

**Siege of Daily Life in the Chiapas Border Region:
Armed conflict, Organized Crime,
and Human Rights Violations**

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Humanos “Todos los Derechos para Todos, Todas y Todes”

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Introduction

Since 2021, the Mexico/Guatemala border region in the Mexican state of Chiapas has been plagued by an armed conflict waged by multiple criminal organizations. These organized crime groups vie for control of the region's (legal and illegal) economy as well as dominion over its social and political institutions. The ongoing conflict has resulted in serious human rights violations. Residents who have decried the crisis have been targeted with violence or pushed out of their communities. At a national level, the crisis has been largely ignored. The organized crime groups make the territorial conflict a forbidden topic within Chiapas and a largely unknown one for those outside of Chiapas.

The impacts of the territorial conflict on the local population are no different from those of formally recognized wars. Entire communities are held hostage by the violence, their communities are used as battle zones, and they are even forced to take part in the terror. The population's access to basic supplies, food, and utilities are severely limited and, as a result, are forced to transform their lives around the contours of an armed conflict occurring outside of their homes. Moreover, residents are direct victims of the territorial conflict, forced to give up properties, pay off their occupiers, and serve their interests under threat of violence.¹ As a result of this situation, entire families have abandoned their homes, communities, and traditional way of life. One resident describes the situation in war terms:

“The town is under siege by organized crime. We cannot move about freely; leaving home means living with fear of what might happen to you as you make your way through [an organized crime group's] checkpoints, searches, harassments, and intimidations in all its forms.”²

In this report, we gather recent documentation and testimonies concerning the crisis in the Chiapas border region, presenting the broad features of the conflict as well as the intimate experiences of persons that must endure it. In many cases, our sources have been kept anonymous to protect the identities of individuals and local allied organizations. The report is organized in eight sections: (1) a general background on the territorial conflict in the Chiapas border region, focusing on the historical factors that have contributed to a crisis of epic proportions; (2) an overview of the ways that organized crime groups control local economies; (3) an overview of the ways that organized crime establishes territorial and population control in the region; (4) an overview of the ways that organized crime groups deploy terror to dominate all aspects of daily life; (5) a discussion of the ways that social institutions are infiltrated and coopted by organized crime groups; (6) a discussion of the ways that the Mexican state has responded to the regional crisis; (7) a discussion of Human Rights considerations from an international law perspective that could bring about necessary transformations for the region; and (8) recommendations directed to the Mexican government

¹ Frayba Human Rights Center. 2023. “The civilian population is not a target.” Available at: https://frayba.org.mx/index.php/pronunciamento_conjunto_violencia_frontera_sep23

² Communiqué from the Believing People of the Parish of San Pedro and San Pablo in Chicomuselo. 2023. “Peace is a cry that deserves to be heard.”

and the international community geared at rebuilding impacted communities and dismantling systemic violence in the region.

1. The Chiapas Border Region in Context

1.1. The Mexican state of Chiapas

Chiapas is the southernmost state of Mexico. It is adjacent to Guatemala, with whom it shares a lengthy border. Chiapas is an ethnically diverse region with a large Indigenous population, including the Mam, Jacalteca, Q'anjob'al, and Akateca peoples, as well as multiple Quiché communities that fled to the region during the Guatemalan wars of the 1980s.³

Throughout the history of Mexico, Chiapas has been politically marginalized and economically excluded. Indeed, the first time that Chiapas received significant attention from the federal government was a result of the Zapatista Army of National Liberation (EZLN) uprisings in 1994. Here, the Mexican federal government deployed a large number of troops to Los Altos Norte, and the Jungle regions of Chiapas to engage in a low-intensity war against the EZLN and its bases of local support. Unfortunately, its counterinsurgency strategies resulted in a series of massacres, forced displacements, forced disappearances, and extrajudicial executions indiscriminately perpetrated against local populations.

Today organized crime continues the pattern of human rights violations initiated by military and para-military groups in the EZLN era. This is not surprising considering that the perpetrators of human rights violations then were never formally charged or disempowered.⁴ It was thus possible for the perpetrators of violations in the nineties to reorganized themselves into multiple illicit organizations that presently carry out the trafficking of drugs, weapons, and human groups, among other illicit activities. The military and paramilitary agents that perpetrated violations in the nineties also moved into local and municipal politics in Chiapas, establishing themselves as public authorities and thereby gaining footholds in the regional economy.⁵ As we will see, this parallel move by combat agents into the spheres of organized crime and government prefaced the crisis of violence that is impacts Chiapas today.

³ National Institute of Indigenous Peoples (INPI). Available at: <http://atlas.inpi.gob.mx/>

⁴ Impunity has occurred despite the efforts to bring cases before international bodies. An emblematic example is the case of Antonio González Méndez, EZLN, who disappeared on January 18, 1999, in the municipality of Sabanilla. <https://frayba.org.mx/tema-prioritario/antoniogonzalez>

⁵ See Frayba Human Rights Center. 2023. "The implications of remilitarization and impacts of counterinsurgency in Chiapas", in *The Chiapas Disaster. Between criminal violence and the complicity of the State*. Available at: https://frayba.org.mx/sites/default/files/Informes/Informe-Frayba-2023/Informe-Frayba-2023_Chiapas-un-desastre.pdf

1.1.1. Geography, Cartels, and militarization

In the final decades of the last century, Chiapas was the site of low intensity cartel wars for control of the movement of narcotics through the area. In the 1990s, the Drug Enforcement Administration (DEA) identified the jungle territories of the Chiapas–Guatemala as a key hemispheric corridor for illicit commerce, including weapons, illegal livestock, and drugs.⁶ The Chiapas border region thus has a long history of being a place where drug merchants interact with local business operators and communities. Over time, this nexus of illicit commerce expanded to include interactions with local- and state-level authorities to establish a system of “criminal governance” of international dimensions.⁷

In 2006, President Felipe Calderón Hinojosa started the so-called national “war on drugs” to as a response to increased criminality in Chiapas as well as in other states in Mexico. However, the military campaigns that made up this war on drugs did produce the effect of reducing criminality in Chiapas. Ironically, they coincided with the growth of organized crime and drug-related violence in this area.

This trajectory of failed state interventions in Chiapas has extended into the current presidency of Andres Manuel López Obrador. For his part, López Obrador initiated a national security strategy in 2018 designed to control migration flows through Mexico and reduce drug trafficking. The strategy includes the administrative unification of Mexico’s police and armed forces under a single entity: the Secretariat of National Defense (SEDENA). For the state of Chiapas, the national security strategy has meant the deployment of 15,000 military officers to the area and the construction of military bases have in the municipalities of Villaflores, Tonalá, Huehuetán, Tapachula, Chilón, Las Margaritas, Frontera Comalapa, Bochil, Palenque and San Cristóbal de Las Casas.⁸ This wave of militarization has made the presence of high caliber weapons, military checkpoints, and military patrols ubiquitous.⁹ However, militarization has once again not improved condition of violence in Chiapas. Instead, there is more chaos, including migration-related violence and more confrontations

⁶ The Fray Bartolomé de Las Casas Human Rights Center has attributed the diversification of armed groups in the region to the non-application of measures for the transition to peace after the armed conflict in Chiapas in the 1990s.; Lidia Arista. 2023. “The Dispute between the CJNG and the Sinaloa Cartel generates more violence on the southern border”, available at: <https://politica.expansion.mx/mexico/2023/09/25/disputa-entre-cjng-y-cartel-de-sinaloa-violence-intensifies-on-the-southern-border>

⁷ Edgar H. Clemente. 2023. “Military clashes with residents in a disputed Cartel-disputed area in southern Mexico.” Available at: <https://apnews.com/article/ac65809b79e34a6fdd59857cd5c51aa4>; Chris Dalby. 2023. “War between the CJNG and the Sinaloa Cartel over trafficking routes from Guatemala spills blood in Chiapas.” Available at: <https://es.insightcrime.org/noticias/guerra-cjng-cartel-sinaloa-rutas-trafico-guatemala-desangra-chiapas/>; The lighthouse. February 21, 2022. “The Jalisco New Generation Cartel moves steadily in Guatemala.” Available at: <https://elfaro.net/es/202202/centroamerica/26022/El-C%C3%A1rtel-Jalisco-Nueva-Generaci%C3%B3n-avanza-a-paso-firme-en-Guatemala.htm>; El Faro, February 25, 2014. “El Chapo extends the Sinaloa Cartel into the Central American isthmus”, available at <https://elfaro.net/es/201402/internacionales/14876/Con-el-Chapo-the-C%C3%A1rtel-of-Sinaloa-extended%C3%B3-its-presence-in-the-central-american-isthmus.htm>

⁸ Presidency of the Republic, available at <https://www.gob.mx/sedena/prensa/acciones-de-seguro-en-chiapas?idiom=es>; Frayba Human Rights Center. 2023. *The Chiapas Disaster. Between criminal violence and the complicity of the State*, Available at: <https://www.frayba.org.mx/informe-frayba-chiapas-un-desastre>

⁹ United Nations Office on Drugs and Crime. 2012. “Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment. Available at: https://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_spanish.pdf

between rival crime organizations.¹⁰ Indeed, observers have described the increase of violence in Chiapas as “exponential” rise in violence

1.1.2. Civilian Response to militarization

The civilian population in the Chiapas border region have varying perspectives on the armed conflict and, according to these, make varying demands on the government. However contradictory these demands may seem in their totality, as we will see, they ultimately reflect the state’s history of failing to guarantee the rights of local communities in Chiapas.

