



# CAUGHT BETWEEN BULLETS AND NEGLECT

LACK OF PROTECTION FOR DEFENDERS OF THE TERRITORY IN THE  
TARAHUMARA SIERRA

**BRAVE**

**AMNESTY  
INTERNATIONAL**



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Amnesty International



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## INTRODUCTION

This publication is part of Amnesty International's campaign in support of the people who defend and promote environmental and territorial rights and rights related to access to land in the Americas. In meetings with Amnesty International, civil society organizations highlighted the fact that in Mexico, and particularly in the State of Chihuahua, organized crime is one of the main threats faced by human rights defenders fighting to protect the territory. In light of this, Amnesty International visited Sierra Tarahumara twice to document efforts by members of the Indigenous Rarámuri community of Coloradas de la Virgen to defend their territory. It found that Indigenous leaders have been threatened and attacked for their work defending and representing the community of Coloradas de la Virgen. During these visits, **Amnesty International interviewed defender Julián Carrillo; he was killed in October 2018 despite the protective measures ordered under the Protection Mechanism for Human Rights Defenders and Journalists.**

Amnesty International was able to confirm that Mexico has failed to comply with its obligation to protect this human rights defender who was at risk and that, in general, it has failed to guarantee a favourable climate in which defenders can carry out their work in safety. In particular, the measures put in place are not commensurate with the dangers faced by the community given the weakness of the state presence and the strength of organized crime in the area.

# 1. THE SIERRA TARAHUMARA

The Sierra Tarahumara is a mountain range in the State of Chihuahua in northern Mexico. There are 23 municipalities in the Sierra whose population of 335,148 people<sup>1</sup> is distributed over an area of approximately 75,910km<sup>2</sup>.

## SIERRA TARAHUMARA INDIGENOUS POPULATION

120,000  
PEOPLE

90% Rarámuri  
origin

8% Tepehuanos

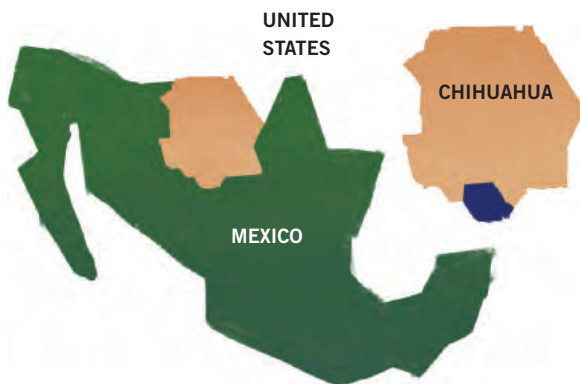
1% Guarojíos

1% Pima

Most of the Indigenous people of the Sierra Tarahumara live in the municipalities of Guachochi, Guadalupe and Calvo, Boycona, Guerrero, Balleza, Madera and Chinipas. The Sierra is an area with high rates of marginalization and lack of access to socio-economic services such as education, health and adequate housing.<sup>2</sup> According to the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI), the mountain municipalities with most Indigenous inhabitants are also those with the most limited access to services.<sup>3</sup> According to National Council for the Evaluation of Social Development Policy (Consejo Nacional de Evaluación de la Política de Desarrollo Social, CONEVAL) figures for 2015, **85.2% of the population in the municipality of Guadalupe y Calvo live in poverty and the 22.1% live in extreme poverty.** Poverty is widespread throughout the Sierra Tarahumara. In 20 of the 23 municipalities, more than 50% of the population lives in poverty and in eight the extreme poverty index is over 20%. In addition, in 14 of the municipalities that make up the Sierra Tarahumara there is a high Social Gap Index, according to CONEVAL indicators.<sup>4</sup>

The Chihuahua State Attorney General told Amnesty International that the **high levels of violence in Chihuahua are concentrated in the highland region, largely as a result of the presence of organized crime**, and is linked to illicit drug trafficking, corruption among municipal officials and the lack of a state presence at both state and federal level. In an interview with the Operational Director of the State Security Commission in August 2018,<sup>5</sup> officials noted that the State of Chihuahua lacks both the necessary human resources and technology to deal with organized crime. They also stressed that organized crime was the responsibility of the Federal Police force, but it had failed to implement a strategy to counter organized crime in the Sierra region.

# 2. COLORADAS DE LA VIRGEN



**COLORADAS DE LA VIRGEN  
IS AN INDIGENOUS COMMUNITY  
IN THE MUNICIPALITY  
OF GUADALUPE Y CALVO  
IN THE SIERRA TARAHUMARA.**

<sup>1</sup> INEGI, 2010 Population and Housing Census, available at: <http://en.www.inegi.org.mx/datos/>

<sup>2</sup> INEGI, 2010 Population and Housing Census, available at: <http://en.www.inegi.org.mx/datos/>

<sup>3</sup> INEGI, 2010 Population and Housing Census, available at: <http://en.www.inegi.org.mx/datos/>

<sup>4</sup> CONEVAL, Estudio de pobreza por municipio de 2015 [Study of Poverty by Municipality, 2015], available at: [https://www.coneval.org.mx/coordinacion/entidades/Chihuahua/Paginas/pobreza\\_municipal2015.aspx](https://www.coneval.org.mx/coordinacion/entidades/Chihuahua/Paginas/pobreza_municipal2015.aspx) (Spanish only).

