

**REPORT ON HUMAN
RIGHTS ABUSES IN
LOMAS DEL POLEO**

BY

**THE NORTH AMERICAN HUMAN
RIGHTS DELEGATION**

**CIUDAD JUAREZ, MEXICO
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INTRODUCTION

The North American Human Rights Delegation is comprised of U.S. organizations including Amnesty International, National Lawyers Guild, La Raza Centro Legal (San Francisco), “No More Deaths”, International Civil Commission for the Observation of Human Rights, Concilio Latino San Francisco Bay Area, Labor Council for Latin American Advancement (San Francisco Chapter), Labor Council for Latin American Advancement (Sacramento Chapter), La Alianza Latino Americana, and Davis Religious Community for Sanctuary.

This Delegation visited the Ciudad Juarez and El Paso region from February 29 through March 7, 2008. It’s main objective was to observe and document the conditions of the inhabitants of Lomas Del Poleo and the immediate region on both sides of the U.S./Mexico Border. The Delegation hopes that this report will assist in informing and educating government officials and the general public on the current plight of the residents of Lomas Del Poleo and the immediate region.

Through individual and group interviews, video, audio, still photography, document analysis and direct observation, the Delegation compiled and analyzed information on the above topic and reached conclusions contained in this report. The delegation interviews included residents and former residents of Lomas Del Poleo, residents and former residents of Segundo Barrio in El Paso, elected officials, community organizers and activists, academics, faith-based leaders, law enforcement, and others. The delegation reviewed hundreds of documents, numerous photographs, and watched several hours of video documentaries.

Members of the Delegation were: Giancarlo Campagna, Guillermina Castellanos, Francisco Dominguez, Elise Ficarra, Max Garcia, Karl Kramer, Antonio Medrano, Ken Montenegro, Renee Saucedo, and Jill Shenker.

The delegation thanks all those individuals and organizations that made this report possible.

HISTORICAL BACKGROUND

Granjas Lomas Del Poleo is situated in what was known as Canton Bravo Area Five. As early as 1884 a topographical map of the Ex Canton de Bravos Chihuahua was generated and it included 60,200 Hectares.¹ The historical context of the disputed land claims is rooted in the issue that there has never been an exact geographical definition of where property of the national government begins and ends. Until this issue is addressed by the Institute of Agrarian Reform, the only governmental institution that can resolve this matter, the community and the rights of property owners will exist in an atmosphere of chaos and lawlessness.

The complex legal history of Granjas Lomas Del Poleo began in 1898 with the first sale of these public lands to private land holders. The sale of 35,200 hectares, of Ex Canton de Bravos, by Lauro Carrillo, former Governor of the State of Chihuahua, to Manuel Bauche. Through land sales covering the next several years the Public Registry of Property of Ciudad Juarez, Chihuahua No. 49 volume 77, book 6, first section notes an annexation of an additional twenty five thousand (25,000) hectares of public land in these sales. This brought the total land area under title to sixty thousand two hundred (60,200) hectares.

In 1970, 150 families peacefully settled the upper mesa of what is now called Granjas Lomas Del Poleo. The settlers came with the understanding that the lands were public property of the Mexican nation. The land was distributed with a minimum of two hectares per family, from 435 hectares from within the 25,000 hectares that were public property of the Mexican Nation. Farms and grazing land were created for the benefit of the settlers. This was done in anticipation that the federal agrarian authorities would in time recognize their possession under the Agrarian Reform Law of the 1917 Mexican Constitution.

In 1970, Luis Urbina founded the community and petitioned the Institute for Agrarian Reform for land titles. Since 1970, they have been waiting for a response from the only source with the authority to hand down a legally binding decision. Since 1970, the approximately 150 families that settled the high mesa of Lomas Del Poleo constituted a community. They built homes, began families and initiated farming and agricultural ventures.



¹ Historical Archive of the National Agrarian Registry, State of Chihuahua

In 1975, the Executive Authority recognized the need for a thorough analysis of the geographical boundaries under the land title covered by area five of the ex Canton de Bravos, known from then on as Granjas Lomas Del Poleo.²

In 1980, with the help of the settlers, they built the first classrooms for the community's first primary school Professor Alfredo Nava Sahagun, registered with the Federal System of Public Education as 08DPR2214-D and preschool Santa Teresa, registered as 08DJN1198F.

Under the auspices of the Diocese of Ciudad Juarez a Catholic chapel was constructed with a priest assigned to the parish which is located within the high mesa of Lomas Del Poleo. In the beginning called the Parish of San Marcos, now called Parish of Corpus Christi.

In 2002, the community called Lomas Del Poleo was consolidated into the urban fold of Ciudad Juarez and collaborated with the Department of Social Development of the Municipality of Juarez and the Federal Commission of Power to have a power grid installed to service the needs of the community.

THE CONFLICT

The Granjas Lomas Del Poleo community occupies approximately 345 hectares, centered between Ciudad Juarez and Eloy Vallina Laguera's proposed large development project in San Jeronimo. This location has transformed this desert mesa into an economically valuable disputed territory. Since 1970, poor settlers came to live on this land, and did so happily until 2002, when Pedro and Jorge Zaragoza took interest in this newly economically strategic piece of land and claimed ownership of it. The Zaragoza family are one of the wealthiest and most powerful families in the state of Chihuahua. At that time, there were approximately 300 families living in Granjas Lomas Del Poleo. Since then, the Zaragozas have employed various strategies to move residents and gain control of this piece of land (discussed in detail in the Findings section of the report).