In some municipalities, residents report wanting more Army and the National Guard presence in the area, including, in some cases, their own towns.¹¹ This position highlights the current lack of protection offered by the State, as the following account demonstrates:

“...we are in a condition of abandonment. There is a lack of presence on the part of the Mexican State; it is not getting involved to protect the civilian population. It is clear that when the State is present, the [violence] stops. So why are they not here, then? That is the demand of the [towns in the] Sierra region and of every one of us. They should be here, and not necessarily to confront them directly. When the Army was here, there were no confrontation with [the organized crime group].”

(Anonymous Testimony)

In other cases, residents specifically reject militarization as a solution to the crisis. This position stems from the perceived collusion between the army and the national guard, on one hand, and organized crime groups, on the other. In November of 2023, approximately 1,500 residents from the municipalities of Siltepec, El Porvenir, Bejujal de Ocampo and La Grandeza expressed this position at the Grandeza municipal auditorium, demanding the departure of fifteen military detachments from the area. Residents also distrust the apparent ties between military actors and public authorities, an attitude that is then projected to all state functionaries, including the armed forces. Moreover, the suspicion that military actors do not serve the interests of the local population is not unfounded. For example, there are cases in which residents opposed the sale of collectively owned lands to the military and then see local government leaders use their power to have the municipality purchase the lands and subsequently sell them to the military.

¹⁰ *El País*, June 20, 2022. “Violence ends the oasis of Chiapas.” Available at: <https://elpais.com/mexico/2022-06-20/la-violencia-rompe-el-oasis-de-chiapas.html>

¹¹ SIPAZ. 2023. “Current events: Mexico, sustained insecurity.” Available at: <https://www.sipaz.org/actualidad-mexico-sostenida-inseguro/>

1.2. Chronology of Recent Violence

In what follows, we provide a chronology of armed confrontations, political disruptions, and human rights violations in the Chiapas border region related to organized crime groups during a tenth-month period. This chronology serves to convey the regularity and extreme levels of violence that occurs in the region. It is important to highlight that this is a far-from-exhaustive list. The chronology begins after the murder of organized crime leader Gilberto Rivera (also known as “El Junior”) by a rival criminal organization in July of 2021.¹² Since that day confrontations, killings, and the armed occupations of towns have significantly grown in number throughout the region, particularly in the municipalities of Frontera Comalapa, Teopisca, Tuxtla Gutiérrez, San Cristóbal de Las Casas, and Pantelhó.

July 28, 2021, vicinity of San Gregorio Chamic - A confrontation between organized crime groups registers 300 shell casings; six agricultural transport vehicles are abandoned.¹³

July 31, 2021, Frontera Comalapa - The municipal building is attacked with molotov cocktails. Two police cars are set on fire. These events are alleged to be connected to municipal elections taking place during this time.¹⁴

October 14, 2021, - San Gregorio Chamic - Armed confrontation between organized crime groups. Agents from the Secretary of National Defense (SEDENA) recover an anti-tank grenade thrower, a forty-millimeter automatic weapon with grenade launcher.¹⁵

October 16, 2021, San Gregorio Chamic - Decapitated bodies are found hanging from a local bridge.¹⁶

February 4, 2022, vicinity of El Jocote - Frontera Comalapa – The bodies of three, previously missing,

¹² *El Día*. September 26, 2023. “Violence in Chiapas escalates after a CJNG murder committed in 2021.” Available at: <https://www.jornada.com.mx/2023/09/26/politica/007n1pol>

¹³ *Prensa Libre*, July 28, 2021. “Intense shooting in Chiapas, Mexico leaves destruction and more than 300 shell casings.” Available at: <https://www.prensalibre.com/internacional/intensa-balacera-en-chiapas-mexico-cerca-de-la-frontera-con-guatemala-deja-mas-de-300-casquillos-y-seis-farm-trucks-shot-breaking/>

¹⁴ *Sin Embargo*. July 31, 2023. “Armed agents set fire to two patrols in Frontera Comalapa, Chiapas.” Available at: <https://www.sinembargo.mx/31-07-2021/4008429>

¹⁵ *El Día*. October 10, 2021. “Soldiers secure military arsenal at the Chiapas border.” Available at: <https://www.jornada.com.mx/notas/2021/10/14/estados/en-chiapas-soldados-aseguran-arsenal-belico-en-la-frontera/>

¹⁶ *Agencia sin Fronteras*. October 16, 2021. “Decapitated bodies appear on the Chamic bridge.” Available at: <https://www.sinfronterasagencias.com/chiapas/aparen-cuerpos-decapitados-en-el-puente-de-chamic-chiapas-donde-se-enfrentaron-los-carteles-de-cjng-y-el-from-Sinaloa/>

Guatemalan citizens who had been reported missing were found in the, located on federal highway 190, in the municipality of Frontera Comalapa.¹⁷

March – April 2022, San Gregorio Chamic - A series of armed confrontations take place between organized crime groups involving large-caliber weapons and armored vehicles.¹⁸

April 4, 2020, Frontera Comalapa - The bodies of two murdered women are found in their homes.¹⁹

May 10, 2022, Chicomuselo - The Mexican Army is confronted by one of the criminal groups in this municipality, resulting in injuries for ten soldiers and the death of three civilians.²⁰

May 22, 2022, Marqués de Comilla - Seven bodies are found with signs of torture.²¹

June 8, 2022, Teopisca - Municipal President Rubén de Jesús Valdez Díaz is killed from an armed vehicle while leaving his home.²²

July 14, 2022, Frontera Comalapa and La Trinitaria - Armed confrontations take place during a 24-hour period in multiple communities on a stretch of a municipal highway. The attacks make use of armed men, roadblocks, drones, and vehicles.²³

¹⁷ *Chiapas Paralelo*. February 4, 2020. “Three Guatemalans missing since Sunday are found executed.” Available at: <https://www.chiapasparalelo.com/noticias/2022/02/localizan-ejecutados-a-tres-guatemaltecos-desaparecidos- desde-el-domingo/>

¹⁸ SIPAZ. May 17, 2022. “Chiapas: No respite of violence in Chamic for residents and people passing through the area.” Available at: <https://sipaz.wordpress.com/2022/05/17/chiapas-violencia-en-chamic-no-da-tregua-a-habitantes-y-personas-que-transitan-por-la-zona/>

¹⁹ El Heraldo. April 12, 2022. “Mother and daughter murdered in Frontera Comalapa.” Available at: <https://www.elheraldodechiapas.com.mx/policiaca/madre-e-hija-fueron-asesinadas-en-frontera-comalapa-8129891.html>

²⁰ *El Sol de México*. May 10, 2022. “Mexican Army engages armed civilians in Chicomuselo, Chiapas.” Available at: <https://www.elsoldemexico.com.mx/republica/sociedad/ejercito-mexicano-se-enfrenta-contra-civiles-armados-en-chicomuselo-chiapas-8262152.html>

²¹ *Infobae*. May 22, 2022. “Terror in Chiapas: seven people found dead in Marqués Comillas.” Available at: <https://www.infobae.com/america/mexico/2022/05/22/terror-en-chiapas-hallaron-a-siete-personas-muertas-en-marques-comillas/>

²² *Expansión Política*. June 8, 2022. “Chiapas: Murder of Teopisca municipal president.” Available at: <https://politica.expansion.mx/estados/2022/06/08/asesinan-presidente-municipal-de-teopisca-chiapas>

²³ *El Día*. July 17, 2022. “Armed group confrontation in Frontera Comalapa and La Trinitaria.” Available at: <https://www.jornada.com.mx/2022/07/17/estados/024n1est>

July 20, 2022, Comitán - Community activist Roberto Flores is declared victim of forced disappearance.²⁴

Armed confrontations continued regularly through the end of 2022 and into 2023, particularly in the municipality of Frontera Comalapa.²⁵ In May of 2023 a four-day confrontation (referred to locally as the “four-day war”) took place in the communities and vicinity of Nueva Independencia–Lajerío, resulting in extended forced confinement for residents and the forced displacement of approximately 3,500 people.²⁶ In September, armed confrontations occurred in Frontera Comalapa and then spread to the municipalities of Motozintla, La Grandeza, and Siltepec. The attacks involved armed actors and heavily armored vehicles and resulted in the destruction of freight trucks and the closing of shops and businesses.