<sup>5</sup> Amnesty International interview with the Operational Director of the State Security Commission, Alvaro Serrano Escobedo, representing the State Security Commissioner, Óscar Alberto Aparicio Avendaño, 28 August 2018.

Coloradas de la Virgen is an Indigenous community in the municipality of Guadalupe y Calvo in the Sierra Tarahumara. The community is composed of around 850 members of the Indigenous Rarámuri People. However this number has been declining year on year as a result of the killings and displacements caused by the high levels of violence in the region.<sup>6</sup> Community members consider the territory of Coloradas an "ethnic space" (espacio étnico) originally given to them by their ancestors and that the community has a "particular obligation regarding the use and exploitation of the forest, which it fulfils by protecting ecological and cultural development, in accordance with the practices and customs that govern...life".<sup>7</sup>

The Indigenous families of Coloradas depend on subsistence agriculture, small-scale livestock farming and gathering medicinal plants for their livelihoods. In addition, community territory is the location for traditional meetings, such as the "nawérasí" or "makigay nookí" (sermon and council), which are convened by an Indigenous governor and are where decisions are made about the organizational dynamics of the community.

Currently, in the Rarámuri ancestral territory of Coloradas de la Virgen, there is an agrarian community<sup>8</sup> with an Indigenous majority population and an area of communal land (ejido) where the inhabitants are predominantly of mixed heritage (commonly known as "mestizos" in Mexico).<sup>9</sup> However, the creation of ancestral territory predates the establishment of the ejido collective property system.

## THE AGRICULTURAL SYSTEM IN MEXICO

**EJIDO:** An ejido is an area of land that is collectively owned by ejidatarios (a group of people who are members of the ejido). The right to membership of the ejido is conferred either by inheritance, provided they are Mexican nationals, or by living in the area of the ejido. Under the Agrarian Law, members of an ejido have the right to the use and exploit communal ejido land, which can be divided up and worked as individual plots or used as common land, or used to create settlements. Each ejido has three governing bodies: the assembly, the ejido commission and the supervisory council.

**COMUNIDAD:** A community farm is an area of land where the proprietors are co-owners. These were established to ensure restitution of agricultural property to groups of people who had been dispossessed. The co-owners can decide both how the land is used and the system of governance.

Following her visit to Mexico, the UN Special Rapporteur on the Rights of Indigenous Peoples, stated that: "The agrarian system of ejidos, community lands and private property and the agrarian authorities and institutions established under that system do not meet the needs of indigenous peoples and do not satisfy the country's current international obligations, which require recognition of the right of indigenous peoples to the land, territories and natural resources that they have traditionally owned, occupied, used or acquired."<sup>10</sup>

## 2.1 THE COMMUNITY'S DEFENCE OF THE TERRITORY

The Indigenous Peoples of Coloradas de la Virgen have lodged claims for the title to their territory with various authorities since at least 1934, when they first requested recognition of their ownership of the land in order to create the ejido of Coloradas de la Virgen. Approval was given and the ejido was created in 1957, when most of the original applicants were no longer living.<sup>11</sup>

In 1992 an ejido assembly was held to carry out a census to update and verify records. This process – beginning with Mixed Agrarian Commission (Comisión Agraria Mixta, CAM) administrative process 3830/642/91 – revised the list of ejido members in the community. According to one of the leaders of the Coloradas de la Virgen community, Julián Carrillo, there were irregularities in the verification process, namely it was decided that people who were no longer alive would be removed from the census list, but without recognizing the right of their children to inherit their ejido rights.

Amnesty International reviewed the CAM Resolution and found that 57 original ejido members were stripped of their rights, nine had their agrarian rights confirmed and 78 new members, most of them members of the Fontes family, had their rights recognized.

<sup>6</sup> According to the census carried out by the Alianza Sierra Madre A.C, in 2018 alone, 50 people left Coloradas de la Virgen because of issues related to the violence resulting from organized crime.

<sup>7</sup> "en lo particular un orden para el uso y la explotación del bosque, mismo que desde luego se lleva a cabo protegiendo el desarrollo ecológico y cultural, de acuerdo con los usos y costumbres que rigen (...) la vida", Joint Agrarian Court, Judgment RR. 54/2016-05 JA 374/2009, p.3.

<sup>8</sup> According to the National Agrarian Registry, the Agrarian Community of "Coloradas de la Virgen" was created by presidential decree on 10 December 1968.

<sup>9</sup> In Mexico, the term is usually used to refer to people of mixed Indigenous and Spanish descent.

<sup>10</sup> Report of the Special Rapporteur on the rights of indigenous Peoples on her visit to Mexico, 28 June 2018, (A/HRC/39/17/ADD.2), para 18.

