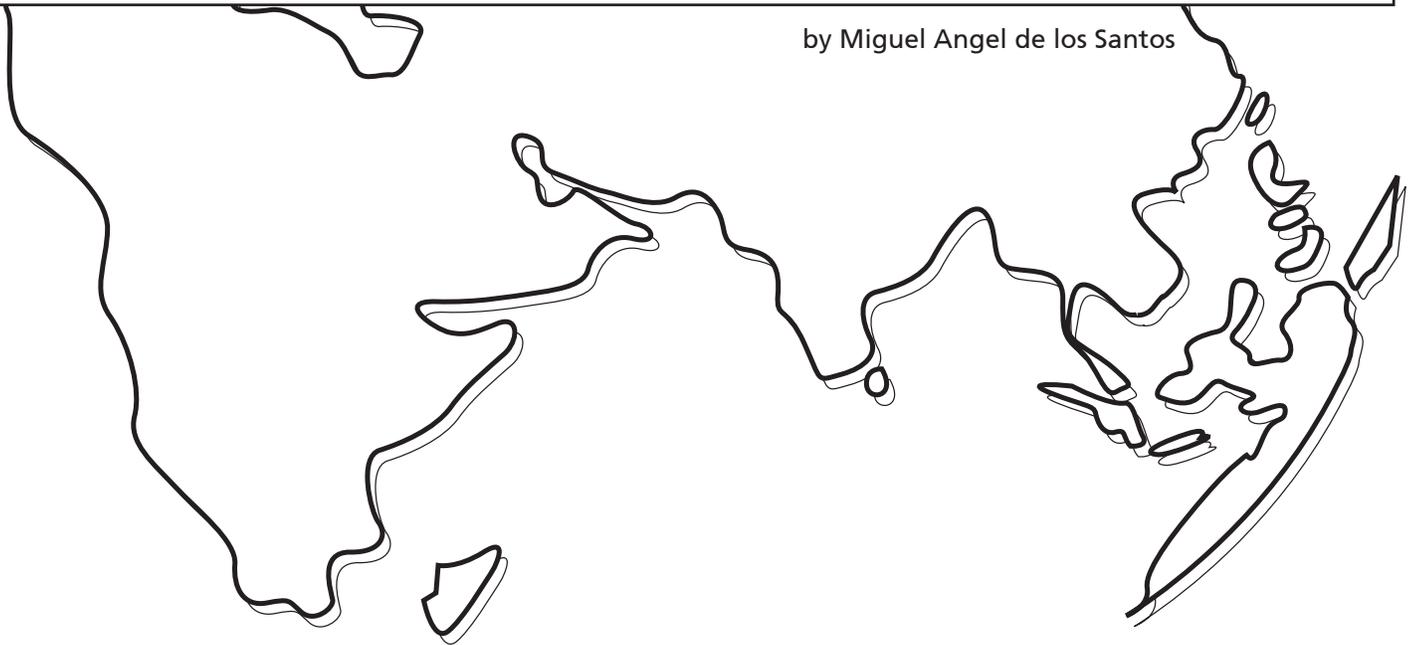


Taking On Our Own Defense:
A network of community human rights defenders

by Miguel Angel de los Santos



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Miguel Angel de los Santos

The proposal for the Network of Defenders was made by a Chiapan lawyer, Miguel Angel de los Santos, a human rights activist whose work has been recognized with the Reebok prize (1995) and with the Emilio Krieger medal (2003). He is a leading authority in International Human Rights and is an Ashoka-Emprededores Sociales grant recipient.

Since 1993 he has worked defending mainly indigenous persons that have been unjustly incarcerated. This experience, along with his work for the recognition of individual and collective rights in the communities of Chiapas, brought him to the realization that the defense of the human rights of the indigenous peoples should be practiced within the framework of their free decision as a community.

Network of Defenders

The Network of Community Human Rights Defenders is made up of 26 defenders elected by the indigenous communities of Chiapas, so as to promote the incorporation of indigenous persons in the defense of their own rights and in the progressive strengthening of their autonomous processes and self-management.

Its objectives are the following:

- a) provide immediate attention to victims of human rights violations
- b) provide legal consultancy to those in need
- c) work on a reduction in human rights violations
- d) promote respect for cultures, languages, traditions, and forms of local organization.

The work of the Network is part of a larger struggle for the rights and self-determination of indigenous communities, and as such, represents a form of resistance facing the new state and global configurations of power.



Dear friend,

Welcome to the series of tactical notebooks on Human Rights!