Historical Dispute Over Land Ownership

The Institute of Agrarian Reform has neither delineated nor carried out a geographic survey of the land upon which Granjas Lomas Del Poleo is located to determine whether it is property of the Nation. This lack of action has been to the detriment of the community and has been the basis for years of abuse and violations of the human rights of the residents of Lomas Del Poleo (discussed in the Findings section of this report.) The inaction by the Institute of Agrarian Reform has benefited the Zaragozas, one of the wealthiest and politically connected families of Ciudad Juarez.

Upon the death of Pedro Zaragoza Viscarra, the sons Pedro and Jorge inherited the disputed lands. In spite of holding dubious title to the property, it was not until the year 2000 that they decided to reclaim the lands in question. This land is presently in the possession of the residents of Lomas Del Poleo. Recent judicial decisions are not sufficient to determine whose property claims are valid under the Mexican Constitution.

² Registered in the Public Registry of the state of Chihuahua, Number 114, Folder 181, bk 1036 of the first seccion. It is also found in the National Agrarian Registry No. 90 of fojas 67-77 of vol. one of the declarations of national lands.

A judge of the Sixth District Federal Court decided in favor of the Zaragosa complaint authorizing the removal of local resident's fences and power lines. In their allegations, the plaintiffs never referred to the resolution of 1975 issued by the Secretary of Agrarian Reform that said the land was property of the nation, and therefore the plaintiffs lacked the legal right that they presented before the judge. The Zaragosa clan translated the judge's decision as a court ordered sanction to remove the residents off the disputed land. The judge's order only concerned the removal of fencing and power lines. The main question of legal ownership of the land remained unresolved.

Response by the residents of Granjas Lomas Del Poleo

Since 2002, residents of the contested Lomas Del Poleo area have employed a variety of means to resist concerted efforts to force them from their homes, including the formation of neighborhood defense committees, physically blocking attempts to tear down their electricity, pursuit of legal strategies, public protests, an open letter to the community, and organizing a series of forums.



Due to the cutting of the electrical power and fencing on the property, the residents have

sought out the assistance of the state Commission of Human Rights and the Attorney General of the State of Chihuahua. The National Commission on Human Rights issued a press release demanding that the Mayor, the attorney general, the State Secretary for Public Safety and the Chief Inspector of the Preventative Police protect the residents with the intention of avoiding acts of violence.³ There exists no evidence that any recommendation was made regarding the violations of basic human rights and to this day no one has been held accountable.

Legal action

The residents have attempted and are involved in various legal strategies in response to the Zaragozas efforts to remove them from the land and control their access to the area. One strategy focuses on clarifying that these lands are federal lands so that settlers, in accordance with Mexican Agrarian Reform law, would have first right to buy the land. Many families have filed individual cases to this effect. In addition, there is a case filed collectively from 48 families. These cases point to the reversion of the land (a 25,000 hectare area, including Lomas Del Poleo) to federal ownership 30 years ago, as documented in the bulletin of the Land Reform Secretariat (Secretaria de Reforma Agraria, SRA). Once the land reverted to federal property, the settlers living there at the time of reversion should have been granted right of first refusal in any land transaction affecting the property. This did not happen. There is currently a case pending with the TUA (Unified Agrarian Tribunal), 5th District

³ (DGCS/041/04, issued 28 March 2004)



(Chihuahua, Chihuahua) to transfer title of these lands back to the state and thereby nullify any writings which give title or ownership rights to the Zaragozas.

Another case (670/2007), currently pending, filed on October 9, 2007, with the Unified Agrarian Tribunal of the 5th District (Chihuahua, Chihuahua) (TUA- Magistrado del Tribunal Unitario Agrario del Quinto Distrito), seeks injunctive relief for the residents

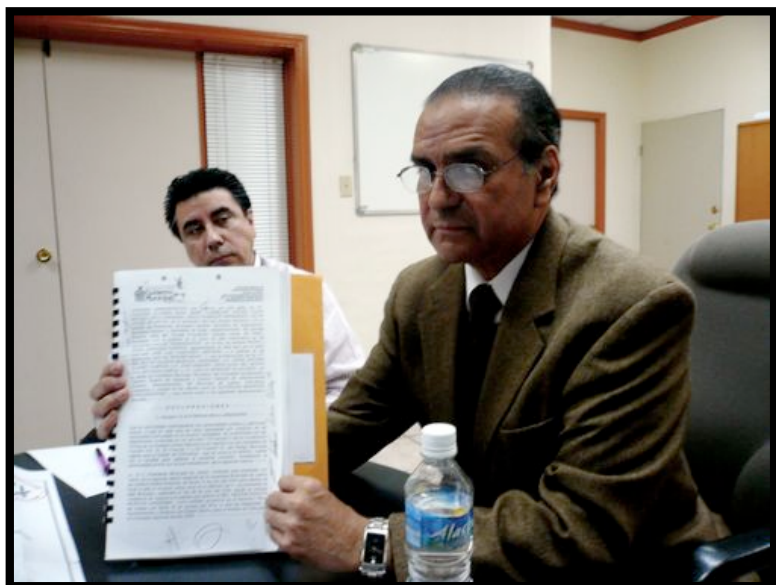
of Granjas Lomas Del Poleo. This case, between the SRA (Land Reform Secretariat) and the private guards (Catarino del Rio Ganacho, Jose Hernandez Santa Cruz, Martin Gavino Mendoza, the Zaragozas, and others) seeks to prohibit any further demolition of homes and restriction of access by the Zaragozas and their guards until the land dispute is settled. While the case is pending, the guards and the Zaragozas should abide by this injunction.