According to the information provided by members of the Coloradas community and civil society organizations in Chihuahua, the Fontes family does not belong to the Rarámuri Indigenous People<sup>12</sup> and has economic interests in the area. Amnesty International had access to an official document showing that the Ministry for the Economy approved four mining concessions in the Coloradas region, one of which was granted to three individuals, two of them members of the Fontes family.

Amnesty International was also able to access the records of agrarian court proceedings in cases filed by the children of three original ejido members who were stripped of their rights by the CAM Resolution. The plaintiffs requested that the CAM Resolution be declared null and void because it did not comply with a number of the provisions of the 1992 National Agrarian Reform Law<sup>13</sup> and because there had been no mechanism for resolving agrarian conflicts when the Resolution was issued. A lawyer specializing in agrarian issues, Ernesto Palencia, explained to Amnesty International that, as mentioned in the lawsuit, "the Mixed Agrarian Commission did not have the power to deprive ejido members of their rights, since the Agrarian Law of 6 January 1992 provided that agrarian processes not concluded by that date should be remitted to the agrarian courts and no longer decided by the Mixed Agrarian Commission."

On 7 January 2009, the Joint Agrarian Court partly overturned the CAM Resolution and as a result three ejido members had their rights partly recognized by the Court. However, in February 2010, following an appeal filed by the Coloradas ejido, the Court ruled that the plaintiffs did not provide the necessary evidence to quash the judgment denying these rights.<sup>14</sup> Amnesty International reviewed the Court's decision and noted that the judge did not address the plaintiffs' claim that, since 1992, issuing resolutions depriving people of such rights no longer fell within the CAM's competence.

As a result of the Court's findings, it was not possible to avoid implementing the exclusive judgment or to restore the ejido rights of the Indigenous plaintiffs. Consequently, control of the ejido, which had been composed entirely of Indigenous Rarámuri members, was now in the hands of non-Indigenous individuals of mixed heritage.

In 2007, members of the community of Coloradas de Virgen filed a new appeal with the agrarian courts, concerning the decision by the Ministry for the Environment and Natural Resources (SEMARNAT) to grant permits for the use of the forest in ejido territory. Sixty-nine Rarámuri lodged a joint petition calling for these permits to be declared null and void. Eight years later, in 2015, an agrarian court issued a final judgment declaring the permits authorizing the use of the forest by the Coloradas ejido null and void. In addition, SEMARNAT was ordered not to issue permits for forestry land-use in the territory owned by the Indigenous community without first guaranteeing their right to consultation and obtaining their free, prior and informed consent.<sup>15</sup> The Coloradas ejido lodged an appeal against the judgment with the Higher Agrarian Court, which, on 30 June 2016, overturned the decision of 30 November 2015. Members of the Coloradas de la Virgen community filed an amparo petition, which was heard by the Second Collegiate Court for Administrative Issues. In June 2018, this Court issued its decision on the amparo petition and ordered that the proceedings be reinstated and include new expert topographical evidence to determine technically the area of the community's territory and superimpose the areas covered by the forestry land-use permit granted by SEMARNAT to the Coloradas ejido. Once this process was completed, a new decision would be issued.

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Amnesty International believes that Mexico has failed to guarantee the protection of the Coloradas community territory, despite appeals to different judicial bodies since 1992 lodged by various Rarámuri Indigenous members of the community.

<sup>12</sup> Amnesty International was able to interview three civil society organizations based in Chihuahua and eight indigenous authorities from Coloradas de la Virgen who asserted that they do not recognize the indigenous identity of the Fontes family.