In each notebook a human rights practitioner describes a tactical innovation that has successfully been used in human rights work. They have not only pioneered tactics that have contributed to the exercise of human rights in their home countries, but they have also affirmed that these tactics can be adapted and applied in other countries and contexts in order to deal with a variety of issues.

The authors are part of a wide and diverse human rights movement from governmental and/or non-governmental perspectives, including education, law, mental health and the processes of truth and reconciliation. Each notebook contains detailed information related to the author and his /her respective organization, achievements, methods, and resources they used to obtain what they did.

We hope in this to inspire other practitioners to think tactically, increasing the realm of mastered tactics that have allowed others to advance in the conquest and effective exercise of their own rights.

Human rights practitioners are often located in the Non-governmental Organizations (NGOs) of the big cities, while most of the crisis situations, the need for monitoring and defense of human rights are located in rural areas. In Chiapas, Mexico, the rural indigenous communities have been confronting years of repression and harassment. This tactical notebook describes the model of the Network of Human Rights Defenders, organized in Chiapas by Miguel Angel de los Santos. The Network has trained a panel of rural indigenous defenders so that they may work in the defense of human rights nearly self-sufficiently, responding to the needs and the decisions of their communities. Autonomy has been crucial for this network which has been able to eliminate rural dependency on the NGOs of the big cities. Although there are many examples of networks of defenders in the world, the presentation of this tactic focuses on the steps necessary to maximize the independence and self-sufficiency of such a network, and in order to consolidate its autonomous connection with the communities which it serves.

The complete series of Tactical Notebooks is available on-line at www.newtactics.com. Additional notebooks are already available, and more will become available with time. At our website you can also find other tools, including a database containing different tactics, a discussion forum for human rights practitioners, and information about our workshops and symposiums. If you would like to subscribe to the New Tactics bulletin, please send an e-mail to newtactics@cvt.org.

The project "New Tactics in Human Rights" is an international initiative directed by a diverse group of organizations and defenders from all parts of the world. The project is coordinated by the Center for Victims of Torture (CVT), and grew out of our experience as creators of new tactics, and as an alternative that promotes the protection of human rights from a perspective where curative treatment and civic leadership are combined.

We hope that you will find these notebooks informational and thought provoking.

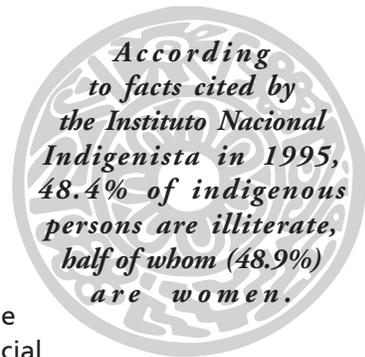
Sincerely,

A handwritten signature in black ink that reads "N. Pearson".

Nancy L. Pearson
New Tactics Training Manager



Taking on our own defense: A network of community human rights defenders



Introduction

Chiapas is one of the Mexican states with the highest rates of human rights violations, especially in the indigenous and campesino world.

At one time NGOs attended to this problem, denouncing cases of human rights violations and providing assistance to the victims, but in January 1994 the indigenous struggle reemerged through an armed movement made up mainly of indigenous persons.

The model presented by the Network represents a new tactic in the defense of human rights because it proposes the involvement of the communities through the election of a defender from within their community. Traditionally this role of protecting human rights was played by social workers, lawyers, and members of the Church. The defenders have proven to be more effective by providing prompt attention to victims by someone who speaks the community's own language.

This notebook presents the contextual background that is helpful in understanding the circumstances under which the proposal has arisen, such as the formation process and the development of the Network itself. The majority of the notebook is concentrated on the description of the tactic.

I. Contextual framework

a) *The human rights of the indigenous peoples*

In Mexico there are 56 ethnic groups located in 23 states that make up a population of approximately 13 million, close to 12% of the country's total population. The states with the highest concentration of indigenous population are, curiously, the poorest and most marginalized: Oaxaca (1,120,312), Chiapas (809,592), and Guerrero (367,110).

According to facts cited by the Instituto Nacional Indigenista in 1995, 48.4% of indigenous persons are illiterate, half of whom (48.9%) are women.