1.3. Resistance

Recently, national and international civil society organizations, journalists, and churches are beginning to learn about and denounce the human rights crisis occurring in the Chiapas border region. At a local level, however, residents have been carrying out public denunciations for quite some time, hoping to bring attention to the dire situation that they must endure despite the incredible risks that this entails. Their public actions have included blocking roads, religious pilgrimages, and writing statements that decry the lack of state efforts to pacify the area. Marches have also been a significant means of public expression. In July of 2022, 850 families from border communities along Federal Highway 109 marched to express the same demand. In September of the same year, residents of the Sinaloa ejido in Frontera Comalapa marched to the municipal police station to protest the forced disappearance of a community activist and demand his recovery.²⁷ In 2023, marches consisting of thousands took place in Chicomuselo (twice), Siltepec, and Motozintla.²⁸

Many resistance actions have involved the participation of members of specific social sectors in the region. The Employers Confederation of the Mexican Republic from the Sierra region of Chiapas participated in an anti-violence protest in October of 2023.²⁹ Prior to this, a group

²⁴ *El universal*. September 27, 2022. “Journalist Roberto Carlos Flores Mendoza, disappears.” Available at: <https://www.eluniversal.com.mx/estados/desapare-otro-comunicador-roberto-carlos-flores-mendoza/>

²⁵ The Dioceses of San Cristóbal de las Casas, Tapachula, and COPARMEX sent communications to the Mexican State pleading them to respond to this critical the situation.

²⁶ *RedTDT*. 2023. “State inactions create risks to the residents of the Chiapas Border Region,” available at: <https://redtdt.org.mx/archivos/18629>

²⁷ *Proceso*. September 23, 2022. “Ballot box in Chiapas is blocked in demand to release the ejido commissioner.” Available at: <https://www.proceso.com.mx/nacional/estados/2022/9/23/blockan-garita-en-chiapas-para-exigir-la-liberacion-de-comisariado-ejidal-293901.html>

²⁸ *Otros Mundos*. 2023. “Resident march in Chicomuselo against armed groups involved in mining projects after attack on activist.” Available at: <https://otrosmundoschiapas.org/chiapas-tras-ataque-a-defensor-marchan-en-chicomuselo-contra-grupos-armados-y-proyectos-mineros>

²⁹ Copoarmex. 2023. “Press Conference”. Available at: https://www.facebook.com/coparmexcostachiapas/videos/1452724255584906/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=Nif5oz

of small merchants from Chicomuselo defiantly transformed the municipal sports field into a make-shift market after having been pushed out of the public market by an armed organized crime group.³⁰

2. The Conflict Economy of the Chiapas Border Region

As organized crime groups vie to gain control over territories and populations, they deploy methods and tactics that are no different from those of war. These include group confrontations, detonation of explosive devices, use of armed drones, destruction of property, and other aggressions designed to weaken adversaries. However, the main victims of the territorial conflicts are the communities that have historically inhabited the area. This is not a consequence of locals simply getting “caught in the crossfire”; organized crime groups actively target the resources that available in the villages and towns of the Chiapas border region, and they do so using ruthless violence. This includes kidnappings, coerced labor, theft, and heavy-handed economic regulations. In what follows, we focus on the ways that organized crime groups establish themselves as market bosses, silent partners, and commercial middlemen in the local economies of the Chiapas border region and describe the impact of these methods on the local population.

2.1. Appropriation and extortion

Organized crime groups systematically appropriate the local wealth of the Chiapas border region, including houses, livestock, vehicles, agricultural lands, ranches, and money. While this can be carried out through violence, organized crime groups regularly coerce property owners to enter extortion agreements or to sign transfer contracts so that theft occurs under the cover of legality. However, even when violence is not part of the equation, residents run the risk of facing deadly consequences for simply having an association with an organized crime group. For example, public records concerning transfers of property can be interpreted by others (including members of rival crime organizations) as evidence of a person’s or a family’s collaboration with an organized crime group and thereby bring about acts of murder or forced disappearance.

In some cases, organized crime groups infiltrate local businesses in order to launder illicitly attained money, as described in the following testimony:

“There was a man who had a business that took off quickly. They say that it was because he laundered money through it. He was buying properties [under his name] that turned out not to really be his. They say he lent his

³⁰ Gabriela Coutiño. 2023. “Merchants of the San Juan de Chicomuselo Market move to the park of La Sierra. Available at: https://m.facebook.com/story.php?story_fbid=pfbid034bcJN5G1WqFK4DoS5FcTjwFRyCPdaSJTUGx21p7XHe41GF75pF4Xof5jCcRZK9nl&id=100063718659477&mibextid=Nif5oz

name, and he did this for two years until they found out. In the neighborhoods everyone knows everything. That can be a good thing, but it can also be bad, [and we know this] because the people that were involved in the scheme have now disappeared.”

(Anonymous testimony)

Organized crime groups regularly use extortion as a means of gaining a regular source of income. Of course, this comes at the expense of potentially bankrupting businesses and pushing people into precarity. Extortion also has the consequence of generating irreversible family schisms and weakening social bonds in cases where one family member wishes to acquiesce to organized crime and another does not. The following testimony demonstrates the way that business owners are initially targeted and the stakes that are at play:

“[Organized crime] extorted me when I had my restaurant. They knew everything about me. [At the end of the day] when I arrived home [they would immediately call me] and I would hang up. Then I would receive a WhatsApp message saying that they were entering the restaurant, and then rivers of blood would flow. [...]. When I talked to colleagues, we realized this was happening to all of us. Sometimes they even describe the clothes you are wearing.”

(Anonymous testimony)

In some cases, business owners may enter extortion agreements to sustain a sense of normalcy in their lives, particularly since there is no practical way of rejecting these proposals other than to flee the area. However, even in situation where extortion payments can be sustained over an extended period, the consequences of living under the psychological stress of extortion can be devastating. The following testimony provides a tragic example:

“A woman friend paid the extortion. She was in a dire situation and ended up losing her business. All her savings were exhausted—the result of an entire lifetime of work—and then she died. What’s more is that they never shared this with anyone out of fear. [She and her family] lived through the whole ordeal alone.”

(Anonymous testimony)

Very regularly organized crime groups carry out extortion of businesses under the guise of a “floor tax.” Here, extortion payments are presented as the purchase of a “service” by a “client” to receive protection from a nefarious antagonistic group. Floor taxes are applied to small and medium-sized business as well as to informal streetside vendors. In the case of the latter, a local resident reported a monthly floor tax of between 3000 to 4000 Mexican pesos (approximately 180 to 240 USD) for the “protection” of a five-foot square space on the

ground. In the case of communal agricultural lands (which will be discussed subsequently), floor tax payments can reach the sum of 15,000 Mexican pesos (approximately \$880USD) per month.

2.2. Control of labor

To further gain a grip on local economies, organized crime groups co-opt workers in services that are vital to their sustainability. This includes electricians, plumbers, transporters, taxi drivers, and tortilla vendors, just to name a few professions. These service providers may receive payment for their labor but cannot refuse to comply with a request for work without assuming considerable risks. This co-optation extends to leaders and representatives of entire unions and work collectives. The following account demonstrates the eagerness of organized crime groups to leave no stone unturned in terms of exploitable labor:

“...they had already co-opted transportation workers. Then they started going after workers of grocery markets; all the market tenants are now involved. After that, they went after the carpenters, then construction workers. More recently, they’ve targeted hairdressers and now they want to co-opt the bricklayers. If you are working, then you must join.”

(Anonymous testimony)

In similar fashion, organized crime groups endeavor to bring entire agricultural sectors the Chiapas border region into their economic structure. This includes determining the sale price of market goods and establishing oligopolies, which significantly reduces the profits of small and medium-sized producers. Here too, individuals that defend their autonomy or denounce the coercive practices of organized crime become the victims of violence:

“A local producer stood up for himself one day and publicly complained that corn prices should be freely determined and that sellers had the right to sell to whoever they wanted [...] and the next day [the organized crime group] exhibited his [dead] body. This was very traumatic [...] and it hurt to know that the community could not support or defend each other.”

(Anonymous testimony)

Overtime, the economic incursions of organized crime groups have the power to redirect the entire regional economy to serve their interests as opposed to those of the area residents. For example, corn production in the region had historically served communities on both sides the Mexico-Guatemala border, with a significant part of corn production being destined for Guatemalan markets. However, this distribution dynamic hardly exists. On the one hand, Guatemalan buyers began to bargain down corn prices due to the risks they incurred when travelling to the Mexican side of the border, which included violence and theft, and eventually, many Guatemalan buyers simply ceased making this trip altogether. On the other

hand, organized crime groups prohibited Mexican landowners from renting parcels of land to Guatemalan farmers or from hiring Guatemalan hands. These limitations and restrictions reflect the gradual infiltration of the Mexican corn market as intermediaries for transregional sales. Any corn that is sold to Guatemala effectively reduces organized crime's market share and has thus been expressly forbidden.

2.3 Control of natural resources

Organized crime groups are also centrally concerned with gaining control of territories associated with natural resources. This includes territories where water sources are situated. In gaining control of such territories, organized crime groups can determine irrigation flows and thereby control the success or failure of crops throughout the area. As a local resident explained, organized crime groups are keenly aware of the primacy of water in controlling the fate of entire communities in the border region:

“...This is an irrigation district; people depend on [irrigation] to produce anything. And so that's how they got [the farmers]. They gained control of the water system that feeds the district canals, [...] and that is all connected to the production, the harvests, and the sales.”