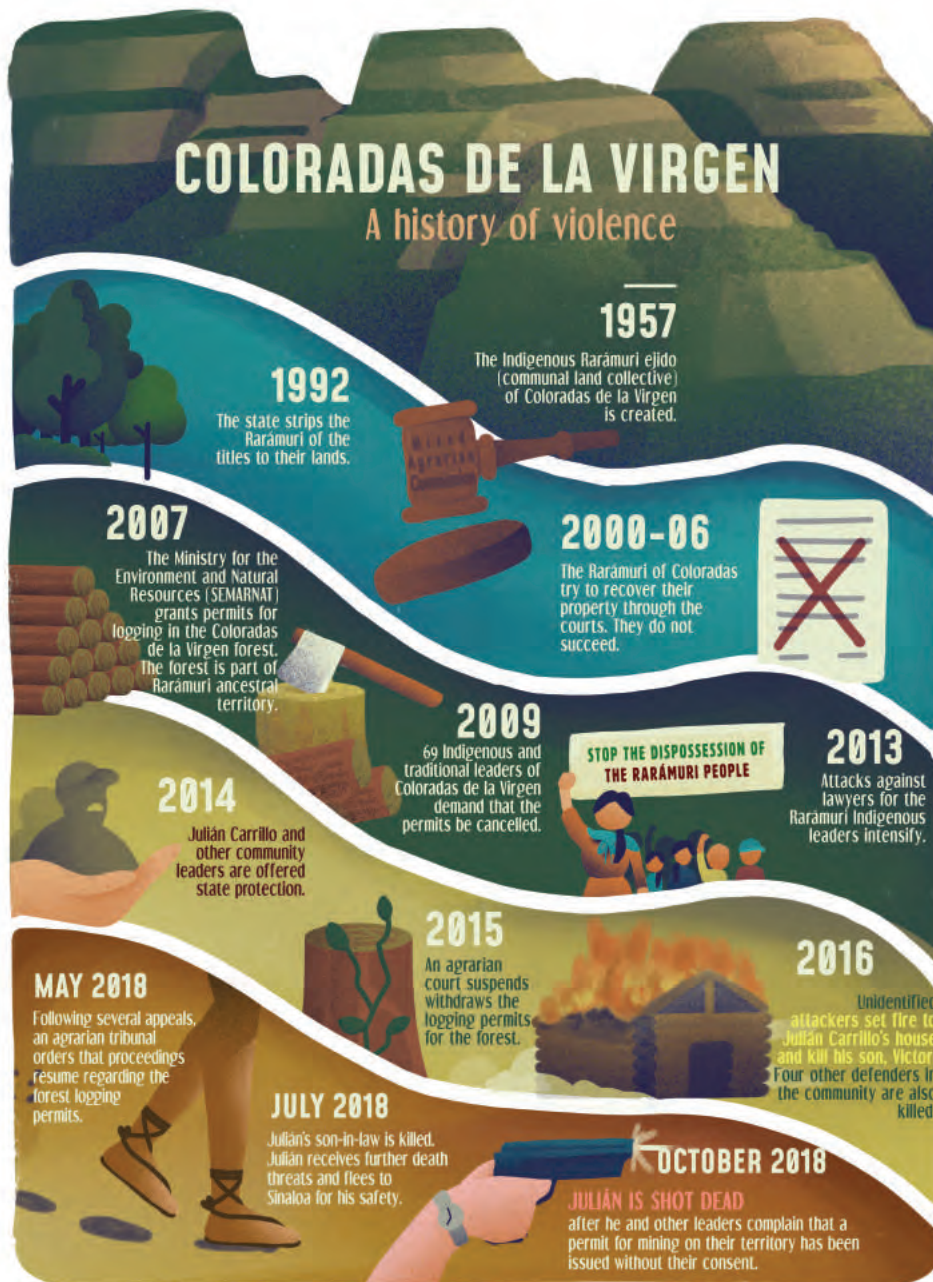
<sup>13</sup> Federal Agrarian Reform Law, Articles 428, 429 and 430.

<sup>14</sup> According to the Court, one of the plaintiffs did not have proof of their family relationship with the original ejido and this was the reason why the Court did not approve the claim.

<sup>15</sup> International Labour Organization Convention No. 169 establishes that governments shall: "(a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them; (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose. 2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures."

**IN THE 28 YEARS SINCE THE COMMUNITY FILED THE FIRST APPEAL, MEXICO HAS NOT FULFILLED ITS RESPONSIBILITY TO GUARANTEE THE RARÁMURI PEOPLE'S EFFECTIVE OWNERSHIP OF THEIR ANCESTRAL LANDS BECAUSE IT FAILED TO ESTABLISH THE CONDITIONS THAT WOULD ALLOW THEM TO EXERCISE EFFECTIVE CONTROL OF THEIR TERRITORY.**

According to the statements obtained by Amnesty International and interviews conducted with civil society organizations in Chihuahua, this has allowed third parties to undermine the existence, value, use and enjoyment of the territory by Indigenous Peoples. Some members of the community told Amnesty International that, for example, people associated with organized crime had killed their goats and burned their crops. In addition, human rights defender Julián Carrillo told Amnesty International that traditional community celebrations could no longer take place because of attacks on the community and that some traditional medicinal herbs could no longer be found.<sup>16</sup>



<sup>16</sup> Amnesty International interview with Julián Carrillo, August 2018.

## THE INTER-AMERICAN COURT OF HUMAN RIGHTS ON THE RIGHT TO INDIGENOUS PROPERTY

With regard to Indigenous property, the Inter-American Court of Human Rights has established that:<sup>17</sup>

- 1 The effect of traditional possession by Indigenous Peoples of their lands is equivalent to full ownership titles granted by the state.
- 2 Traditional possession entitles Indigenous People to demand official recognition and registration of property title.
- 3 Members of Indigenous Peoples who, for reasons beyond their control, have left or lost possession of their traditional lands, retain the right to property over them, even in the absence of legal title, unless the lands had been lawfully transferred to third parties in good faith.
- 4 The state must carry out the delimitation, demarcation and collective titling of the property of Indigenous communities.
- 5 Members of the Indigenous Peoples who have unwillingly lost possession of their lands, and these have been legitimately transferred to third parties in good faith, are entitled to restitution thereof or to obtain other lands of equal extension and quality.
- 6 The state must guarantee the effective ownership of Indigenous Peoples and refrain from acts that may lead to state agents, or third parties acting with their acquiescence or tolerance, affecting the integrity, value, use or the enjoyment of their territory.
- 7 The state must guarantee the right of Indigenous Peoples to effectively control and own their territory without any external interference from third parties.
- 8 The state must guarantee the right of Indigenous Peoples to control and use their territory and natural resources.