With regard to health, the facts are not encouraging either: life expectancy in Mexico is 74 years, but among indigenous persons it is 69 years. In the infant population, mortality due to

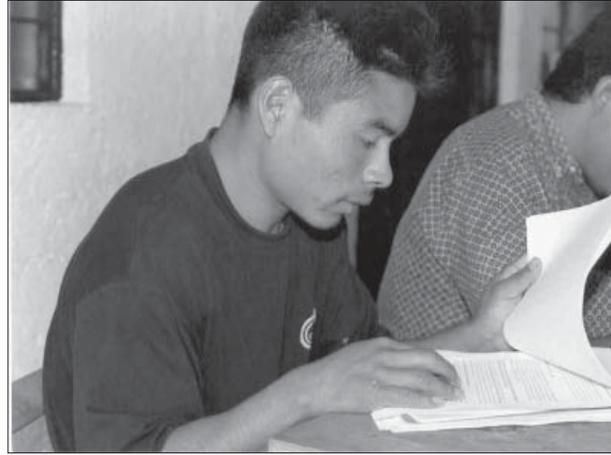
intestinal infectious disease reaches 83.6%, while at the national level it is 27.3%. These facts alone reveal that the indigenous peoples in Mexico continue to be excluded with respect to official politics and their rights.

Discrimination is a phenomenon that permeates all levels: the infrastructure projects and services are generally offered to urban populations, and it is here that the greatest amount of resources is invested on lavish and often useless projects. The Special Rapporteur on the situation of human rights and the fundamental liberties of the indigenous peoples is not lacking in reason when he affirms that "discrimination tends to be reflected in the lack of funds or investments used for growth, the lack of resources to render social and cultural services and the priority that every country assigns to various things regarding indigenous development."¹

Mexico's indigenous communities have responded by striving for a better future, demanding a country that is inclusive and respectful of their local values. The best known and most important expression of this struggle is, without a doubt, the Zapatista uprising on January 1, 1994.

Mistakenly, the official response has focused on combating the actors and promoting division between communities in order to display an image of ability to govern and control the situation by means of the militarization of resistant regions and communities. Now, in addition to living in a state of deprivation, the indigenous communities face the invasion of thousands of soldiers that disrupt daily life, violate individual and collective human rights, and put the indigenous culture in grave danger. To a greater or lesser extent these situations exist in the states of Oaxaca, Chiapas, and Guerrero. In Chiapas, for example, NGO estimates show that the number of soldiers oscillates between 50,000 and 70,000, in a state that has an indigenous population of 809,512.

¹ E/CN.4/2002/97, Report made by the Special Rapporteur on the situation of human rights and fundamental liberties of the indigenous peoples.



The defenders during training and at work.

In its effort to divide the population and promote politics that debilitate the support for the Zapatista Army of National Liberation, the government promoted the creation of paramilitary groups that have violated human rights, protected by the impunity provided by authorities. Paramilitary actions produced dozens of arbitrary executions, the closing of roads, robberies, and damage to properties belonging to groups or persons who were identified as Zapatista supporters.

B. The situation of human rights in Chiapas

Systematic human rights violations are a part of Chiapas' history. The most recurring victims have been campesinos and indigenous persons, since many times violations occur as a result of agrarian demands or in response to the demand for justice or access to social services.² The violations take the form of torture, extrajudicial executions, and arbitrary deprivation of liberty as a result of massive evictions of campesinos and indigenous

persons that take possession of lands, among other things.

For many years Mexico has been a topic of interest for the most important non-governmental organizations that defend human rights on an international level. Amnesty International,³ Human Rights Watch,⁴ Minnesota Advocates for Human Rights,⁵ and the International Federation of Human Rights⁶ have extensively documented

² Human Rights Watch, *Unfulfilled Duties: Official Responsibility for Rural Violence in Mexico*, 1997.

³ Amnesty International, *Mexico: Under the Shadow of Impunity*, March 8, 1999, AMR41/02/99/S

⁴ See note 2

⁵ Minnesota Advocates for Human Rights, *Codificando Represión: El Código Penal para el Estado de Chiapas*, December 1994; *Conquest Continued: Disregard for Human Rights in the Mexican State of Chiapas*, October 1992.

⁶ International Federation of Human Rights, *Mexico and Central America*, Annual Report 2000.





A defender participates in a workshop

the situation of human rights in Mexico. In each one of their reports the situation of human rights in Chiapas has been stressed.

In 1996 the Inter-American Commission on Human Rights (IACHR) carried out an in situ visit and two years later published a comprehensive report on the situation of human rights in Mexico.⁷ In recent years Mexico has been visited by various Special Rapporteurs for the United Nations: the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions,⁸ the Special Rapporteur on Torture,⁹ and the Special Rapporteur on the Independence of Judges and Lawyers,¹⁰ while the then High Commissioner for Human Rights, Mary Robinson, visited Mexico in 1999.