On July 24, 2005, with the support of the Agrarian Attorney General, an organ of the federal government, residents Aurelio Carranza Fernandez, Martin Salas Reyes, Tomas Ontiveros Castellon, Alfonso Lopez Cardenas and Manuel Dominquez Arellanes lauched a complaint against the Institute of Agrarian Reform, Pedro and Jorge Zaragoza and Maria del Refugio Fuentes (widow of Zaragoza).

Importantly, no judge has yet made a final decision about who is the rightful owner of this land.

Role of the Municipality in the Conflict

Although the delegation requested meetings with the mayor of Ciudad Juarez, we were unable to meet with him personally and instead were directed to meet with Carlos Morales Villalobos, director of the office of Human Settlements. According to Morales, the conflict with the residents of Lomas Del Poleo has been resolved through a judicial accord reached before a civil judge on Feb. 24, 2006. Under the terms of the agreement, the Zaragoza Group (identified by Morales as the



owner of the disputed property) donated 10 hectares of land to the municipality so the government would assist with relocating the residents. Residents were offered 500 meters of land and free building materials, with a promise of title to the house and land in exchange for withdrawing each and every civil claim before judicial authorities in the state of Chihuahua and relinquishing any right to the property where they had been living in Granjas Lomas Del Poleo. The Zaragoza group would additionally withdraw all of its claims, which it had against these residents. A new school has been constructed on this property (though is not yet operational), and a donation has been made for the construction of a church.

According to Morales, documents in the Civil Registry 154/05 established the legal ownership of the land by the Zaragozas. In addition, #53 folio del libro (registry book) 4421 section 1 established a complete transfer of land from the Zaragozas to the municipality. The documents are certified by public notary, and a state government agency. This accord was signed and certified by the secretary of the municipal government and municipal president and is fully integrated in compliance with legal requirements. Luis Alberta Rocha Vega is the judge that adjudicated the matter. Morales pointed to this as the evidence that the Zaragozas own the land.

While this documentation establishes that land has been transferred from the Zaragozas to the municipality it does not establish the validity of the original title purchased by Pedro Zaragoza Vizcarra in 1963. Still in contest is whether that land belonged to the Mexican nation at the time of sale, thus invalidating the purchase. The Zaragozas did not take the opportunity to contest the declaration of 25,000 acres of this land as public land in 1975 when there were no plans for economic development of the area.

The delegation notes striking contradictions in the officials' description of settlers of the disputed land. While the municipality claims that only 16 families are remaining on the original site of the community, local residents cite a census conducted 3 weeks ago that shows a total of 92 homes, 72 of which are permanently occupied (the other 20 homes belong to people who come and go to farm). The census is part of a complaint filed with the State Commission on Human Rights stating residents still did not have access to the public road. The report includes copies of the residents' electrical cards and photos of each home, including the 72 inhabited homes and farms.

While Mr. Carlos Morales Villalobos, and Mr. Faustino Olivares, Presidente de la Asociacion Civil Comite Procreacion Granjas Lomas Del Poleo, continually characterize the long-term residents of the original land site as "land speculators" (Morales: "These families, the only thing they aspire to do is to speculate for economic benefit. . . They are trying to leverage the land for financial benefit") upon meeting with the settlers we



found little evidence to support this claim. To the contrary, most were elderly and poor people living under extreme hardship, trying to hold onto what little they had.

Regarding complaints of human rights violations of the residents of the disputed territory, Morales says the municipality does not have the authority to investigate unlawful acts. This falls to judicial authorities in conjunction with the attorney general of the State of Chihuahua.

When asked if he could help us gain access to the fenced-in community Morales responded “No it’s their (Zaragozas) property.” Mr. Olivares concurred “They can do whatever they want to do with their land. They can prove that they own it.”

The Resettlement Community



In our meeting at the Office of Human Settlements, Morales Villalobos and Olivares told us about a relocation agreement, which for them, is the resolution to the conflict. The Zaragozas “donated” 10 hectares “to the municipality so the government could help the people to have the national right to the land, which is what we have been trying to do.” (Morales). According to them, each family was offered a plot of 500 square meters and donated building materials to build a new house of equivalent size to the

house they were leaving. In exchange, the residents would withdraw each and every civil claim before judicial authorities in the state of Chihuahua. The Zaragoza group would additionally withdraw all of its claims that it had against the residents.

