on cases of torture and ill-treatment of prisoners in custody and the criminalisation of political activists. We specialise in defending what we call political prisoners, although the Mexican legal system doesn’t recognise political prisoners as a special category. Most of our clients are poor and indigenous. Our Constitution states that if the accused doesn’t understand Spanish they are entitled to an interpreter. In practice this rarely happens and yet there are enormous numbers of indigenous people incarcerated.’

One such case is that of Santos Salas Vazquez, a 61 year-old indigenous man from Chiapas who is illiterate. Santos Salas is one of 13 people aged between 50 and 70 years-old who was detained while protesting against the non-payment of compensation and the forced disappearance of two of the movement’s leaders on 4th July 2010. When the police arrived and used tear gas the peaceful protest was dispersed. Those who were unable to run fast enough were detained by the police.

The partners, friends and neighbours of the detainees have mounted a campaign denouncing the human rights violations that have taken place. Abigail and her colleagues have obtained medical evidence that shows that Santos Salas and the others were tortured while in custody. Santos Salas received third degree burns and was also beaten up. The use of torture is regularly used with the aim of extracting confessions, she explained to me.

‘The maltreatment of prisoners is so widespread and institutionalised that you could say that there is impunity for the torturers. A further difficulty in these cases is that many torture victims cannot identify their torturers, as the victims are hooded. When we take these cases on we investigate the allegations and work alongside medical professionals. We then present these cases to the authorities and ask that they be investigated. In some of our cases there has been a complete failure on the part of the State to investigate allegations of torture.’

Abigail has since informed me that the State authorities have to date refused to accept any of the evidence presented to them of the torture of Santos Salas and the 12 other comrades. More than one year on they remain incarcerated and the families and legal team continue to fight for their freedom.

Rights provides that everyone has a right to adequate housing. This includes the right against forceful eviction and the right to legal remedies where such practice occurs. The Office of the High Commissioner for Human Rights has commented that ‘while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the peaceful enjoyment of possessions.’ It also recognises that indigenous peoples, alongside other oppressed groups, suffer disproportionately from forced evictions.

The five families have been denied any form of formal justice. After one month of occupying the square, they decided to return to their lands. ‘This matter is not resolved’ one of family members explained to me upon our return to Las Conchitas, ‘we are still without title to our lands, we will still live in fear of the paramilitaries, and we are even poorer than when we fled as they stole all our work tools and destroyed most of our belongings. We are determined to survive though. We will keep fighting for justice’.