(Anonymous testimony)

Organized crime groups are also concerned with maintaining a presence in areas that can support mining operations. One way to do this is by making themselves available to private companies engaged in highly lucrative extractivist operations. The municipality of Chicomuselo—the site of twelve active mining concessions and two expired mining concessions in the Chiapas border region—provides a perfect example of how this dynamic plays out. In October of 2022 extractive activities began in Chicomuselo despite a series of previously successful local campaigns to halt mining operations due to their contaminative and destructive impacts on the land. As mining resumed and expanded, so did the presence of illicit armed groups in the area and, not incidentally, the interactions of organized crime group members with members of regulatory and protective government agencies that visited the area.³¹

3. Dominion over territories and populations

3.1. Regulating spaces and discourses

Once an organized crime groups has established itself in a territory, it endeavors to assert its dominion over it. This means deploying strategies to reduce the chances of future attacks by

³¹ Anonymous testimony.

an adversary but also to eliminate local resistances and access all internal resources, including the population itself, by means of coercion and violence. In this section we explore the strategies that organized crime groups employ to achieve this level of total control.

3.1.1. Checkpoints and blockades

Organized Crime groups create trenches or mobilize trucks and trailers to limit and control access to local roadways and key transportation routes. In doing so, they also establish control over the population's routines and behaviors. These physical barriers can be set-up in a matter of hours and bring an entire town under siege, as the following testimony explains:

"...we were coming [to town] to process a credential for my son. He already had the appointment but there was already this talk about a new blockade. I don't think it would happen and so we left. However, [once there], we couldn't get back. It was one o'clock in the afternoon when they closed access to the urban [roadway]. It was now closed off. They told [my son], "go with your people to the park. Tell them to stay there; to find a place to be or find lodging and wait."

(Anonymous testimony)

In conjunction with blockades, organized crime groups also establish checkpoints to track the passage of people, goods, and vehicles as well as to enforce curfews. Checkpoints enable members of organized crime groups to interrogate persons at will. This includes forcing people to share text messages, incoming and outgoing call lists, contact lists, and the possession of apps (like Signal or other encrypted messaging applications) that are deemed to be suspicious. Such actions leave residents with a sense of complete impotence, fear, and frustration, as expressed in the following testimony:

"... [There are] checkpoints and armed people at all entrances and exits. Many say that they have us kidnapped because they shut down [any roadway]; when they perceive a problem, they close what they want. They have everything locked in. So, what happens if a heavy confrontation breaks out? You have no choice but to stay at home, because how are you going to leave? They're not going to let you."

(Anonymous testimony)

These siege operations also create opportunities for organized crime groups to engage in forced recruitment of the local population, a phenomenon that we will detail subsequently. The following testimony provides a rich account of how these events play out and how they are resisted:

"There are about twenty families that couldn't leave [our village to find refuge]... For our family, my niece had to endure six days of hunger on her

own. After the six days, I went to get her from the house, and she was very panicked. She was jumpy, looking all around, and asking me if the [armed men] were still there. I told her no. During all this, a rumor was spreading that [the organized crime groups] were recruiting people in the area, wanting young people, so the young people went into the hills, pastures, mountains, and caves. Many people fled because of this.”

(Anonymous testimony)

3.1.2. Discursive appeals and manipulation

“They say that they bring the power of security, and that the community can be made clean and all.”³²

Organized crime groups employ discursive strategies to co-opt populations and “soften” their presence within territories. These generally consist of narratives that present the organized crime as a partner in the liberation of the region from an antagonistic criminal organization. Other narratives advance the premise that the organized crime groups are providing a service of protection from the same antagonist. These impose a logic wherein violence should be temporarily tolerated and genuine freedom must be deferred. These narratives are deployed alongside explanations about who is *really* responsible for the harms and damages that the communities experience. In other words, these narratives attribute murders, extortions, and forced disappearances to the organized crime group’s rival.

Once a criminal organization has established itself in a particular area, it will also appeal to the local population’s favor by carrying out actions that are nominally of a civic nature. This includes proffering cash prizes at traditional holiday festivities such as the Day of Dead or at athletic events. In a region characterized by high levels of poverty, these “gifts” can be genuinely appreciated although they also put residents in exploitable positions of indebtedness. These acts are often accompanied by speeches that appropriate social justice discourses and, when effective, allow crime organizations to point to an independent “united front” that advances its own interests although these align with those of organized crime.

Nevertheless, there is little to suggest that such discourses convince residents of their occupiers supposed good intentions. Indeed, many residents hold a widespread opinion that the actively occupying group is the main cause of violence in their communities. As such, these discursive strategies are more effective in serving a justificatory function for the members of organized crime groups themselves. Moreover, this amicable approach to gaining local support and establishing social hegemony is limited and can easily be replaced with coercion. As one local resident, looking back on recent acts of violence explained, “they tried many routes to establish themselves. They offered protection and the community did not accept it, they offered money and the community did not accept it, and so they had to find another way.”

³² Anonymous testimony

3.2. Local Recruitment

Organized crime groups depend on the local population to expand their ranks and facilitate their control over populations and territories. Accordingly, organized crime groups engage in recruitment tactics of multiple forms and varying intensities. For example, organized crime groups will often support public demonstrations that serve their interests and endeavor to have residents participate in these events. This event-based co-optation can be carried out through a local proxy and involve deception, as exemplified in the following testimony:

“In April of 2023, the municipal agent called on the people to participate in a blockade [in another community]. The first ones that went did so because of trickery on the part of a party representative. They were told that would only be there for two hours and that they would be given fertilizer [as a form of payment], but they kept them there all night [even though they didn't take water or sweaters [for the cold]].”

(Anonymous testimony)

To recruit for more active roles, organized crime groups attract new recruits by using the same discursive strategies discussed above at an individual level. This happens mostly with males between seventeen and twenty years in age and can participate in confrontations against armed rivals, operate drones and artillery, and carry out surveillance. A member of a criminal organization will present himself as a “good group” that wants to do away with a “bad group” and invite a resident to join. They will further entice the resident with gifts and special privileges, such as a free latest-generation cellphone or the use of motorcycles.

Of course, recruitment also occurs through coercion and payments for services. Interestingly, some residents have taken advantage of such payments by offering to cover a resident’s ordered task in exchange for the wage of service or a price. The passed-off duties can include staffing blockades, participating in a mobilization, or engaging in armed confrontations for periods of up to twelve-hours. Such transaction can be thought of as sale of labor as well as a transference of potential risks. “Shift takers” can earn between 500 and 800 per duty, which is a considerable amount within the local economy.

Once residents are recruited into an organized crime group, it is impossible for them to terminate their association, which is also imputed to their family. The only way to detach yourself, as one resident explained, is to do so physically: “[you must] leave all at once along with your things and your family, because if you stay, they’ll find you and they will kill you.”³³ This threat for abandonment of duty is particularly useful to prevent local recruits from using the information that they gain from collaborating with organized crime against the organization. As a resident explains:

³³ Anonymous testimony

“Sometimes there are young people who got involved and later became overwhelmed by what they see; they were there when those people were carrying out [brutal violence] and then want to leave. But since they have already seen what goes on and know that information, [the organized crime group] will catch [runaways] [...].”

(Anonymous testimony)

It is thus not uncommon for organized crime members to be tortured and then murdered. In some cases, their bodies are dismembered and left at their local residence as a warning of what happens to those that do not demonstrate total commitment.

3.2.1. “Siding” with organized crime groups

In the context of the Chiapas border conflict, residents understand that the payment of floor taxes connects them to the structure of a criminal group and that this, in turn, is understood by locals as a form of tacit support for an organized crime group. The automatic nature of this “siding” is the result of discursive impositions on the part of organized crime groups that impute onto every individual or family the status of ally or enemy. This logic of non-neutrality is why it is impossible for residents to refuse organized crime groups’ bids for work or services. Saying no is interpreted to mean that the person favors or collaborates with a rival group. There is thus no need to actually express that you favor one side or another; one’s condition as a member of a community or as a victim of extortion is enough to make it so.

These automatically imputed associations generate an environment of fear and distrust in which a minor rumor or an ambiguous behavior by a local resident can lead to deadly consequences. Indeed, it is not uncommon for residents to request permission to carry out any activity that involves a public dimension, including sports activities, religious festivals, birthday parties, weddings, or neighborhood gatherings.³⁴ In some cases, residents respond to the demand of “siding” by locking themselves in their homes and abandoning all participation in social activities.

This dynamic of having to take sides is particularly destructive in cases where the same municipality or town is still under contestation by organized crime groups. In such cases, places and locales that were previously connected through the regular itineraries and bonds of residents are separated based on their location in a town or even neighborhood. As such, the very act of being in a particular location can signal one’s presence as a collaborator or as an intruder. This literal division of social space makes it necessary for residents to reinvent the way they carry out previously simple tasks and routines, including administrative errands, shopping, and visiting friends and family. Moreover, it incentivizes residents to align all aspects of their existence with the requirements or preferences of the occupying group as

³⁴ Claudio Lomnitz. 2023. “Zacatecas: the zone of silence.” *Nexos*, June 2023. Available at: <https://www.nexos.com.mx/?p=73327>

much as possible.¹ The following testimony exemplifies the way that these restrictions impact otherwise unconscious behaviors of social life:

“...You can't go [to that town]. If you do, [...] you will get dropped off at the bus terminals in Jocote or Sabinal [...] and then get taken away. The other cartel takes you out of the bus and [...] kidnaps you. That's why people don't go there anymore. The [kidnappings] were not that common, but with only a few incidents, people stopped going there. And, yes, it's real risk—there is the threat that the cartel [that controls that area] will see you there and assume it's because you are working with the other cartel. You might not actually have a stake in that fire, but if you are identified as being from the other community, [then that is enough].”