The corresponding reports dedicated a large amount of space to describing the human rights violations that were perpetrated there. The fact that said visits have been occurring since the end of the 90s has to do with the gravest periods in terms of human rights in Chiapas, but also with the moment in which civil society and NGOs began to respond in an organized fashion to these incidents.¹¹

C. Non-governmental human rights organizations

Non-governmental organizations (NGOs) emerged in Chiapas in a historical context in which the indigenous communities are marginalized, excluded from State structures, repressed and

lacking the organizational capacity to confront human rights violations on their own. In these circumstances, the participation of non-governmental organizations as mediators between the victims and the State was very important.

Their creation coincides with the final years of the 1980s. The first organization was the Comité Diocesano de Ayuda a Inmigrantes Fronterizos (CODAIF) [an approximate translation: the Diocesan Committee to Aid Border Immigrants], created in 1986 by the Catholic Bishops of Tapachula.¹² Subsequently, in 1989 the Centro de Derechos Humanos Fray

Bartolomé de las Casas [Brother Bartolome de las Casas Center for Human Rights] was created with the objective of defending the individual and collective rights of the community, with an emphasis on the rights of the poor.¹³ Its founders were priests and nuns, journalists and other professionals who came individually to work in social service. Subsequently the Centro

⁷ Inter-American Commission on Human Rights, Report on the situation of human rights in Mexico. OEA/Ser.L/V/II.100

⁸ Extrajudicial, Summary or Arbitrary Executions – Mexico visit. E/CN.4/2000/3/Add.3

⁹ E/CN.4/1998/38/Add.2 Report of the Special Rapporteur, Mr. Nigel S. Rodley, presented in agreement with Resolution 1997/38 of the Human Rights Commission.

¹⁰ Civil and Political Rights, in particular the Questions related to: Independence of the Judiciary, Administration of Justice, Impunity. Report of the Special Rapporteur on the Independence of Judges and Lawyers, Mr. Dato Param Coomaraswamy, presented in agreement with the resolution 2001/39 of the Human Rights Commission. E/CN.4/2002/72/Add.1 January 24, 2002

¹¹ For a discussion of the social processes that brought on the rising of the NGOs and the prevalence of the discourse and practice of human rights in the context of neoliberal multiculturalism, see Shannon Speed, "Global Discourses on the Local Terrain: Grounding Human Rights in Chiapas" Doctoral Thesis presented at the University of California, at Davis, December 2001. See also, Shannon Speed and Alvaro Reyes, "In our own Defense: Globalization, Rights and Resistance in Chiapas." *Political and Legal Anthropology Review (POLAR)*, 25:1 June 2002.

¹² María del Carmen García Aguilar, "Las organizaciones no gubernamentales en los espacios rurales de Chiapas: reflexiones en torno a su actuación política" in *Espacios disputados: Transformaciones Rurales en Chiapas* (María Eugenia Reyes Ramos, et al, coordinators), 1998, UAM –Xochimilco – El Colegio de la Frontera Sur. Although the objectives of the CODAIF were more like social assistance than defense of human rights.

¹³ Ibid

de Derechos Indígenas [Center for Indigenous Rights], AC (CEDIAC), the Comité de Defensa de la Libertad Indígena de Palenque [Committee for the Defense of Indigenous Freedom in Palenque], and the Centro de Derechos Humanos Fray Pedro Lorenzo de la Nada [Brother Pedro Lorenzo de la Nada Center for Human Rights], among others.¹⁴ The work of non-governmental organizations, together with other organized expressions of civil society, was fundamental in holding back the war in 1994 and 1995. The reporting work and coverage of the cases also avoided greater human rights violations.

But today the indigenous communities are beginning to live their demands and become more aware of the historical function in their evolution. They demand the right as citizens to turn to State authorities, to take on their own defense, and to make decisions in matters that directly involve them, so as to exercise control over fundamental aspects of their life and culture.

II. The Network of community defenders

The defense of unjustly detained indigenous persons began in 1995 and inspired the formation of the Network. In June 1996 the organization of detained persons “La Voz de Cerro Hueco”¹⁵ began public denunciations. Due to the lack of lawyers, some already liberated indigenous persons began to support the defense efforts, first making photocopies and aiding in the transportation of witnesses; later editing basic legal defense texts, presenting defense witnesses or examining the places and circumstances in which the crimes allegedly committed by the indigenous persons had taken place.