According to Morales and Olivares, 65 families have entered into this agreement. Other interviews yielded different figures about the number of families who had relocated. One resident, Faustino Guerra Arellano, said only five families from Granjas Lomas Del Poleo had moved to the relocation area and that the rest of the families living there were from other places. Guerra continued, “They wanted to give the impression that Lomas was being vacated but



families from other locations were moving in.” Mrs. Maria del Carmen Casanga Cordero, a resident in the relocation area and mother of two children killed when her Lomas Del Poleo home burned in 2005, when asked if the families living in the relocation area were only from Granjas Lomas Del Poleo or also from other communities, said there were both. Olivares then said, “No, tell the truth.”

One resident who has not relocated, Mr. Cordova said, “The Zaragozas only wanted to relocate people that had more than 2 hectares. Why would people go and leave their larger properties to live in these little homes they built for them? The reasoning behind the move is they were promised more, but they went to smaller plots. They started convincing those who had a little less land to move. They started trying to get more of the people with smaller lots to move, thinking if they could get some people moving the rest of us would follow. Those with large lots didn’t want to move to a smaller lot.”

On March 5, 2008, the delegation visited the relocation settlement to speak with residents. We were met by Faustino Olivares, the president of the civil association of Lomas Del Poleo. Mr. Olivares was accompanied by Jose Torres and a man with a video camera, whom Olivares said was working for him. This man declined to give his name. This same man was among the Zaragoza guards who denied us permission to enter the fenced-in community on March 4. The residents interviewed said they entered into the relocation agreement voluntarily, indicating they felt safer in the “less dangerous” new settlement. They said the houses provided by the municipality were better than the ones they had before, and they believed that now they would have titles. Although residents are allowed to have chickens and ducks, they are not allowed to have cows and pigs as they were before, due to the close proximity of the houses.

We interviewed Maria del Carmen Casanga Cordero, a woman whose two children were



killed when her house burned to the ground in September, 2005. When asked how her house burned down Mrs. Cordero stated “I don’t know. We don’t know who it was... I don’t know if it was an accident or in retaliation for the people who live there. I still have that doubt... (starts to cry).” Mr. Olivares instructs her to tell us the official version to which she responds “All we know is the fire department concluded there was a short circuit.” The security guard informed us that

the order to get Mrs. Cordero a new house came directly from the mayor and she was given a choice of building materials for her new house. She does not have a title for the house, although she has been living there for two years.

At the time of our visit none of the residents interviewed had yet received official title to their houses and land, although they had been promised titles. One woman told us she had an

official title but upon inspection the document shown was an undated certificate that was not an official title. Olivares told us the titles were coming soon.

When describing the significance of the relocation agreement, Olivares stated, “There are no problems. Those who say it has not been settled are lying.”

The delegation concluded that the relocated residents were overall satisfied with the terms of their settlement, even though they have yet to obtain legal titles. However, the issues and concerns of the residents who chose not to relocate remain unsolved.

FINDINGS

FINDING 1: RESIDENTS OF LOMAS DEL POLEO HAVE SUFFERED HUMAN RIGHTS AND CIVIL RIGHTS VIOLATIONS, AS WELL AS LOW INTENSITY CONFLICT, UNDER THE DIRECTION OF THE ZARAGOZA GROUP.

Beginning in Spring 2003, and through the present, hired personnel contracted by Pedro and Jorge Zaragoza, have directed constant actions of harassment against the residents of Lomas Del Poleo, causing physical and mental health distress. The majority of these actions constitute human and civil rights violations under the United Nations’ Universal Declaration on Human Rights, and the Mexican Constitution. Collectively, these acts of harassment and intimidation have created dangerous conflicts and situations in this community. These actions include, but are not limited to, the following:

A. Cutting off the community’s electrical infrastructure.

According to residents’ testimony, in May 2003, 100 police vehicles accompanied CFE (Comision Federal de la Electricidad) workers, who disassembled the electrical infrastructure in Lomas Del Poleo. They spent two days rolling up electrical cable and pulled the huge 40-foot tall cement posts out of the ground, which they had constructed only a year earlier. In spite of the repeated contravening of the Zaragoza’s alleged claims to Lomas Del Poleo, and the ongoing land dispute, the CFE publicly explained that it made a mistake by putting in the electricity.

B. Restricting free access to Lomas Del Poleo with private guard force.



On May 28, 2003, hired guards, some of them armed, began to harass residents as they entered and exited the community. Since then, the guards continue to use tactics of intimidation and threaten the residents with violence at the front gate. The guards live in two encampments, or types of compounds, at the entrance of the community, with barbed wire surrounding them. Two watchtowers overlook the property. Currently, the

neighborhood finds itself surrounded and under surveillance (i.e., guard towers, surveillance trucks, video and audio recording) by Zaragoza guards 24 hours a day, who permit selective access into and out of the community.

While Lic. Carlos Morales Villalobos, Head of Human Settlements Office of Juarez, claims that residents are free to enter and exit freely, many residents, including Faustino Guerra Arellano and Juan Sanchez Cordova, contradict this assertion. Mr. Guerra Arellano was prohibited from entering the gate to escort his four minor children to the school, which is located inside the fenced area. Mr. Sanchez Cordova, a 14-year resident of Lomas Del Poleo, was visited at his home by the guards and instructed to never again enter the gated area. He is now afraid to encounter a guard while alone.