(Anonymous testimony)

3.3. Targeting Communal lands

Organized crime groups are very interested in controlling large tracks of lands called *ejidos*. Ejidos are a form of collective property that connect communities to their ancestral territories and contribute to the reproduction of traditional lifeways, such as collective farming, collective decision making, and social roles and functions. This means that when an organized crime group co-opts an ejidos they not only gain control over a property but also the family networks associated with that land, including the logistic and coordination capacities that are part of the ejido. This means that organized crime groups can exploit traditional ejido policing systems, labor duties, and intimate knowledge of vast terrains and transportation routes.

In instances where ejidos are initially occupied, an agricultural work environment becomes an active military terrain. This exposes ejido members to great risks and can alienate ejido farmers from their previously meaningful roles and identity as a member of an ejido.

“One time I was watering my cornfield when I saw some people about 200 meters away pointing a gun at me. I thought to go talk to them, but one of them put his hand to stop me. He continued to point the gun at me and asked, “What the hell are you doing here?” I responded, “I've come to water my corn,” to which he answered, “Don't come here anymore. If we are here, don't come. Only come if we are not here. Now go to your house.” [After that], I spent the entire day at home doing nothing, with my arms folded, not knowing if I could ever work again. I didn't know when they would not be there, so I would go and turn back if I saw them. If I didn't see them, I would go for a while, but around ten or eleven in the morning, I would hear their truck and have to pack up and go back home. I didn't know what to do.”

(Anonymous testimony)

At a collective level, the disruptions of ejidos weaken traditional institutions, including authority and collective decision-making systems that are vital for the sustainability of Indigenous Peoples and traditional lifeways. Moreover, with the disruption of ejido life, young people and women are incentivized to enter capitalist labor markets, further weakening the cultural fabric of traditional communities. Interestingly, in cases where organized crime groups have successfully co-opted an ejido, they have forced ejido members to wear uniforms and established worker benefit systems that invalidate or supplant the traditional values and identities associated with the traditional institution.

3.4. Forced Displacement

When residents resist the coercive pressures of organized crime groups, they and their entire families become vulnerable to intimidation, harassment, and violence. Local populations are keenly aware that saying no to an organized crime group is not a practical option. Given these conditions and risks, many residents and entire families opt to leave their communities.

In other cases, entire populations are pushed out by the direct and indirect violence occurring in immediate environment. These departures contribute to a crisis of forced displacement whose magnitude is just beginning to be understood. The following account demonstrates the nightmarish situations that residents must live through and make the decision to leave their home almost inevitable:

“My entire family came to take refuge [...] in my house; thirty people including children, women and men. [It was] a truly critical and unfortunate situation. Imagine this [present] unbearable heat, and they are indoors without even a fan! The children were suffocating and screaming [...]. Then a rumor came in the middle of this ordeal that [the organized crime group] was going to launch teargas and that we would need to protect ourselves with wet cloths. Then, I heard a roar; they were covering [themselves up]. It was [a situation of] extreme panic for this town.”

(Anonymous testimony)

It is difficult to assess the actual number of persons forcibly displaced from the Chiapas border region area due to the general instability and violence in the area. Nevertheless, we estimate that 7,500 people have abandoned the area between June 2021 and November 2023. In May of 2023 alone, approximately 3,500 people fled their communities as the result of the violence related to the aforementioned “four-day war.”³⁵ In some communities, residents report up to a 15% reduction in population due to the ongoing armed conflict. Most of the

³⁵ RedTDT. 2023. “State inactions create risks to the residents of the Chiapas Border Region,” available at: <https://reddtdt.org.mx/archivos/18629>

persons and families that flee the area have no contacts outside of Chiapas nor opportunities to rebuild their lives in other parts of Mexico. As such, many of them are compelled to migrate to the United States, hoping to qualify for asylum status at the border.

Thus far, the Mexican federal government has not addressed this crisis or established humanitarian mechanisms to provide care for the populations that have been forced to abandon their communities. As such, all abandoned properties and assets belonging to the victims, including collectively owned lands, run the risk of appropriation by organized crime.

4. Terror in daily life

4.1. Dominion

As organized crime groups deploy violence and coercion to consolidate territorial control, the lives of residents become increasingly characterized by intense feelings of insecurity, distrust, and fear. In what follows, we explain how these psychological impacts are not a byproduct of territorial control but a central aim of these tactics. With each act of aggression, organized crime groups assert their dominion over the local populations and signal residents' inability to resist them.

4.1.1. Brute force, surveillance, and torture

Organized crime groups make a demonstration of overwhelming force by carrying out nighttime caravan raids throughout the Chiapas border region. Here, transport vehicles loaded with men and artillery weapons as well as makeshift armored vehicles known as “monsters.” ambushed and temporarily shut down towns. These surprise occupations send the message that a town effectively “belongs” (or could belong) to the organized crime group and highlights their power do as they please wherever they go. The following account describes the impact of these surprise occupations:

“...they came in and entered the central plaza; they walked around the square, regrouped, and left [to do the same] in all the other communities. The people locked themselves up and closed their doors when they saw the vehicles. Some say, [...] that the drivers are [from an opposing crime group], and it is known who they are [...] They came with really big reflectors—powerful lights like a spotlight, checking place by place, house by house.”

(Anonymous testimony)

Organized crime groups also signal their power through random acts of brutal violence. These that can be directed at anyone that falls under the scrutiny of a member of an occupying

crime group, no matter how insignificant or commonplace the reason may be. As such, each case of brutal violence contributes to the certainty of locals that no one is immune from a fate involving torture, forced disappearance, or murder. The following testimony demonstrates the level of brutality that members of organized crime can carry out:

“A boy and a girl were together, and the boy was drinking a soda and laughing. One of the cartel members who was in his car on the road said, “bring me that kid who is laughing. Let's see why he's laughing.” They beat him on the spot and took him away. When that boy came back, he had a lot to tell... how they torture people and that they are definitely killing people [in the place where he was taken]. He said that the torture is terrible, and he was traumatized by what he heard happening and that [a shop worker that was being held there] was surely never coming back. That shop worker must have heard something that he shouldn't have and was pleading during the torment to please be killed. Later, the shop worker took off. One of the narcos said that if you ever get pick up by them, you'd be well off to have a gun on you to simply kill yourself.”

(Anonymous testimony)

From a tactical perspective, it may seem that traumatizing a child would be a pointless exercise to engage in, but it is precisely its bizarre ruthlessness that assures that the message reaches an entire community or municipality, including community leaders, journalists, or members of civil society organizations that may be inclined to denounce the activities of organized crime. The reluctance of residents to report such cases only increases as local populations realize that brutality can take systematized forms, as exemplified in the following testimony:

“There is actually a place—a kitchen, they say—where people are taken to be disappeared. If they wanted to investigate that, it would be very easy for them to find the evidence. It's been seen and it's been heard. It was heard by someone who lived very close [to that place] and has since left. He would first hear screams and, after that, the gun shots. So, people know that there must be another space that is possibly used as a cemetery or grave, where [the victims] are burned. They've used oil drums and have this technique where they only leave the bones, and barely that. They've used that technique. Unfortunately, we know that much, hence the concern in the community for those souls; all those who died this way.”

(Anonymous testimony)

4.2. Vulnerable Populations

It is important to note that persons experience the armed conflict differently based on factors such as age, migration status, and gender. For example, whereas organized crime groups will force local men to serve as blockade guards, they will force women to cook for persons at these operations because of social gender expectations. This demonstrates an often-overlooked aspect of territorial conflicts: women may not be called upon to bear arms and yet may still be required to inhabit the spaces of confrontation associated with men. Indeed, the risks of sexual violence and exploitation against women and girls under organized crime group occupation are significant enough to compel families with young women to abandon the region altogether. Similarly, persons that involve themselves in any activity that can be interpreted as anti-violence or human rights activism are likely to be special targets of harassment and violence. In what follows, we discuss the ways that these two groups (women and activists) are exposed to particular forms of violence within the territorial conflict in the Chiapas border region.

4.2.1. Human rights defenders

Organized crime groups are particularly invested in keeping the voices of local human rights and territory defenders silenced as they constitute a nexus of potential resistance. Accordingly, organized crime groups will subject local persons that they believe are human rights defenders or are connected to human rights organizations to harassment, threats, and violence to dissuade them from engaging in any resistance-related activities. This includes continuous and conspicuous monitoring of their movements and actions, a practice locally known as “hawking.” Specifically, Hawking involves the discovery of private phone numbers, place of residence, and the whereabouts of targets by organized crime agents. Organized crime groups will then use the gathered information to threaten or ostracize a target by sending messages to them or members of their family and social circle. As community members learn that an individual is the target of hawking, they are likely to disconnect themselves from that person in order to not become guilty by association.