This positive leading role, together with the positive results of their actions, demonstrated that with adequate training indigenous persons can contribute in an important way to their own liberation. In fact, the external representatives of La Voz de Cerro Hueco were the first defenders of

dozens of indigenous persons (of the chol, tzotzil, tzeltal, and tojolabal ethnic groups) who were incarcerated.

The Network of Defenders hopes to fill the gaps in the defense of human rights in these communities, promote self-management as the most effective form of human rights defense, and strengthen the autonomous processes initiated in Chiapas. The Network also motivates direct dialogue between justice and human rights authorities and the communities themselves.

TAKING ON OUR OWN DEFENSE

The formation of the Network of Defenders is also linked to the process of autonomous recognition by the indigenous persons of Chiapas.

It is known that in the autonomous regions rebels have begun to exercise their right to autonomy; not only naming their own authorities, but also developing their own educational programs in keeping with their culture and own health systems. In this context, the defense of human rights carried out by the communities themselves represents a more autonomous expression to resolve on their own the problems that affect them.

a. Objectives

1. Fully train the community defenders so that they can take on the defense of their individual and collective rights in the various regions that they represent.
2. Legally attend to and advise the population affected by human rights violations.
3. Produce periodic reports in reference to the situation of individual and collective rights in the indigenous communities.
4. Strengthen the processes of indigenous self-management and self-determination.

b. The selection process

The formation process of the Network began in 1998 when the communities took the initiative to identify young people who were ready to

¹⁴ Ibid

¹⁵ Cerro Hueco was the biggest prison in Chiapas. Located in the state's capital, it came to be the voice [“La Voz”] of more than 150 unjustly detained indigenous persons that, in their current situation of incarceration, found themselves hundreds of kilometers from their home communities.

train and take on work related to the defense of human rights.

Those who were chosen attended the first workshop carrying with them the Assembly certificate by which their home communities had designated them as “defenders,” so as to ratify them at a later time before the respective authorities; the defender promised to voluntarily perform his or her function for an unspecified amount of time.

The communities that rely on defenders have a population of approximately 300 inhabitants who resolve their internal controversies by means of a system of indigenous law. It is common in these cases that the naming of the defenders is made through an assembly of representatives from the various communities that make up the organizational structure of the Autonomous Council. All of the communities demand autonomy as a form of administration and government, but bigger conglomerations exist, such as the community “Nicolás Ruiz,” whose defenders were elected by a plenary of 600 campesinos in representation of the community’s 3,500 inhabitants.

The 28 defenders (22 men and 6 women) that currently make up the Network are located in 14 different regions in Chiapas: Zona Norte, Yajalón, San Jerónimo Tulija, Centro-Altos, Zona Palenque, Chancalá, Chilón, Fronteriza, Sierra, Villa de las Rosas, Tierra y Libertad, Morelia, Salto de Agua, and La Montana.¹⁶ Each team attends to about 30 communities. In each one of these communities the defenders have been qualified as promoters of human rights who work in coordination with their community.



Soldiers filming and photographing defenders

All the defenders are between 18 and 35 years of age and are of indigenous and campesino origins, for example from the Cho’ol, Tojolobal, tzeltal, tzotzil, and mam peoples. Their level of schooling varies between high school and preparatory, and two of them have begun university studies.

Apart from that, all have been trained to use photographic and video cameras, as well as to use the computer for the documentation of the cases.

In my case, I was named by my community.

After a year I went to speak with the Autonomous Council, and I was already recognized by the Autonomous Council, and went to work. It was up to the Council to provide the town council with information, so in a meeting of representatives from more than 110 cooperatives [they] accepted me as a defender.

*Francisco Cruz,
community defender.*

The group that currently makes up the Network comes from two distinct processes. The first generation is made up of the 11 people who founded the Network. Their work encouraged the communities that did not currently rely on defenders to promote the formation of a second generation after 18 months.

When a defender retires - this usually happens due to family reasons - the community selects a new defender to take their place or may assign them another commission. However, the majority of them have remained stable in their positions.

There is also a team of advisors made up of three human rights activists who are in charge of helping the defenders so that they may coordinate their efforts. Advisors facilitate their training, support

¹⁶ The geographic distribution does not correspond to economic regions or established political districts but instead to its own division that brings together communities (for example, Tila is divided into a high and low zone), or corresponds to autonomous municipalities.

them in finding financing, and advise them in difficult cases, when such cases arise.

c. The training process

Over the course of a year, the members of the Network met in San Cristóbal de Las Casas one week a month for an intensive training in the defense of human rights as well as in attention to penal issues, including visits to the different justice and defense authorities that some of the trainees had known before when they were victims. However, it was necessary to feel and see the reality of their operation through the management of their own cases.