Furthermore, resident Roberto Rodriguez stated that he was not allowed to enter to reach his home because he had certain materials in his vehicle. Mr. Rodriguez explained to the guards that he only wished to fix his house roof. Guards told Mr. Rodriguez that he “could not build anything.”

Lic. Gustavo de La Rosa Hickerson, official with the State Commission of Human Rights, states: “ In Lomas Del Poleo, the hermanos Zaragoza, with the complicity of the Director of the Human Settlements Office—they’ve created a gulag-concentration camp—employing the same strategy as gulags in Eastern Europe.”

On March 4, 2008, this human rights delegation was not permitted by these guards to enter the gate guarding Lomas Del Poleo and were told that they “were not Mexican”.



C. Restricting free access to Lomas Del Poleo by installing barbed wire fences around the community.

Beginning in 2003, and again in March 2004, approximately 200 non-residents arrived in Lomas Del Poleo, who brought with them heavy machinery and installed a fence with concrete posts and wires. The community’s school is located inside the fenced area, as are over 92 homes. Residents’ entry and exit is restricted from public services and from private citizens visiting the area. On October 23, 2007, Willivaldo Delgadillo, a member of Pacto Para La Cultura, stated that the United Nation’s “Dialogo Nacional en Mexico Commission” will focus their attention on the conditions of school children in the community who have been blocked off from their school and the “precarious psychological conditions they live under as a result of being enclosed within barbed wire.”

D. Demolishing and burning private homes and public buildings in the community.

Many Lomas Del Poleo residents complained that the Zaragoza guards had either demolished or burned down their homes, or the homes of their neighbors. Guards also burned or removed livestock fencing and pens. For example, residents Jose Ponce and Julia Hernandez, a married

couple, stated that their home was arbitrarily demolished by bulldozers and backhoes and the debris loaded onto a fleet of large dump trucks. Subsequently, their access beyond the gate was completely barred.



On January 4, 2008, about 40 Zaragoza guards, their faces covered by bandanas and carrying shovels, pick axes, and crow bars, surrounded a house next to the home of Guadalupe Pineda and Antonio Gonzalez to demolish it. The guards tore down the fence as well. Guadalupe Pineda rushed to one of the vans carrying away part of her belongings to demand that they return them. Instead of stopping, the driver of the van hit the gas pedal hard and Guadalupe's clothing was caught by

some trees sticking out from the rear of the vehicle. She was dragged several yards before managing to break free. Guadalupe was injured, but the driver and passenger in the van jeered and insulted her while she was being dragged.

Many of the residents expressed that they feared leaving their homes to go to work or to run errands because their homes could be demolished or burned down by the time they returned. Antonio Flores Cordova, a resident since 1970, stated, "I'm a witness that many comrades leave their houses at 10 a.m. but upon return found their homes destroyed...they (the guards) are on top of us all the time, and we cannot live."

Among the families who suffered the destruction of their homes were Alfonso Lopez Cardenas, Leopoldo Ubanda, Jose Antonio Gonzales, Gonzales and his wife Guadalupe Pineda Cervantes, Maria Isabel Robledo, Manuel Quintana and others.

Zaragoza guards also destroyed religious buildings. For instance, on September 14, 2004, Zaragoza guards destroyed Lomas de Poleo chapel Jesus de Nazaret, apparently in retaliation for Father Bill Morton's denunciations of the Zaragoza's actions in Lomas Del Poleo.

Approximately 40 homes or structures have been demolished or burned by Zaragoza guards.

E. Threatening violence and using violence against community members.

Many of the residents stated that Zaragoza's guards often used bats, chains, dogs and guns to hit them, beat them, or shoot at them, or threatened to do so. Much of the harassment takes place during the night hours. Many residents complained about hearing rifle shots at night.

Resident Faustino Guerra Arellano stated that the guards threatened his safety many times. On one occasion “The guards fired five shots at me, and when the police arrived, they did nothing,” stated Guerra Arellano. A 65-year-old woman named Carranza stated that she lived comfortably until the guards arrived. “The guards harassed and even hit me. I live in fear because I watch the guard trucks go by, shining flashlights as they go by.” Many physical altercations also took place between guards and residents when residents tried to protect their homes from being demolished.



Resident Esther Gomez stated that on January 28, 2008, the guards destroyed her home and beat her, injuring her arm.

On February 20, 2008, Zaragoza guards beat Chihuahua State human rights official Lic. Gustavo de La Rosa Hickerson when he attempted to enter Lomas Del Poleo gates for an official inspection. He also was detained against his will behind the gate for approximately 15 minutes.

F. Killing at least one resident.

On August 18, 2005, Luis Alberto Guerrero, a Lomas Del Poleo resident, was killed while trying to stop a demolition. Credible testimony confirmed Mr. Guerrero attempted to assist a neighbor in protecting his home which was in the process of being demolished by Zaragoza guards. Witnesses state that Zaragoza guards beat him to death with shovels, pick axes, and lead pipes. Nobody was arrested or charged subsequently.