When fear tactics do not dissuade human rights and territory defenders, agents of organized crime will subject targets to torture and murder. For example, Isabel Recinos Trigueros, a local resident that helped coordinate a peace march in January of 2023 was taken away, tortured, and then returned home by members of organized crime. Professor and municipal union leader José Artemio was tortured and executed in his own home in front of his family in Chicomuselo after speaking at a peace march on October 12, 2023. In the latter case, it is a tragic fact that José Artemio understood that he was likely going to be killed and, along with ejidal commissioners and leaders of social organizations, had pleaded the Federal Government and the 101st Army Infantry Battalion to establish measures for his protection, which never materialized.

4.2.2. *Women and girls*

Women and girls in the Chiapas border region are particularly vulnerable to organized crime groups need to have domestic labor and their desire to have sexual labor at their disposal. In the case of sexual labor, the fate of women and girls can be particularly tragic, as the testimony of a local woman exemplifies:

“We have been witnesses to women, [in some cases,] housewives just like me; we have seen girls that come out to use the exterior bathroom that are being closely chaperoned by a man [...]. Another time, it was two women who were at their disposal. You could see the hurt on their faces but also on their very being [...]. You can see them well-dressed but there is a lot of pain inside. I didn't want to see any of this, but it was [...] 40 meters away. At night, the men would arrive and enter the house where the women were kept. I could hear them saying “hurry up, hurry up, we'll rest soon” to one of the women. [I have seen] other young women, too; well-dressed and pretty, but very damaged, about 24 to 30 years in age. They weren't from [these parts]. Who knows where they came from? They grabbed them somewhere else and brought them here.”

(Anonymous testimony)

As noted here, the women forced into sexual labor must endure relentless abuse. It is possible that some of them may be paid for sexual labor, but they do not have the option to refuse the summons of any member of an organized crime group. According to one resident account, high-ranking members of crime organizations can identify a young woman that they find attractive in a village or town and instruct their men to offer money to her parents or husband as if they were purchasing a slave. Here too, a refusal on the part of the woman or her family can result in ongoing harassment and violence.

In the Chiapas border region, it is common for women forced into sex work to also be victims of forced disappearance and human trafficking. Central American women and girls engaged in migration are particularly vulnerable to this nightmare because their presence is largely of a public nature, and because they are generally unaware of the everchanging dynamics of the territorial conflict, which they could otherwise use to their advantage. Furthermore, women migrants are vulnerable to sexual assault and violence because all the armed actors involved in the illicit war know that they have no recourse to legal protections or mechanisms for justice in the case of an assault or aggression.

Ironically, women and girls living in the armed conflict region are also negatively impacted by the nominal protective actions of the federal government. The phenomenon of militarization, for example, can be traumatic for women who came of age in Chiapas in the 1990s as it rehashes memories of sexual abuses committed by military personnel during the counterinsurgency campaigns against the EZLN. Militarization also creates potential risks for local women insofar as the process foments the creation of businesses that readily exploit female labor. For example, canteens will hire women under economic duress to serve military

patrons with the intention of presenting their bodies as a form of merchandise. This objectification and the power differential between a military client and a civilian worker creates a work environment where women experience intimidation and fear over the possibility of having to engage in coerced sex work.

4.3. The Crisis of Forced Disappearances

Forced disappearance refers to the abduction of persons where (unlike kidnappings) the relatives of the victim are not given a means to recover the abductee. In essence, perpetrators make it so a person effectively disappears. This puts family members and relatives of the victim in a state of complete impotence, wondering endlessly about what the victim is experiencing or if they are no longer alive. Forced disappearances are particularly difficult for the victim's family members because they cannot ably conceptualize their grief and move through a normal grieving process.

Forced disappearance impacts all kinds of persons in the Chiapas border region, although a disproportionate number of victims are public officials, community leaders, ejido commissioners, and members of civil society organizations. Forced disappearance can also impact non-locals including migrants and Guatemalans that travel into the border region for business. In the case of the latter, a group of approximately ten Guatemalan chicken vendors that were traveling by private vehicle to the municipality of Amatenango have not been heard from since November 16, 2023.³⁶

The phenomenon of forced disappearance is difficult to document due to the reluctance by residents to formally register these crimes for fear of retribution by organized crime groups, including forced disappearance and criminalization. Moreover, residents often chose to not report forced disappearances because of their general distrust of the state entities that are tasked with responding to such denunciations, a topic that will be discussed in a subsequent section.

The scant official data concerning forced disappearances suggest that there has been a steady increase of this phenomenon between December 2018 and September 2023. In the period of September through November of 2023 alone, the Office of the Attorney General of the State of Chiapas registered thirteen cases of forced disappearance. The victims were residents of the municipalities of Frontera Comalapa, La Grandeza, Siltepec and Motozintla.³⁷ The National Registry of Missing and Unlocated Persons lists 812 missing and unlocated persons from Chiapas, including 58 persons from Frontera Comalapa, eleven (11) persons from Motozintla, eight (8) persons from Amatenango de la Frontera, two (2) persons from Chicomuselo, three (3) persons from Bellavista, and one (1) person from Siltepec.³⁸ The

³⁶ Sierra Madre of Chiapas Facebook page, available at: https://m.facebook.com/story.php?story_fbid=pfbid0KrtVmQ1CCoeMrgFLasz44QvJ57EgX5hpnm6JsNpk245o6X6LRx4JxscfmFD1gLKFl&id=61551208027519&mibextid=UyTHkb

³⁷ Office of the State Attorney General, 2023. "Have you seen..." Available at: <https://www.fge.chiapas.gob.mx/servicios/hasvistoa>

³⁸ <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>

available data also suggests that forced disappearances increase during moments of intensified armed confrontations.

4.4. Psycho-social impacts

“... After these people arrived and put the blockade in place, there was silence in the community; no cellphone of any kind could be heard ringing. The only thing that could be heard was the singing of the birds [and the sounds of] the chickens, and even that sounded sad. The normal sounds of nature could be heard, but not [the normal human] sounds.”³⁹

The conditions of broad human rights violations and generalized violence contributes to a torturous environment in so far as they impact the lives and lifeways of an entire population. For example, when an armed group encroaches on and occupies an agricultural area, the local population’s access to those lands is limited, which results in a reduction of production on those lands, which then limits the local distribution of those resources at inflated prices, and thereby violates an entire community’s right to sustenance, which then manifests itself in illness. This is an accurate description of the situation in the border region of Chiapas, which constitutes a food crisis. However, unlike violations concerning material conditions and processes, psychological impacts of being trapped in a successive chain of violations are much more difficult to perceive and document. In what follows, we highlight the psychological impacts that residents of the Chiapas border region collectively experience.

Within the context of a tortuous environment, seemingly insignificant events such as a rumor can trigger moments of collective panic and ongoing paranoia. For examples, people in the Chiapas border region believe that every phone conversation is monitored—a likely result of being subjected to constant monitoring and surveillance. This in in turn, limits the way individuals express themselves and by extension, their ability to provide emotional support to each other. These feelings of discomfort and insecurity can then extend themselves into the private lives of individuals. They may interpret the act of taking in fresh air at a window or seeing a stranger driving a car as acts that can misinterpreted by others and place them in risk. The ultimate result is a preponderance of residents with insomnia, eating disorders, and depression. Such eruptive and lingering feelings eventually transforms the collective life experience of an entire community, as described in the following testimony:

“Here [...], the bad people are outside, and the good people are inside. People choose to live locked up in their homes. They don't go out anymore and their businesses are like prisons with bars because they are afraid, and the criminals are free.”

(Anonymous testimony)

³⁹ Anonymous testimony

5. Encroachment on public services and political processes

The level to which organized crime groups have impacted daily life in the Chiapas border region is astounding. We have already discussed how the shadow of organized crime falls over virtually every aspect of social life. In what follows we focus on the impact of organized crime on public services and political processes in the Chiapas border region.

5.1. Public Services and Programs

In the context of the territorial conflict in Chiapas, many state and public service entities are disrupted or manipulated by organized crime groups to serve their interests over those of the local population. This includes organizations and entities tasked with providing services related to education, health, and infrastructure. This strategy is particularly effective for organized crime groups to gain territorial dominion as they make the local population dependent on organized crime to access public resources and sustain quality of life. In what follows, we focus on the ways that this type of encroachment foments the conditions for macro-criminality and strengthens the regional economy of conflict.⁴⁰

Organized crime groups infiltrate public service entities to facilitate illicit functions that have already been previously discussed. This includes having access to administrators that can propagate organized crime discourse, mobilize their staff to participate in demonstrations or orchestrate the deployment or departure of the Army and National Guard.

In the case of medical clinics, organized crime groups have infiltrated these health systems to establish themselves as service intermediaries capable of controlling who gets access to medical services. In some instances, organized crime groups have even expanded the services of medical clinics to gain access to specific medical procedures, which may inadvertently benefit local populations in certain cases.