During the training process it was essential to strengthen their self-esteem, to convince them of and give them confidence in their abilities, and to make them understand that it is not necessary that one be a lawyer to defend human rights or to go to judicial authorities in order to claim their rights. This process was slow, but the practice and appropriate training equipped the defenders with the necessary confidence to confront not only the actions that needed to be taken, but also the discriminatory practices of the government employees in charge of imparting justice that were accustomed to dealing with professionals of mestizo origins rather than those of indigenous origins.

During the training process the defenders had personal contact with some well experienced human rights activists that were invited to speak about their personal experience: Mariclaire Acosta, Ex-president of the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos [Mexican Commission for the Defense and Promotion of Human Rights] and undersecretary of Los Derechos Humanos y la Democracia [Human Rights and Democracy]; Magdalena Gómez, expert on indigenous rights; and Amado Avendaño, journalist and human rights defense lawyer. Among others, these individuals were people who encouraged their training process.

d. Collective participation

Various groups and people have participated in the Network of defenders: the MacArthur Foundation

provided initial financing through a grant awarded to lawyer Miguel Angel de los Santos, the principle driving force of this project; the Posada El Cerrillo provided the accommodations for the defenders when they had to attend the training workshops.

In order to document the cases the teams of defenders (made up of two people) rely on a video camera, a photo camera, and a tape recorder. The video cameras were donated by supporters through the Proyecto de Medios en Chiapas [Chiapas Media Project], an organization that also provided training to the defenders so that they may adequately use the cameras. The laptop computers that each defender relies on were supplied by TecsChange. Merck, Solidago, Public Welfare, and el Fondo para los Derechos Humanos [Human Rights Fund] have aided financially in the running of various offices within the Network, while Rights Action has provided equipment and aid in looking for financing.

The community defenders receive a symbolic grant that is less than \$100 per month. The costs to attend to a case are covered by the community and in some regions modest dwellings have been built or modified to function as community offices. In the inaugural ceremony the defenders are driven in a procession to the "new office." Amidst the traditional thunder of the fireworks, there is dancing, singing, and eating as if it were the most important celebration. In this way, the community establishes a sense of appropriation over the function and work of the defenders.

Only through these measures will the communities accept that the project belongs to them and not to the persons or organizations that are supporting them.

e. Organizational and programmatic links with other groups

The organizational structure of the Network differs from traditional pyramids which name "coordinators," "directors," or "executive secretaries." The Network is an organizational model of concentric circles, with the communities at the center, representing the heart of the work.

Secondly there are the defenders, and later a group of advisors that accompany the defenders to train them, to help them find financing, and offer them guidance facing the judicial and human rights authorities.

The central office is located in San Cristóbal de las Casas where the defenders and advisors meet each month to attend the training workshops, to exchange information about their regions and cases, and to make decisions by consensus in plenary sessions, in which the advisors do not participate. The 28 community defenders who have been in the training process since 1999 work in 14 different zones in the state of Chiapas, some of which already have an established regional office.

f. The role of the community in the defense of human rights

In the indigenous communities, which follow traditional practices and customs, all important decisions are made by the consensus of the general assembly. Just like the authorities cannot carry out any action without the approving consensus of the assembly, neither can the defenders carry out actions without the assembly's previous approval. It could be questioned that, in regards to human rights the defenders are subject to the previous agreements of the assembly, but experience has showed that even actions that are carried out in good faith can end up being counterproductive, as is evident in the following experience:

By the decision of the federal government, in the year 2000 various members of a paramilitary group operating in the northern region of Chiapas were detained. The consensus of the non-governmental organizations, which was made without taking into consideration the opinion of the communities, was to pressure the government to detain other identified paramilitary members. The intervention of the community defenders working in the region where the detentions were occurring made known that the communities did not desire to continue this practice because the paramilitaries were organizing and had threatened to attack them if the detentions continued. This statement made by the communities halted the actions of

the non-governmental organizations, revealing at the same time how important it is to take the victims into consideration and rely on defenders in the communities, since decisions of this nature should be made within the community.

The community keeps an eye on the performance of the defenders and puts pressure on those who do not perform their job well, those who drink alcohol, or those who fail to properly inform the community regarding their actions. Being a community defender is an important position for the community and for this reason it should be performed responsibly. One defender just finished a year of separation from his/her job as a form of punishment because the defender had requested – from a person who had asked for help – financial reimbursement for transportation expenses.