G. Breaking into residents' homes and stealing personal property.

From the end of 2003 to the present, Zaragoza guards entered residents' homes without permission, typically when the residents were absent, and stole private property. For example, 70-year-old Juan Sanchez Cordova had his door broken by the guards and his house emptied of his personal belongings.

H. Poisoning dogs and livestock.

Residents stated that Zaragoza guards also poisoned their pets and livestock, which caused them much fear and insecurity.

FINDING 2: LOCAL GOVERNMENT, THROUGH ITS ACTIONS OR INACTIONS, HAS FACILITATED AND/OR BEEN COMPLICIT IN, THE ABOVE HUMAN AND CIVIL RIGHTS ABUSES.

A. First, local government has assisted in actions of harassment against the residents of Lomas Del Poleo. They have done so through official sanctioning of, or accompaniment with, certain actions taken against the residents.

-- For example, when the power company CFE removed the electrical infrastructure of the neighborhood, the Juarez police department accompanied the company as an official security force. Approximately 100 police vehicles were present, according to witnesses.

--On May 17, 2003, Juarez police stopped residents from transporting food or water into their homes.

Local law enforcement has also been used as a tool to suppress the residents from filing formal complaints about their situation.

--One example involved residents Guadalupe Pineda and Antonio Gonzalez. When guards began to tear down their fence and steal their belongings, Guadalupe rushed to the van and was dragged several yards before managing to break free. The driver of the van was Fernando Carrillo, an employee of Jorge and Pedro Zaragoza. Carrillo claimed that it was he who had suffered attacks at the hands of the residents. Resident witnesses identified Carrillo to the police as the man responsible for causing injuries to Guadalupe Pineda. Guadalupe's husband, Antonio Gonzalez, went with his wife to file a report. Instead of allowing him to file the report, Antonio was placed in detention.

B. Second, local authorities have held a "hands off" approach and have minimally intervened, or not intervened at all, in the conflicts at Lomas Del Poleo.

--On October 25, 2004, Faustino Olivares, head of the Lomas Del Poleo Association, was beaten by guards with a baseball bat. Even though a witness came forward and went to the attorney general giving testimony that he had been offered \$30,000 pesos by David Camacho to kill Faustino, Camacho was never even questioned by the police. The State Attorney General refused to investigate the incident.



--On August 18, 2005, an armed confrontation took place between approximately 25 guards and 4 residents. Attempting to stop the demolition of a neighbor's home, Luis Alberto Guerrero was beaten to death by guards. A few days later, residents protest the death of Luis Guerrero in front of the state attorney general's office. No charges were ever brought against any of the Zaragoza guards.

--On May 29, 2003, Mayor Jesus Alfredo Delgado said that his administration could not remove the individuals allegedly sent by the Zaragoza family to Lomas Del Poleo, because they are within a plot of land that belongs to them. When informed that the guards carry guns without the police doing anything about it, the Mayor responded: "I didn't know that. I'm glad you told me. I'll get the Chief of Police to look into that matter. We don't know if these individuals have a license to carry arms or not. If they do, then we can't do anything about it."

--On August 19, 2005, Juarez Mayor Hector Murguia says the City cannot intervene to stop the violence and murder in Lomas Del Poleo.

--In April 2006, Mayor Hector Murguia claims the land dispute at Lomas Del Poleo is "resolved," despite much evidence to the contrary.

--On October 23, 2007, Mayor Reyes Ferriz says he will not intervene in the conflict at Lomas Del Poleo until the State Human Rights Commission and the Courts reach a verdict in the manner. On February 22, 2008, the State Human Rights Commission sent Mayor Reyes Ferriz an official petition stating that several illegalities were taking place at Lomas Del Poleo, including the blocking of the community's entry and exit, impeding the free movement of pedestrians and vehicles, the presence of "civil gangs," and harassment by the guards. As of this writing, the Mayor has not remedied any of the complaints outlined in the State Human Rights Commission's petition.

--On October 20, 2007, approximately 120 people, residents and non-residents of Lomas Del Poleo, were refused entry into the community by the guards to participate in a community forum on Lomas Del Poleo. Participants requested the presence of the Secretary of Public Security, who designated two patrol cars with four police officers to be present. These police officers did nothing to intervene on behalf of the participants when they were threatened and refused entry into the community.

--On December 1, 2007, participants in the 2nd forum on Lomas Del Poleo intended to hold it outside the fenced area at one of the residents' homes, the street leading into the community was blocked by guards armed with sticks, chains and guard dogs. Police presence had again been requested and three patrol cars and six police officers were present. The police officers did nothing in response to the armed blockade.

--On March 4, 2008, when this delegation interviewed Lic. Carlos Morales Villalobos, Head of the Municipal Human Settlements Office, he stated that the killing of Luis Guerrero at Lomas Del Poleo "was not related to the land dispute." He went on to say that the residents of Lomas Del Poleo were not caged in and could go in and out as they pleased. This delegation found an overwhelming amount of evidence that contradicted both assertions.

REGIONAL CONTEXT

To some, the sandy arid area surrounding Lomas Del Poleo would seem to be without critical strategic significance. But the area around Lomas Del Poleo occupies a salient location in regards to the proposed commercial development to support the movement of goods and access to low wage workers with few worker protections.