On the other hand, organized crime groups infiltrate public service providers to weaken these institutions and thereby bring the populations that rely on these to a deeper level of dependence on organized crime. In such cases, some public service providers have simply abandoned their work and left the area, leading to the rise of specific illnesses. The following testimony provides an extreme example of this:

⁴⁰ See Guillermo Trejo and Sandra Ley (2021) "Votes, drugs and Violence: The political logic of criminal wars in Mexico." Debate; and Daniel Vázquez (2019) "State capture, macro criminality and human rights." FLACSO .

“... [the situation with rural clinics] has become more complicated [...]. They call them rural health care units, and all the doctors have abandoned them [...]. There are no doctors right now [...] connected to the state health services. Even the nurses left because they said they were being forced to care for [members of organized crime] that were wounded in the confrontations in the area. That is also why the doctors left, and so there is nothing. Everything that concerns health services has been abandoned.”

(Anonymous testimony)

In other cases, state programs failures are brought about purposefully to foment social instability. For example, organized crime groups orchestrated for violent actions to occur in the agricultural areas of Motozintla, El Porvenir, La Grandeza, Siltepec, Mazapa de Madero, Bellavista, Amatenango de la Frontera, Bejucal de Ocampo and Honduras de la Sierra. This brought 6,000 farmers to abandon their crops, which effectively terminated the Federal “Sembrando Vida” program.⁴¹

The disruption of public institutional life in the Chiapas border region is particularly evident in the realm of education. As of October of 2023, primary and secondary level instruction in the municipalities of Bellavista, La Grandeza, el Porvenir, Siltepec, Honduras de la Sierra, Bejucal de Ocampo and Chicomuselo have been cancelled due to risks that student and staff can face while traveling to school facilities. In the case of Frontera Comalapa, classes were suspended, for a short period. Currently, there are thousands of boys, girls and adolescents that cannot exercise their right to education, and around 5,000 basic and upper secondary education teachers that are prevented from carrying out their vital in work.⁴²

5.2. Interference in Political Processes

The impacts of organized crime on political institutions in the Chiapas border region are similar to those on social services. Accordingly, residents feel distrust towards many elected local officials and political processes in general. This perception of the pervasive entrenchment of organized crime into local politics is not without solid basis. According to the digital rights organization Data Cívica there are sufficient patterns of political infiltration by organized crime to signal “an intention on the part of organized crime to influence the results of [municipal races]” and to ultimately determine who will occupy the governorship in Chiapas.⁴³ Organized crime groups’ influence over the political processes is so great that

⁴¹ Marvin Bautista. 2023. “Sembrando Vida beneficiaries abandon crops in Chiapas due to violence”. Available at: <https://www.elsoldemexico.com.mx/mexico/sociedad/beneficiarios-de-sembrando-vida-abandonan-cultivos-en-chiapas-por-violencia-10878720.html>

⁴² Argenis Esquipulas. 2023. “Schools in the mountains of Chiapas without classes for a month due to the violence of organized crime in the region.” Available at: <https://latinus.us/2023/10/21/escuelas-sierra-chiapas-llevan-mes-sin-clases-violencia-crimen-organizado-region/>

⁴³ Chiapas Paralelo. 2023. “Chiapas is fifth state in electoral violence.” Data Cívica. Available at: <https://www.chiapasparalelo.com/noticias/chiapas/2023/10/chiapas-en-el-5-lugar-nacional-en-violencia-criminal-electoral-data-civica/>

many residents felt that political participation is practically irrelevant. The following testimony suggest why this is so:

“When [the organized crime group] arrived, they made it very clear... they said ‘we don't want organizations here, we don't want [competing] parties, and we don't want [independent] candidates. Only the candidates we name are allowed to campaign, ”

(Anonymous testimony)

The presence of organized crime in local politics has been so stultifying that some, non-co-opted municipal authorities find it impossible to fulfill their normal duties. In the case of municipal elections at Frontera Comalapa, the final results were nullified due to acts of violence surrounding the electoral process as well as other irregularities, including the destruction of electoral materials, security breaches at electoral facilities, and violations of chain of custody.⁴⁴ As a result of such interruptions to the democratic process, some community leaders have proposed geographic restructuring as a means to overcome the manipulations of organized crime groups. These are acts of bravery, indeed, as organized crime groups can respond to political interventions that advocate for the needs of the local communities over theirs with retaliatory violence.

6. State Response to the territorial conflict

6.1. Institutional ineffectiveness or disregard

Non-military, central government agencies are charged with protecting the environmental, securing justice, establishing cautionary mechanism, and other vital functions that sustain a well-functioning society. In Mexico this includes the Federal Environmental Protection Agency (PROFEPA), the Ministry of the Environment and Natural Resources (SEMARNAT), the Ministry of Public Security, the Federal Office of the Public Defender, and the National Human Rights Commission (CNDH). Unfortunately, these agencies are regularly unable to fulfill their duties in the state of Chiapas due, in part, to the State's inability to establish the necessary safety conditions for them to fulfill their functions.

In the case of PROFEPA, its regulators and monitors have pointed to the high-risk conditions in the Chiapas border region as obstacles to implementing necessary security measures and investigating illegal mining. This is substantiated by resident accounts concerning the failure

⁴⁴ *Reforma*. August 27, 2023. “PVEM victory annulled in two municipalities in Chiapas.” Available at: [https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?urlredirect=https://www.reforma.com/anulan-victoria-del-pvem-en-dos-municipios-de -chiapas/ar2248057?__rval=1](https://www.reforma.com/aplicacioneslibre/preacceso/articulo/default.aspx?urlredirect=https://www.reforma.com/anulan-victoria-del-pvem-en-dos-municipios-de-chiapas/ar2248057?__rval=1)

by Mexican armed forces to intervene against organized crime groups that threaten state functionaries. According to one resident testimony:

“A year or year-and-a-half ago, organizations and commissioners concerned about the [illicit, local] mining situation requested that SEMARNAT and PROFEPA intervene. They visited the mines twice, and the second time [the paramilitary group] Maíz was waiting for them. They assaulted and threatened [the representatives] of SEMARNAT and PROFEPA and beat the driver. This happened in the presence of the Army and the National Guard who did not intervene. The Army has orders to protect the ejido commissariats, SEMARNAT, and this entire group. In the end [the state agencies] left. I don't know if anyone from the Army was sent here to investigate whether [Maíz] is still there. So, the coast is clear [for organized crime] with SEMARNAT out of the way.”

(Anonymous Testimony)

PROFEPA has actively denied that such acts have taken place, which has only increased the local population's distrust of this institution. As such, it is difficult to understand just where the problems begin and end, and thus, a self-justifying cycle of state ineffectiveness continues, which ultimately permits private enterprise to assert its will over the territories in the Chiapas border region.

In another case concerning manufactured consent for a mining operation, the local population's request for the intervention of Federal Office of the Public Defender's and the CNDH went unanswered as did calls for cautionary measures to protect the population. This suggests that state entities and extractivist companies share a common agenda for the area, as noted in the following testimony

“It seems that not even the CNDH wants to be involved in the matter, because they know [what is happening]. No measures are put in place. The Army says, “we are here keeping watch” but they actually stand back and watch while they slap you around, which has happened at their checkpoints. The CNDH said that they have already implemented cautionary measures, but that only meant the presence of the Army and the National Guard. The thugs and the armed patrols drive right past them [even though they have] fully tinted windows.”

(Anonymous Testimony)

Unfortunately, when state prosecutors do begin to investigate irregularities surrounding organized crime and illegal mining, this has resulted in the death or disappearance of these officials, as exemplified by the recent abductions of former assistant prosecutor William

Trejo Gutiérrez.⁴⁵ Addressing the overwhelming ineffectiveness of state authorities to respond to the institutional crisis in the Chiapas border region, one resident remarked:

“The illegality with which these people operate is astounding. In the case of the Prosecutor, he knows well there is a health law; he knows well that selling alcoholic beverages without a permit is a criminal offense. This is all written in the penal code. Carrying firearms is also a crime. [It is] organized crime. The crimes are committed daily and yet no one says anything.”

(Anonymous Testimony)

Similarly, there exists multiple accounts of the heavily armed caravans of organized crime groups passing in front of military facilities unhampered and carefree. Other testimonies note the Mexican army’s willingness to ignore evident violations committed by organized crime groups against state and municipal officials that come to the area. Local testimonies similarly speak to repeated failure of federal, state, and municipal authorities to respond to the violence and intimidation carried out by organized crime groups, including open ambushes on towns.⁴⁶ Addressing this pattern of acquiescence and omission, one local resident noted that the army and National guard are present in the Chiapas border region but are also “blind, deaf and dumb.”