However, there have been occasions where the community has actively involved itself in a case: in March of 2004 three people from the tzotzil community, Miguel Hidalgo, were detained after being accused of transporting coal that they would use for cooking. In the understanding that there was not another way to cook apart from wood or coal, the community asked the defenders to take on the case. While the required judicial procedures were being carried out, the community posted itself outside the jail in order to “accompany” the detainees, encouraging them and supporting the work of the defenders. The community authorities gave testimony to the Judge on the use of coal in the communities, and verified that under their authorization permission had been given to process wood to be converted into fuel. Three days later, the detainees were freed. The community looked at the verdict as an achievement for everyone, led by the defenders.

This incident reveals the importance of the coordinated efforts between the defenders, authorities, and the community, given that within the community the defenders also play the role of councilors or advisors regarding matters of human rights for the resolution of internal conflicts. While knowing that there are other organizations that can defend them, they turn to the community defenders. This attitude is reinforced, in the way

in which awareness is spread on the importance of community self-management and on the ability of the defenders to respond to the challenges that arise.

g. Defense of rights in the face of the actions of community authorities

As previously mentioned, the model presented by the Network of Defenders has been designed fundamentally to respond to human rights violations perpetrated or promoted directly by the State or its agents. However, the communities have requested that the defenders help with the violations committed by community authorities, in the event that such an occasion arise.

The defenders promote human rights in their regions through the training of promoters or by putting on workshops about specific topics. The situation of internal conflict in a state of a low intensity war in the indigenous communities of Chiapas is, however, favorable to human rights violations committed by the State. Eventually conflicts arise between communities or between groups from the same community, encouraged by the State or by one of its authorities acting in favor of one of the conflicting groups. In these circumstances, the defenders do not find an ethical dilemma in siding with the affected community which does not have the support of the State so as to protect the rights of its people.

h. Divided communities

In the communities of Chiapas, Zapatista supporters live together with those who identify themselves with the Partido Revolucionario Institucional – PRI (the political party which governed Mexico for more than 70 years), as well as the Partido de la Revolución Democrática (PRD).

In this context it is understandable that the bonds of mutual support between the Zapatista bases, those who are linked with the PRD, and the human rights defenders, are very tight. Although those who are close with the PRI are less vulnerable and have better access to government mechanisms or to institutional organizations that defend human rights, it has happened that a government action that violates both sides indiscriminately can be

attended to by the defenders without making any distinction. In these cases it is the defender who takes on the risks of the defense.

Ramón Peñate, defender in the northern zone, was threatened by paramilitary groups which, in retaliation for defending the displaced population, burned his home. Francisco Cruz was also threatened for defending three people who were detained and tortured by the police.

When we act in defense of human rights, we do interviews with the government, army, etc. and immediately they act against the paramilitary groups. When we denounce human rights violations and the priistas [those who identify with the political group PRI] realize this, the threats begin and they don't let us do our work.

I think that as a defender you have to intervene in any detention that your friends experience, worry about their physical well-being, locate them immediately, and not let them spend much time there, even hours, because they could be tortured. The important thing for the detainees is that they feel like they are not alone.

In this way, I think that psychologically we have won an advantage for the detainees, once they see you, they feel protected. Making public the actions of the police and whether torture has been used, making it known to the international NGOs, and if there are disappeared persons, not waiting until they show up but instead taking urgent actions to find out the whereabouts of the persons.

As already stated, the defenders belong to communities and groups that demand the exercise of their collective rights and are a part of the struggle for their constitutional recognition. In the context of a conflict like the one taking place in Chiapas, it is inevitable that human rights defenders are, in general, identified with one side in the conflict. In fact, the defense of human rights is seen as an action supporting those who have “rebelled” against the government to demand

their rights. Therefore, in this scenario the victim is almost always an indigenous person.

III. The self-defense of human rights through community defenders: a proposal

Each team in the Network, made up of two people, attends to an average of 30 communities; in each of the communities there is a promoter who has been previously trained by the defender to work with him. This method assures not only more effective attention to the cases but also the ability to appropriately detect any act that violates or threatens human rights, which ends up being a deterrent to future violations. The following are some conditions that need to be taken into consideration:

- 1) the installation of a community office for the defense of human rights shows the presence of people designated to the investigation, documentation, and timely reporting of the cases that may arise
- 2) the activity of the defenders in small communities or regions is noticed, which is a deterrent
- 3) the potential perpetrators of human rights violations are completely aware of the impact that their actions could have, which has caused a noticeable decrease in cases in the regions where there are defenders.

