



Comisión Nacional de los Derechos Humanos

México

Recommendation 71/2011

The following is a synopsis of the recommendation emitted by the CNDH . The complete version may be consulted on this institution's web page.

Mexico City, November 30th, 2011

SUBJECT: ABOUT THE CASE OF RELIGIOUS INTOLERANCE AT THE LOS LLANOS COMMUNAL LAND IN SAN CRISTOBAL DE LAS CASAS, CHIAPAS STATE

AUTHORITY RESPONSIBLE: CONSTITUTIONAL GOVERNOR OF THE STATE OF CHIAPAS, PRESIDENT OF THE BOARD OF DIRECTORS OF THE CONGRESS OF THE STATE OF CHIAPAS, MEMBERS OF THE CONSTITUTIONAL CITY HALL OF SAN CRISTÓBAL DE LAS CASAS, CHIAPAS STATE

On April 29th 2009, the first religious evangelical anniversary of the *Eagle Wings* (Alas de Águila) group, attended by 65 people, was celebrated at the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas. During the event, a group of people led by AR2 and CO entered the temple and hit minister V1 and his collaborators. During an assembly held on May 28th 2009, the members of the communal land decided to destroy the evangelical temple, which they did on that same day in addition to damaging the parcels of land of the offended. This caused them to ask for AR1's intervention, but their problems were ignored.

During an assembly held on January 13th 2010, members of the communal land told the evangelical community that they would no longer be allowed to be present during assemblies; they prohibit them from chopping wood and sowing their crops and they destroyed 13 houses. The offended therefore decided to flee the communal land and head for the *Eagle Wings* evangelical temple in San Cristóbal de las Casas, where they staged a sit-in outside the Palace of Justice of such city. Additionally, the offended filed complaints at the Chiapas district Attorney's Office which lead to the initiation of preliminary investigations (AP) AP1, AP2, AP3, AP4, AP5 and detailed affidavits (AA) AA1 and AA2. On February 11th 2010, the plaintiffs forgave the probable suspects mentioned in the cited investigations and detailed affidavits. On March 23rd 2010, it was agreed that the offended would end their sit-in outside the city's Palace of Justice, that they would be allowed to return to their community and that the damages caused to their homes would be repaired; these promises have yet to be kept.

From the logical-legal analysis performed on the evidence contained within complaint file CNDH/5/2010/778/Q which was initiated because of these events, it was determined that in this case the human rights to legality and legal certainty, to

not be discriminated against because of religious reasons and to freedom of belief were infringed upon to the detriment of the offended.

Due to these events, the Mexican National Human Rights Commission has considered it necessary to issue the following **Recommendations**:

To you, the Constitutional Governor of the state of Chiapas:

First. Take the necessary steps to guarantee the return of those expelled to the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas, as well as a peaceful coexistence, respect for their estates and the freedom to practice the religion of their choosing. The National Commission must be informed about the result.

Second. Provide humanitarian aid for the offended that are still lodged at the site of the *Eagle Wings* evangelical temple, located in San Cristóbal de las Casas, within the aforementioned state. Proof of compliance must be sent to the National Commission.

Third. Issue instructions to whomever it may concern to implement measures, in conjunction with the municipal authorities, to solve the religious conflict within the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas. The National Commission must be told about the result.

Fourth. Issue instructions to whomever it may concern so that the necessary steps are taken to offer training programs for the civil servants of the government of Chiapas on the duties assigned to them by current laws on the subject of safekeeping the right to freedom of belief. Once this has been done, the National Commission must be briefed.

Fifth. Instruct whoever is responsible so that a program is implemented to educate people on current laws, on the modus operandi of the legal system and the bodies which constitute it, as well as their harmonization with the traditions and ways of indigenous people. This must be done in accordance with what is established by article 28 of the Indigenous People's Rights and Culture Law of the State of Chiapas. Once this has been done, the National Commission must be informed.

To you, Mr. president of the Board of Directors of the Honorable Congress of the state of Chiapas:

First. Order whoever it may concern to take the steps needed to initiate the procedure outlined by the Political Constitution of the State of Chiapas against AR1, as per the contents of the declaration to be filed by the National Commission. This must be done in order to determine the possible responsibility AR1 may have incurred in as a result of the events which have been revealed in the current recommendation. Proof of compliance must be sent to the National Commission.

Second. Urge the Constitutional City Hall of San Cristóbal de las Casas, Chiapas to deliver the reports requested by the Mexican National Human Rights Commission so as to comply with what is stipulated by the law of this institution which defends human rights.

To you, the Members of the Constitutional Town Hall of San Cristobal de las Casas, Chiapas:

First. Implement urgent measures in order for the conflict of religious intolerance present within the Los Llanos communal land in the municipality of San Cristóbal de las Casas, Chiapas, to be resolved in conjunction with the state government, ensuring the peaceful coexistence of its inhabitants and respect for freedom of belief. Proof of compliance must be sent to the National Commission.

Second. Proceed to issue instructions in order for the civil servants of that City Hall to refrain from getting involved in illegal acts, such as those stated in the case at hand, whose aim it is to restrict the freedom of belief of the inhabitants of the aforementioned area. Proof of compliance must be sent to the National Commission.

Third. Instruct whoever it may concern so that the Municipal Internal Affairs Office of San Cristóbal de las Casas, Chiapas determines the responsibility possibly incurred in by the civil servants of the City Hall in question who were involved in the case of religious intolerance at the Los Llanos communal land, located within the previously mentioned area. Proof of compliance must be sent to the National Commission.

Fourth. Instruct whomever it may concern so that the necessary steps are taken to offer training programs for the civil servants of the previously mentioned Municipality regarding the duties assigned to them by current laws on the subject of safekeeping the right to freedom of belief. Once this has been done, the National Commission must be briefed.

Fifth. Act as necessary in order for a campaign which disseminates and broadcasts individual rights and human rights to be developed in conjunction with government bodies which defend human rights. It should target the staff of the City Hall of San Cristóbal de las Casas, with the goal of raising its awareness on the importance of exercising and respecting these fundamental rights. Once this has been done, the National Commission must be briefed.