The Inter-American Court of Human Rights has held that use of the land is not a privilege which can be withdrawn by the state or superseded by the rights to the property of third parties, but a right of the members of Indigenous and Tribal Peoples to obtain the title to their territory in order to guarantee their permanent use and enjoyment of that land.

Amnesty International is particularly concerned that an ejido and an agrarian community occupy the same territory and that both are located on ancestral territory that belongs to an Indigenous community. This situation creates confusion about the ownership of the land and about decision making regarding the territory, especially as the agrarian and ejido communities have different the authorities.

### ANCESTRAL TERRITORY

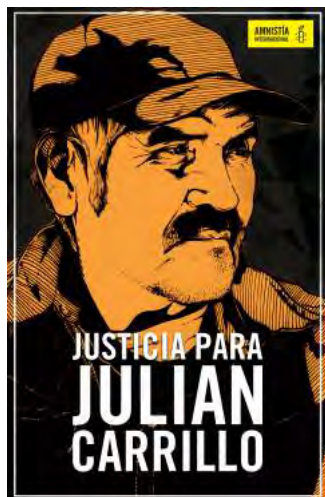


<sup>17</sup> Inter-American Court of Human Rights:

Case of the Community Garifuna Triunfo de la Cruz and its members v. Honduras (Merits, Reparations and Costs), Judgment of 8 October 2015, para. 105; Case of the Xákmok Kásek Indigenous Community v. Paraguay (Merits, Reparations, and Costs), Judgment of 24 August 2010, para. 109; Case of the Sawhoyamaya Indigenous Community v. Paraguay (Merits, Reparations and Costs), Judgment of 29 March 2006, para. 128; Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua (Merits, Reparations and Costs), Judgment of 31 August 2001, para. 164; Case of the Kalifña and Lokono Peoples v. Suriname, (Merits, Reparations and Costs), Judgment of 25 November 2015, paras 115, 131 and 132; Case of Kichwa Indigenous People of Sarayaku v. Ecuador (Merits and Reparations), Judgment of 27 June 2012, para. 146; and Case of the Saramaka People v. Suriname (Preliminary Objections, Merits, Reparations, and Costs), Judgment of 28 November 2007, para. 115.



### 3. THE DEFENCE OF THE TERRITORY AND THE FOREST BY JULIÁN CARRILLO, COLORADAS DE LA VIRGEN COMMUNITY LEADER



**"We were born and raised in Coloradas de la Virgen, so our children are like shoots, the new young branches of a tree. And sometimes trees get old, they dry out, but the shoots are still there, they keep growing. Now I'm a little older, but my little branches are budding."**

*- Julián Carrillo, leader of the Coloradas de la Virgen Rarámuri community, killed in October 2018*

From 1992 onwards, Rarámuri human rights defender Julián Carrillo was chosen by his community to take various leadership positions, including police commissioner and president of communal assets, with responsibility for the care of the territory, the forest, the water and the wildlife of the territory of Coloradas de la Virgen.

On 24 October 2018, Julián Carrillo was killed by unidentified men. Days before his death, and after spotting members of an alleged organized criminal gang near his house, Julián took refuge in the mountains of the Sierra Tarahumara accompanied by one of the younger members of his family.

In an interview, Julián Carrillo told Amnesty International that his greatest concern was the high level of violence in the territory of Coloradas de la Virgen resulting from the divisions in the community created by the granting of ejido rights to non-Indigenous people of mixed heritage and organized crime.<sup>18</sup> According to Julián Carrillo and other members of the community, organized criminal networks had appropriated the Indigenous territory with the aim of sowing illicit crops, especially cannabis and poppies.

According to various members of the community interviewed by Amnesty International, organized criminal gangs have used violence to control the territory. The Inter-American Court of Human Rights recognized the seriousness of the violence in the municipality of Guadalupe y Calvo resulting from the possible presence of organized crime.<sup>19</sup> According to Julián, members of organized criminal gangs threatened many people in the community with evicting them from their land, which led to many members of Coloradas de la Virgen being displaced to nearby cities. In addition, Indigenous leaders and their families received various threats, including death threats.

<sup>18</sup> Amnesty International interview with Julián Carrillo, August 2018.

<sup>19</sup> Inter-American Court of Human Rights, Matter of Members Choréachi Indigenous Community regarding Mexico (Request for provisional measures), Order of the Inter-American Court of Human Rights, 25 March 2017, para. 14, available at [http://www.corteidh.or.cr/docs/medidas/choreachi\\_se\\_01.pdf](http://www.corteidh.or.cr/docs/medidas/choreachi_se_01.pdf) (Spanish only).

## AGO. 2015

Santiago Quiñones Cruz, Julián's brother-in-law, was killed.

## FEB. 2016

Víctor Carrillo, defender of the territory, plaintiff in the agrarian court case and Julián Carrillo's son, was killed at his home by two people; this happened approximately a month after the agrarian court issued a judgment in the community's favour.