General Geographic Description

The region in question is at the junction of the borders of New Mexico, Texas, and the Mexican state of Chihuahua. The major urban areas of this region are El Paso, Texas, and Ciudad Juarez, Chihuahua. Ciudad Juarez is “the emblematic example of globalized economies and neo-liberal economic policies⁴”. Lomas Del Poleo is 5 miles west from El Paso, 200 yards from Sunland Park, New Mexico, and part of the Ciudad Juarez municipality.

Commercial Development To Support The Movement of Goods

An additional crossing at Anapra is being advocated for by interested parties on both sides of the border (c.f. SP-026-06 letter from Chihuahua Governor Jose Terrazas to Minister for Foreign Relations Luis Bautista and letter from New Mexico Governor Bill Richardson to Secretary of State Condoleeza Rice dated April 17, 2006).

This new international transportation hub is projected to include an intermodal facility which would transfer rail payloads onto heavy vehicles. Currently, Mexican railways are being improved to leverage the possibility of increased traffic.

A border crossing at Anapra would lead into Sunland Park, New Mexico. Any expansion of existing crossings, or additional border crossings (e.g. Anapra), would substantially relieve some of the traffic on El Paso’s international bridges while potentially providing an economic windfall to Sunland Park’s coffers. There is construction in Sunland Park, which points to this area being one of projected growth and current development. Sunland Park Racetrack Recreation and Casino is paying \$12 million of the infrastructure costs for a border crossing at Sunland Park., anticipating a large increase in patrons.

It is here in Sunland Park that bi-national economic interests converge. These interests include entities such as the Verde Group, Zaragoza Enterprises, and the Paso del Norte civic association. These groups share both the desire to profit from conditions on the U.S. and Mexican border and also, in some instances, common corporate directors and officers.

Williams Sanders, CEO of the Verde group, owns 29,000 acres, 5,000 of them in Sunland Park.

Elloy Vallina, one of the board members of the Verde Group, is one of the richest men in the state of Chihuahua. Mr. Vallina is also a board member of the Verde Group. He was part of a bi-national commission exploring and advocating border development called the 2003 New Mexico-Chihuahua Commission. Mr Vallina’s son, Elloy Jr., is also a Verde Group board member.

The Verde group has been involved in the advancement of two development plans, namely the Santa Teresa and the San Jeronimo plans. These trade zones would “create a niche between the United States and Mexico where the best elements on either side of the border can be accessed by companies⁵.”

⁴ Rita Laura Segato, Department of Anthropology University of Brasilia

⁵ Jerry Pacheco, executive director, International Business Accelerator



All this ties back to Lomas Del Poleo because a superhighway denominated “El Camino Real” runs along side of Lomas Del Poleo. This highway serves a number of actual functions, transporting the low-wage workers of maquilas to and from Lomas Del Poleo and having the projected function and capacity to expedite the movement of goods between the maquila zones of Ciudad Juarez and the border crossing at Santa Teresa. Business people like the Zaragoza family have much to gain by

controlling properties like Lomas Del Poleo for their potential development.

If this project reaches completion in 25 years, the impact would be a city of Santa Teresa with 100,000 residents on the New Mexico side of the border mirrored by a San Jeronimo on the Mexican side with 400,000 residents.

In an interview, the Director of the Office of Human Settlements, Mr. Morales, disclosed, “There is a plan of development for the entire municipality of Juarez in which the state government intervenes and the municipality as well, and private individuals participate in these matters. The growth of the city obligates us to search for locations for development. I can tell you these locations for development are located en route to the south of the city as to the east. And to the west there have been investments such as Camino Real and the infrastructure created by the government to bring water necessary to Ciudad Juarez—Conejos Medanos—33 km from the urban stamp of Juarez.... These programs impact the entire community. If you go to Lomas, you will see the Camino Real and its impact from east to west. These are private projects which are 14 km from Lomas Del Poleo en route to Casas Grandes and meetings have happened with the governors of Texas and New Mexico to develop the shared border. But these are long term plans.” It is quite clear that the planned development is extensive and intentional.

All of this development will increase the value of land in the area immediately surrounding the border area, particularly Lomas Del Poleo.

Access to Low Wage Workers With Few Protections

With the passage of the North American Free Trade Agreement (NAFTA) in 1994, the maquila industry in Juarez skyrocketed. Juarez is a city which holds the dubious title for being the birthplace of the Mexican maquila. Development plans for Lomas Del Poleo would benefit by access to a large pool of low-wage workers in the outlying neighborhoods on the western fringes of Ciudad Juarez and the projected population of a new city in San Jeronimo.

Connections between Lomas Del Poleo and Segundo Barrio

Displacement of poor local communities is currently taking place due to potential industrial and corporate development on both sides of the border. In addition to Lomas Del Poleo, Segundo Barrio, one of the oldest neighborhoods in El Paso with many historic buildings of rich cultural significance, is also at risk of disappearing. The pedestrian bridges from Ciudad Juarez currently terminate in El Paso's Segundo Barrio. Segundo Barrio has been called "a localized version of Ellis Island" for the Mexican community crossing into the United States.