Attention to a case means not only properly documenting it but also presenting the denunciation in front of the Ministerio Publico [Public Prosecutor] or presenting the complaint to human rights organizations, and presenting the case before public opinion. In this sense, the efforts of the defenders have been able to resolve the problem regarding timely attention, since the non-governmental organizations are located in the cities, hundreds of kilometers away from the location where the incidents occur. Before, when a case presented itself in a community in the northern part of the state, the indigenous persons of that region had to travel to the city in order to report the incident to a non-governmental



The opening of a traditional religious ceremony during which the work of the defenders is blessed

organization. If the organization decided to intervene, it would do it the next day and it had to travel to the community to take testimonies and recover necessary evidence. The victims, on their part, are not always comfortable or ready to give their testimony to a strange person who does not speak their language.

On the contrary, the defender can consult with the community before intervening, thus avoiding the actions that could put the community in danger, given that the very presence of foreign persons can create more conflicts. The victims are



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involved in the actions of the defenders, and direct dialogue between the victims and the authorities is encouraged without having to resort to an intermediary.

The training of the community defenders is an innovative experience. The training programs for human rights promoters associated with NGOs are, in general, an educational effort to help them to recognize the legal instruments for the protection of human rights, identify the violations, take testimonies, and present the case before the organization that trained them so that it can take action, contacting the government branches and human rights authorities, organizing press conferences, etc, and the promoter returns to his community without having any practical experience with the process. But the community defenders are involved with the entire process throughout their training, including the defense (in some cases under the guidance of an advisor).

The experience of the Network and the effectiveness of its work challenged another philosophy of the NGOs that had worked in Chiapas for many years; it has contributed to generating changes so that the NGOs incorporate indigenous persons into their structures and promote defense schemes that are more participatory.

This model does not intend to replace the work of organizations or lawyers. It only aspires to strengthen the autonomy of indigenous persons to attend to their own cases and reduce

their dependency on others. Since the beginning it has been very clear that it should be professional lawyers who attend to persons subject to legal proceedings, and community defense should only contribute in the search for evidence. On the other hand, community defense has full capacity to get involved facing *instancias de investigacion ministerial* [instances of ministerial investigation] in favor of the accused or victims of crime. It can also investigate, document, and denounce individual and collective human rights violations.

IV. The tactic in other contexts

Inspired by the Network of Community Defenders, some interesting experiences have come about in Chiapas, including a group of female community defenders of women's rights, who are selected in a similar way as the defenders in the Network. A group known as the "barefoot lawyers" also works with the indigenous population and the community communicators. They have been trained to spread news about events of public interest that will take place in the communities. In the context that we have described, the model for intervention proposed by the Network of Community Defenders has proven to be effective.

With appropriate adaptations it will be possible to put this model into practice in other parts of the world with equally marginalized populations: women, migrants, among others. One of the most important elements of the model is organized community participation to designate its own defenders. It is possible that in other contexts this would not be viable, but it could be substituted with the participation of social organizations, migrant and refugee communities, or groups of displaced persons who want take on their defense following this model. It is essential to empower possible victims and to inspire in them a willingness to train their own defenders, who will be advised by specialized organizations with the purpose of defending the rights of communities likely to be victimized.

V. Final reflections

1. The experience of the Network of Community Defenders demonstrates that communities can get involved in the defense of their own rights, carrying through this defense and strengthening their own autonomy.

2. The model that we have presented is developed in the social-political context of an internal armed conflict, in a state of low-intensity war; therefore, it responds to human rights violations perpetrated directly or indirectly by the State and its agents.

3. Through the training and experience of local people, communities learn how to defend their human rights for the long-term. Such community involvement also avoids perpetual dependence on lawyers and non-governmental organizations that, at times, deal with cases according to their own agenda.

4. The defense of human rights requires creative and effective actions. Committed violations need to be denounced. There must be assurance that perpetrators will be punished. It is vital that the victims and community members get involved in this process to strengthen the community's ability to self-manage.

5. The community defenders do not aim to replace the work of the non-governmental organizations, nor that of the lawyers who work in the defense of human rights. With limited capacities, the defenders aspire to respond in a timely manner to the cases that may arise, and offer their services to help with the investigation, documentation, and denunciation of human rights violations, also supporting the preliminary stages of the penal process.