## ABR. 2016

Eldipio Torres Molina, commissioner of the Coloradas community police, was killed.

## MAY. 2016

Valentín Carrillo Palma, a former governor of Coloradas, was killed.

Crescencio Molina, a former governor of Coloradas, was killed.

## JUL. 2016

Guadalupe Carrillo Polanco, Julián's nephew, was killed.

Julián reported being watched by an armed group stationed outside his home and threats being issued against his family, allegedly by the person for whom an arrest warrant was issued in connection with the killing of his son, Víctor.

## DIC. 2016

Unidentified men set fire to Julián's house on the Guamuchilito ranch.

## ENE. 2017

Isidro Baldenegro, a Tarahumara leader who won the Goldman prize for his efforts to protect the pine and oak forests in the Sierra Madre, was killed.<sup>20</sup>

## SEP. 2017

Alberto Quiñones Carrillo, Julián's nephew, was killed.

## DIC. 2017

A seven-strong armed group threatened to kill Indigenous Governor Cruz Moreno and Julián Carrillo while they were in the Governor's house.

## JUL. 2018

Francisco Chaparro Carrillo, Julián's son-in-law, was killed.<sup>18</sup>

A member of the community informed Julián that there were rumours that the men who killed his son-in-law wanted to harm him and as a result Julián fled to Sinaloa.

## OCT. 2018

Julián Carrillo was killed by unidentified men.

<sup>20</sup> Isidro Baldenegro was an Indigenous Rarámuri defender in Coloradas de la Virgen who fought against illegal logging in his ancestral territory. In 2003, Amnesty International adopted him as a prisoner of conscience after he was arbitrarily detained by the Chihuahua State Judicial Police. Isidro Baldenegro was killed on 15 January 2017. For more information, see <https://www.amnesty.org/es/documents/AMR41/051/2003/en/>

In September 2018, Julián Carrillo told Amnesty International that he believed that his relatives were threatened and killed because of his work defending human rights and the territory. He also said that his attackers threatened that they were going to cut out his tongue ("trozar el buche")<sup>21</sup> for denouncing wrongdoing in the community. Finally, Julián told Amnesty International that he was frightened by the attacks and threats against various Indigenous leaders, but his ancestral relationship with the territory meant that he had to stay in Coloradas de la Virgen.

Julián Carrillo was killed approximately two weeks after people in the community reported to various state and federal authorities that a mining concession had been granted to three individuals in the territory of Coloradas de la Virgen. A community leader also raised the extreme violence generated by organized crime in the community and the need for emergency measures to guarantee the life and physical integrity of the members of the community in Coloradas.

In October 2018, Amnesty International was able to observe a community assembly in which Julián Carrillo expressed opposition to the mining concession because of its environmental and social impact and, in particular, because it would lead to a rise in violence in the area.

In December 2018, Amnesty International met the Attorney General for Human Rights in charge of the investigation into the killing of Julián Carrillo. He stated that all possible efforts were being made to identify those responsible. He also stated that the line of investigation being pursued related to Julián Carrillo's work to protect the forest and that the Attorney General's Office believed that Julián's death is linked to the deaths of at least four other defenders of human rights defenders and the environment in Coloradas de la Virgen.

## 4. THE PROTECTION OFFERED TO THE MEMBERS OF COLORADAS DE LA VIRGEN

In 2012, Mexico created the Protection Mechanism for Human Rights Defenders and Journalists in order to devise and implement prevention and protection measures to guarantee the life, physical integrity, freedom and security of human rights defenders and journalists at risk.<sup>22</sup> In 2014, this Mechanism ordered protection measures for the members of the Alianza Sierra Madre A.C (ASMAC) organization, as well as for three defenders in Coloradas, including Julián Carrillo Martínez, all leaders of Coloradas de la Virgen.

In July 2015, the Mechanism carried out a collective risk assessment<sup>23</sup> and, in August that year, it ordered protection measures, which included satellite phones, panic buttons, police escorts when people travelled and structural measures to protect the offices and homes of ASMAC members. It also ordered that a cross-institutional round table, including both federal and state authorities, be set up to implement other (undefined) protection measures.<sup>24</sup>

In addition, in May 2016, in the light of a risk assessment which determined that the community was facing an extraordinarily high degree of risk, the Mechanism added to the list of protective measures a request to the Chihuahua State Attorney General's Office to speed up the investigation into the killing of Víctor Carrillo Carrillo and to authorize, in an emergency, the immediate temporary removal of beneficiaries to a place of safety, in conditions that respected their cultural needs. The ruling stated that the protection measures implemented that were not related to infrastructure would last for 12 months. Consequently, the Mechanism should have reassessed the risks faced by the beneficiaries and the protection measures to determine their relevance and effectiveness in May 2017.

In October 2018, Amnesty International was able to speak to all the beneficiaries of the protection measures. They stated that they were not aware of any new resolution by the Mechanism and that they were concerned that the measures were not adequate given the new risks they faced, in particular, the temporary displacement of Julián Carrillo to Sinaloa and the killing of his son-in-law in July 2017. In November 2018, Amnesty International urged the Mechanism to fulfil its obligation to carry out a new risk assessment in order to ensure measures were put in place that were commensurate with the risks faced by the community.