Much like Lomas de Poleo, residents are being displaced by a closed and non-public process which benefits most of the same developers. According to one resident, Maria Guadalupe Ochoa, in lieu of violence, residents of Segundo Barrio are faced with dilemmas such as developers "offering \$20,000 for your house and you have to take it because your children have needs." In Segundo Barrio, the displacement would impact roughly 1,800 current residents.



Again, like the displacement happening in Lomas Del Poleo, there is a strong economic motivation for the displacement. Developers like Paso Del Norte stand to gain huge profits from appropriating a portion of this neighborhood. The proposed use of eminent domain to recuperate property for private development is effectively a land grab, which benefits real estate developers. Rather than being used for the common good, in this instance the land

being "reclaimed" would be turned over to a private Real Estate Investment Trust (REIT) whose goals are determined by the trustees and not by the general public and thereby not accountable to the community or city government. To a certain degree, when faced with the possibility of losing their homes through eminent domain, the residents are facing economic coercion.



According to Father Edwin Gross, residents went to a City Council meeting to speak on a proposal that would limit the use of eminent domain. The proposed ordinance would have limited the use of eminent domain to declaring a specific building a blight, but not a whole area. They were told to go home because consideration of the proposal had been postponed. The Council then went ahead and voted down the proposal after residents left. To add insult to injury, residents said a City Council member who in the past had recused himself on the issue due to conflict of interest voted against the proposal.

“That is the day that we stopped living in a democracy and started living in a dictatorship,” a resident said.

CONCLUSION

The North American Human Rights Delegation concludes that human rights violations are taking place against the residents of Lomas Del Poleo, with the tacit consent of the local government. The land development driving the displacement of residents in Lomas Del Poleo is reflected in other areas of the immediate border region, including Segundo Barrio in El Paso, Texas. Rather than being isolated cases of displacement, the cases described in this report appear to be interconnected.

APPENDIX: PERSONS INTERVIEWED

Residents of Lomas Del Poleo

Faustino Guerra Arellano, Resident of Lomas Del Poleo
Juan Sanchez Cordova, Resident of Lomas Del Poleo
Roberto Rodriguez, Resident of Lomas Del Poleo
Jose Antonio Gonzalez Gonzalez, Resident of Lomas del-Poleo
Don Manuel Camps Alcalar, Resident of Lomas Del Poleo
Guadalupe Pineda Cervantes, Resident Lomas de Poleo
Antonio Flores Cordova, Resident of Lomas Del Poleo
Petra Torres, Resident of Lomas Del Poleo
Maria Guadalupe Alvarado Macias, resident of Lomas Del Poleo
Jose Ponce, former resident of Lomas Del Poleo
Julia Hernandez, former resident of Lomas Del Poleo
Alfonso Valenzuela, former resident of Lomas Del Poleo
Sebastian Najera Melendez, Secretario General de la Asociacion Civil Comite Procreacion Granjas Lomas Del Poleo
Faustino Olivares, President of La Asociacion Civil Comite Procreacion Granjas Lomas Del Poleo
Other residents

Relocated Residents of Lomas Del Poleo

Maria del Carmen Chayre
Julia Esparza Castillo
Maria del Carmen Casanga Cordero, mother of two children burned in a house in Granjas Lomas Del Poleo
Other relocated residents

Representatives of local organizations, churches, and universities

Father William Morten S.J., expelled from Ciudad Juarez
Cesar Silva Montes, Professor Universidad Autonoma de Ciudad Juarez
Linabel Sarlat, Las Hormigas Comunidad en Desarrollo, S.A.
Elvia Villescas, Las Hormigas Comunidad en Desarrollo, S.A.
Julia Monarrez Fragoso, Professor, Researcher Colegio de la Frontera Norte
Father Edwin Gross S.J., Sacred Heart Church, El Paso
Maria Guadalupe Ochoa of Viva Maria, Sacred Heart parish, Segundo Barrio resident, El Paso
David Romo, Paso del Sur, El Paso
Cecilia Espinosa Martinez, Centro de Derechos Humanos Paso del Norte A. C.
Maria Elizabeth Flores, General Coordinator Diocese of Ciudad Juarez
Dr. Neil Harvey, Director Center for Latin American and Border Studies New Mexico State University
Juan Carlos Martinez Prado, La Otra Campaña
Cristina Coronado Flores, La Otra Campaña
Andres Muro, Community Education Program, El Paso Community College
Mary Gates, Las Cruces resident

Government representatives

Gustavo de la Rosa Hickerson, Visitador de la Comision Estatal de los Derechos Humanos
Jorge Vazques Moreno, Esq., Private Secretary to the Mayor of Ciudad Juarez
Javier Barrazas, Human Settlement Office Lawyer
Jose Torres, Human Settlement Office, Relocated Lomas Del Poleo Guard
Carlos Morales Villalobos, Director of Human Settlement Office

Attempted interviews

Mayor of Ciudad Juarez C. Jose Reyes Ferriz
Chihuahua Governor C. Lic. Jose Reyes Baeza Terrazas
Jorge and Pedro Zaragoza
El Paso Mayor, John Cook
El Paso City Council members