6.2 Presidential denial

At the executive level, the Mexican state has not recognized the crisis in the Chiapas border region and has therefore failed to establish appropriate protection mechanisms or engage in strategies to resolve the underlying causes of conflict.⁴⁷ This position of denial was effectively formalized by president López Obrador recent comment that “everything is normal in Chiapas”⁴⁸ The presidency’s glib categorization of Chiapas flies in the face of an increasing wave of political violence in the lead up to local, state, and federal elections in 2024. Moreover, his comment contradicts documented cases of political violence in the region, which make Chiapas the fifth most affected state by political violence.⁴⁹

⁴⁵ *El Universal*. 2022. “MP Municipal functionary abducted in Chiapas.” Available at: <https://www.eluniversal.com.mx/estados/agente-de-mp-en-municipios-de-chiapas-suffre-levanton-lleva-38-dias-desaparecido/>

⁴⁶ Frayba Human Rights Center. 2023. “Executions, recruitment and forced displacement on the southern border of Chiapas.” Available at: <https://www.frayba.org.mx/ejecuciones-reclutamiento-y-desplazamiento-en-la-frontera-sur-de-chiapas>

⁴⁷ Inter-American Court (2018). Case of Alvarado Espinoza et al. Mexico. Judgment of November 28, 2018. (merits, reparations and costs) para. 170

⁴⁸ *The universal*. 2023. ““Everything normal,” reports AMLO after CJNG “parade” in Chiapas and electricity shortage.” Available at: <https://www.eluniversal.com.mx/nacion/todo-normal-reporta-amlo-tras-desfile-del-cjng-en-chiapas-y-desabasto-de-electricidad/>

⁴⁹ *Chiapas Paralelo*. 2023. “Chiapas fifth in electoral violence.” Data Cívica. Available at: <https://www.chiapasparalelo.com/noticias/chiapas/2023/10/chiapas-en-el-5-lugar-nacional-en-violencia-criminal-electoral-data-civica/>

7. Human Rights considerations from the perspective of International Law

Human rights violations endanger peoples' basic rights to life, dignity, and personal integrity. These basic rights are a consequence of and indivisible from particular rights (such as personal freedom, freedom from forced labor, freedom from violence, free mobility, the right to property, the right to education, freedom from forced displacement, the right to physical and mental health, and freedom of association) as well as specialized rights (such as the collective rights of Indigenous Peoples, the rights of women and children the right of protection for medical personnel, among others rights). In the Chiapas border region, all such rights are regularly violated.

There are multiple challenges for demanding accountability and emergency response from the Mexican government in relation to the territorial conflict in Chiapas. First, the fact that federal-level state agents are not directly violating human rights at the Chiapas border region makes it possible to regard the situation as "only" a regional problem. Furthermore, no formal national or international body has recognized the situation in Chiapas as an internal armed conflict or non-international armed conflict (NIAC) despite the presence of highly armed groups that seriously impact the life, dignity, and personal integrity of the general population. However, formal recognition could be established per the United Nations Office on Drugs and Crime avowal of the fact that conflicts involving criminal organizations can generate as many deaths as internationally recognized armed conflicts.⁵⁰ The formal lack of recognition of NIAC on the part of the Mexican state or any international human rights organism is unfortunate as it would open routes for establishing mechanism that could support human rights and the protection of life in Chiapas.

The classification of the territorial conflict in Chiapas as a Non-International Armed Conflict (NIAC) is warranted by legal precedents of International Humanitarian Law. Here, the most relevant instruments are the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War and Article 3 of Additional Protocol II (1977) to the 1949 Geneva Convention. The former recognizes the existence of NIAC and establishes obligations for the protection of civilian populations, goods essential for survival, cultural patrimony, and places of worship, as well as the absolute prohibition of forced displacement. Protocol II establishes protection guarantees for civilian populations, the possibility that highly organized, non-state-affiliated armed groups with the capacity to deploy violence within state territories constitute a formal conflict, and that cases where hostilities between non-state-affiliated belligerents are ongoing require states to ensure that belligerents do not engage in attacks against civilian populations or individuals (the principle of distinction), including violations involving harms against personal dignity, extrajudicial executions, and the taking of hostages.⁵¹

⁵⁰ SEE, UNODC, Global Study on Homicide 209, Vienna, 209, Booklet, Executive Summary.

⁵¹ Cf. Melzer, Nils (2019) International Humanitarian Law: A comprehensive introduction. International Committee of the Red Cross. Geneva, Switzerland. p. 76

Following international law, all serious human rights violations resulting from the actions of belligerent involved in NIAC can be tried before the Inter-American System of Human Rights (IACHR) in cases involving member states. For its part, the IACHR operates according to the principle of substantive complementarity involving International Humanitarian Law and International Human Rights Law.⁵² It would thus follow that acts of acquiescence by states Parties in relation to the military campaigns of organized armed groups become the responsibility of the international organism.⁵³ However, the fact that the organized crime groups in the border region have not been recognized as actors involved in NIAC effectively protects the organized crime groups from formal sanctions under International human rights law.⁵⁴ Thus far, the Mexican state has not carried out a minimum analysis for the recognition of the NIAC in Chiapas, much less has it considered initiating internal human rights violations processes as required by International Criminal Law.

International courts and organizations for the protection of human rights can bring charges against States for acts of omissions contributing to violence. Regardless of the success of such proceedings in the case that they would be initiated, the challenge is still the implementation of resources and mechanisms that guarantee non-repetition and transform the structural conditions that enable human rights violations to occur in the first place. There is thus a need for international human rights systems to be improved to effectively resolve such cases. We believe that substantive complementarity between international human rights law and international humanitarian law, as well as the practice that the International Committee of the Red Cross in the Americas has begun to implement are two mechanisms that should be fully explored in terms of their capacity to secure the human rights of the people in the Chiapas border region.

Given the inability of state institutions to carry out their official functions, gain the trust of residents, or even recognize the dire situation in the border region of Chiapas, organized crime groups will continue to have ample grounds to advance their illicit interests. The testimony of a local resident provides a cogent summation of the situation:

“... Peace, [...] community, life, and human rights [need to be] respected, and [...] the Mexican State is not guaranteeing any of this. The cartels own the population; the political parties are not going to take it up and so nothing is going to change; without the conditions [for safety and efficacy], politicians are not going to do anything, just as the government programs are not doing anything.”

(Anonymous Testimony)

⁵² Inter-American Court (2004) *Serrano Cruz Sisters v. El Salvador*. Preliminary Exceptions. November 23, 2004. Series C No. 118 para. 112; Inter-American Court (2006). *Ituango Massacres v. Colombia*. July 1, 2006. Series C No. 148. Para. 180.

⁵³ It is important to distinguish between the substantive complementarity between international humanitarian law and humanitarian rights and, in this case, jurisdictional complementarity regarding the relationship between domestic and international procedures for investigating international crimes.

⁵⁴ Robert Muggah. 2023. “Organized Crime in Armed Conflicts and other Situations of Violence. IRRC No. 923. p. 570.

8. Recommendations

To the authorities of the Mexican State and the state of Chiapas:

- Formally recognize the armed conflict in the municipalities of the border area of Chiapas (La Trinitaria, Frontera Comalapa, Chicomuselo, Siltepec, Motozintla, El Porvenir, La Grandeza, Bella Vista, Amatenango de la Frontera, Bejucal de Ocampo, Mazapa de Madero, Honduras de la Sierra), which has been occurring since 2021.
- Guarantee the safety of the civilian population, prevent systematic human rights violations, and ensure the effective operation of public institutions in the Chiapas border region. All implementations must be guided by an informed, intersectional approach that takes vulnerable groups (children and adolescents, women, the elderly, Indigenous Peoples, etc.) into consideration.
- Guarantee safe, efficient, and effective access to justice mechanisms for victims of human rights violations in the Chiapas border region with the approval of municipalities.
- Enact prompt, exhaustive, and effective investigations of human rights violations in the Chiapas border region with the approval of municipalities. Establish an Independent Investigation Commission with the participation and technical and financial support of international bodies.
- Ensure the protection of community leaders and human rights defenders in the Chiapas border region. Ensure the protection of journalists who cover the territorial conflict in Chiapas per the measures provided by the Protection Mechanism for Human Rights Defenders and Journalists.
- Establish coordinated institutional initiatives to provide integral humanitarian aid to the civilian populations and to victims of forced displacement from the aforementioned municipalities. Activate the support of multilateral agencies and specialized humanitarian organizations to develop and implement a humanitarian response for the territorial conflict in the Chiapas border region.
- Establish coordinated institutional initiatives to guarantee the economic, social, cultural, civil, and political rights of the civilian population in the Chiapas border region as mandated by national and international legal instruments.

To the international community:

- Bring visibility to and generate increased awareness of the armed conflict in the Chiapas border area.
- Carry out documentation missions in the Chiapas municipalities impacted by the territorial conflict (La Trinitaria, Frontera Comalapa, Chicomuselo, Siltepec, Motozintla, El Porvenir, La Grandeza, Bella Vista, Amatenango de la Frontera, Bejucal de Ocampo, Mazapa de Madero, Honduras de la Sierra).
- Characterize the armed conflict in the Chiapas border region as a Non-International Armed Conflict (NIAC), respecting the corollary legal implications of this characterization at national and international levels.
- Establish an ongoing dialogue with federal and Chiapas state authorities in Mexico concerning the territorial conflict, providing technical and financial assistance wherever possible.
- Publicly support civil society and human rights organizations in Chiapas.
- Pressure Mexican federal and Chiapas state authorities to fulfill their responsibility to protect and safeguard human rights in the Chiapas border region.
- Cooperate with multilateral agencies, international organizations, and Mexican federal and Chiapas state authorities to establish mechanisms for humanitarian response and the protection of human rights in Chiapas.