In November 2018, a risk assessment was carried out in light of the death of Julián Carrillo and the situation in which the defender's relatives found themselves. The risk assessment consisted of interviews with displaced members of the community who had moved to the state capital of Chihuahua, as well as with two members of ASMAC. It did not take into account the context of efforts to defend the territory in the agrarian justice system and the Indigenous community's recent discovery that mining concessions had been granted in their ancestral territory. As a result, a protection plan similar to the previous ones, which had already proved ineffective in providing protection to the Coloradas community, was proposed.

<sup>21</sup> The phrase used in Spanish was "trozar el buche", literally translated as "chop his mouth", meaning to cut someone's tongue out.

<sup>22</sup> For more information, see Amnesty International, Americas: The situation of state protection mechanisms for human rights defenders, available at: <https://www.amnesty.org/en/documents/amr01/8912/2018/en/>

<sup>23</sup> Protection Mechanism for Human Rights Defenders and Journalists, Case File 107/2014 / DO - Extraordinary Risk.

<sup>24</sup> Protection Mechanism for Human Rights Defenders and Journalists, Resolution CEN / 904/2015.

## COLLECTIVE PROTECTION PLANS

A collective protection plan is designed to address the risks faced by a group, organization, community or collective. A collective plan must take into account, at a minimum, the following aspects:

*the organizational structure, identity and dynamics of the group at risk, the collective claim that is the basis of the defence of human rights by the collective and the context in which it is framed.*

Collective plans, whether they are preventive or reactive, must address the structural causes of the increase in risk and attacks against the beneficiaries, such as impunity, stigmatization and discrimination, among others. To be effective, collective plans should be the result of a risk assessment carried out in the place where the group lives and take into account the needs and characteristics of the group at risk. This should include a comprehensive, geographic, gender and ethnic perspective regarding the protection of human rights defenders.

Amnesty International's research found that the Mechanism's main focus when issuing protective measures to those at risk is very narrow because it is confined to a limited list of measures that in general ignore the collective nature of the community and other dimensions of risk, such as, gender, ethnicity and the rural context, for example. In several of the cases that Amnesty International has analysed, the Mechanism has failed to identify structural plans and measures that address the underlying causes of violence against defenders. In addition, the existing measures, which are predetermined, do not really address the particular risk faced by those whom they seek to protect. Amnesty International believes that the fact that the measures are drawn from a list that is predetermined before the result of the risk assessment is known and the lack of an option to implement measures beyond those proposed by the organization in charge of providing them represent a significant obstacle to guaranteeing effective, appropriate protection to human rights defenders. This prevents the Mechanism from making use of other measures that are more closely aligned to addressing the risk and needs of human rights defenders and communities in Mexico.

Amnesty International's review of the measures granted by the Mechanism to members of ASMAC and Coloradas de la Virgen found that, although a collective risk assessment was considered to have been carried out, the Mechanism never visited the community and the measures granted were to six individuals and did not take into account the risk faced collectively by all members of Coloradas.



**THE KILLING OF JULIÁN CARRILLO IS THE MOST OBVIOUS AND TERRIBLE EVIDENCE OF THE FAILURE OF MEXICO TO COMPLY WITH ITS OBLIGATION TO GUARANTEE EFFECTIVE PROTECTION BY THE COMPETENT AUTHORITIES FROM ANY VIOLENCE, THREAT OR REPRISAL RESULTING FROM THE LEGITIMATE DEFENCE OF THE COMMUNITY'S ANCESTRAL TERRITORY.<sup>25</sup>**

In particular, it demonstrates that the Mechanism has not been effective because it does not evaluate risk comprehensively and, therefore, does not grant measures tailored to the lived reality of the community; it does not act immediately in the face of a threat of which it has been made aware; and it does not address effectively the structural causes of violence in Coloradas de la Virgen.

<sup>25</sup> UN Declaration on Human Rights Defenders, "Article 12 1: Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. 2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. 3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."



**SIMILARLY, IT ILLUSTRATES THAT MEXICO IS WRONG TO LIMIT ITSELF TO THE PROTECTION OF INDIVIDUAL DEFENDERS THROUGH THE MECHANISM AND THAT IT SHOULD ESTABLISH A COMPREHENSIVE PUBLIC STATE POLICY THAT ADDRESSES THE STRUCTURAL CAUSES THAT CREATE A DANGEROUS ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS.**

In addition, in March 2016, a Prevention Plan for the State of Chihuahua was established,<sup>26</sup> called "Early Warning" (Alerta Temprana), to take measures to address the structural causes of violence in Chihuahua. However, this initiative has not been effective in addressing the violence facing the community, as evidenced by the number of displacements and killings of community members in recent years, as well as the continuing lack of basic services. Amnesty International welcomes the creation of a mechanism, involving federal and state authorities and civil society organizations, to discuss more appropriate public policies related to the prevention and protection of human rights defenders in Chihuahua. However, it is important that the discussions carried out in the framework of the "Early Warning" initiative result in political commitments and concrete actions that promote structural change that enables human rights defenders to carry out their work in a safe and favourable environment, without fear of reprisals.

## 5. CONCLUSIONS AND RECOMMENDATIONS

Members of the Rarámuri Indigenous community of Coloradas de la Virgen have for years been the targets of a series of attacks and threats because of their work defending human rights and their ancestral territory. Amnesty International has concluded, based on the interviews conducted and the official documents analysed, that the Indigenous Peoples who are still in Coloradas have been threatened and intimidated by organized criminal gangs; that a number of leaders have been killed; and that, in most cases, the authorities failed to ensure prompt and effective investigations to identify who was behind these crimes and who committed them.

The organization was able to ascertain that the protection measures offered by the state have not been appropriate or sufficient and have not enabled the community to carry out its collective work defending human rights and the territory because the measures do not address to the reality of the situation and context in which members of the community of Coloradas de la Virgen are living. In addition, the measures established in Protection Plan 904/2015 do not take into account the context of poverty, marginalization, discrimination, lack of access to basic services, organized criminal activity or the geography in the Sierra. As a result, they are unable to address the structural causes of violence in the community or to guarantee the work of those defending human rights and the Rarámuri territory.


Amnesty International, therefore, makes the following recommendations to the Mexican authorities regarding Coloradas de la Virgen:

- 1** Recognize publicly, at the highest local and federal levels of government, the legitimate human rights defence work carried out by the community of Coloradas de la Virgen in defending its territory and the environment.
- 2** Recognize and guarantee the rights of Indigenous Peoples, in particular their right to their territory; to the full exercise of their economic, social and cultural rights (including the right to a healthy environment); to determine their own identity and affiliation, in accordance with their customs and traditions; and to consultation and free, prior and informed consent. The authorities must ensure the effective participation of Indigenous Peoples and affected communities in decisions about planning and implementing projects linked to the exploration and exploitation of natural resources. Likewise, the state must strengthen the system of autonomy and Indigenous self-government in Coloradas and provide the means to finance these autonomous functions.

<sup>26</sup> The Prevention Plan, the Governing Board of the Mechanism signed the coordination agreement with the government of the State of Chihuahua and in 2016, in partnership with civil society organizations, carried out a study of the situation of human rights defenders and journalists in Chihuahua. In 2017, based on this study, the Contingency Plan for Addressing the Situation of Human Rights Defenders and Journalists in Chihuahua was created. This consists of 52 actions grouped under five major themes: crosscutting strategies for identified risks; femicides, the risks faced by migrant and LGBTI people and gender-based violence against maquila (factory) workers; the environment; the situation in the Sierra Tarahumara; and violations of freedom of expression and the rights of journalists. For more information, <https://www.gob.mx/defensorasyperiodistas/articulos/medidas-preventivas-para-la-proteccion-de-personas-defensoras-de-derechos-humanos-y-periodistas-de-chihuahua> (Spanish only).



- 3** Incorporate a comprehensive perspective on the protection of human rights defenders in relevant legislation, plans, programmes and policies, with the objective of guaranteeing effective protection for defenders in the country. This perspective must include a differentiated approach (for example relating to gender, ethnicity and age) that takes into account the protection needs of human rights defenders. Establish, in consultation with the community, a Collective Protection Plan for members of the Coloradas de la Virgen community that incorporates a comprehensive, collective, gender and ethnic perspective on the protection of human rights defenders. Effective measures must be taken to combat the structural causes that increase the risks to and attacks against community members, including impunity, stigmatization, discrimination and lack of access to basic services in the community, such as lack of roads, school teachers and health-care centres. This should include an analysis of collective risk in the community, as well as interviews with those who have been forced to move out of the community because of the violence and attacks related to the defence of the territory. This plan must include the measures necessary for the effective protection of the community and not be limited to the predetermined measures in Mechanism's list.
- 4** Take urgent measures to end impunity for attacks, threats and killings targeting Julián Carrillo and other members of Coloradas de la Virgen. Initiate prompt, thorough independent and impartial investigations, which take into account the fact that these crimes may have been linked to the victims' work defending human rights, in order to identify all the perpetrators as well as those behind these attacks and to bring them to justice.
- 5** Promote a non-militarized strategy to carry out public security functions and to fight organized crime in the Sierra Tarahumara which should be applied in all but exceptionally serious situations where the authorities cannot rely solely on civilian law enforcement agencies.

**DEFENDING THEIR TERRITORY AND  
THE ENVIRONMENT SHOULD  
NOT BE A DEATH SENTENCE.  
MEXICO MUST PROTECT  
THE DEFENDERS OF  
THE SIERRA TARAHUMARA.**



**AMNESTY INTERNATIONAL  
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WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# CAUGHT BETWEEN BULLETS AND NEGLECT

LACK OF PROTECTION FOR DEFENDERS OF THE TERRITORY IN THE  
TARAHUMARA SIERRA

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