

Appeal denied convicted Mexican evangelicals

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Appeal denied convicted Mexican evangelicals

By Craig Bird

Special to the Baptist Standard

SAN CRISTOBAL, Mexico-Sixteen men, mostly evangelical Christians, implicated in the 1997 Acteal massacre in southern Mexico now face 36 years in prison after their final appeal was denied by a three-judge panel Nov. 30.

Sergio Nafare, defense attorney for the 16 men, as well as 68 others charged in two separate cases, notified San Antonio-based Norvi Mayfield Ministries of the verdict Dec. 1. Mayfield provides limited funding for legal expenses, as well as for helping care for the families of the men who have been in prison eight years.

"I continue to believe in the innocence of these men," Nafare said. "I do not know who was responsible for the brutal and senseless murders in Acteal, but I know it was not these defendants. Justice is not served by holding them liable for what so much evidence shows they didn't do."

Rulings are expected on the second group of 24 men by mid-December and on the third group of 44 in January. Both the victims and the accused are Tzotzil Indians.

The evidence Nafare cites was not introduced in the original trials. Nafare and his co-counsel, Roger de los Santos, joined the cases three years ago—five years after the men first were convicted and long after international interest had died down. The first group was so far along in the appeals process that the new defense lawyers were restricted to arguments based on existing evidence and testimony. Some of the new evidence has been accepted into the cases of the second and third groups.

Nafare is appealing to human-rights groups as well as concerned Christians to focus on the cases once again.

"I remind myself every day that I made a commitment to God to stay with these men," said Nafare, who became a Christian two weeks before being asked to take over the cases.

"I believe God called me to this place, and I believe they are innocent. As evangelicals, they did not support the government or the Zapatistas (who were waging a civil war at the time). So they were easy targets."

Nafare and de los Santos have “fully documented” evidence they say supports the men's innocence. Among the major assertions:

- ◆ No bullet holes in the walls of the small Catholic church against which the assault supposedly was launched Dec. 22, 1997.
- ◆ Ballistics tests on the alleged murder weapons did not match the shell casings collected at the site.
- ◆ No gunpowder residue on the suspects' hands.
- ◆ Fingerprints of the accused were not found on the guns.
- ◆ Eighty-four men were imprisoned for illegal possession of firearms (types restricted to use by the military), but only 17 weapons were produced as evidence, “leaving an image of the men firing and then passing the rifle to another man so he could fire,” Nafare said.
- ◆ The accusations were made by a 14-year-old boy who was not, as required by the Mexican constitution, accompanied by a parent, legal guardian or close relative.
- ◆ No photographs were taken of the location where the boy claimed the weapons had been buried, in violation of legal requirements.

The documentation, in Spanish, is available to legitimate news media, human-rights and religious groups via e-mail at norvintouch63@yahoo.com.

The first 40 arrests came after the boy pointed out suspects attending the funerals of the victims. The men were asked to come to the police station to provide evidence and then were arrested and charged.

“They were entrapped, were not expecting to be charged because they

were offering to help as witnesses,” Nafare said. “From the first, their legal protections were less than they should have been.”

Numerous human-rights groups, including Amnesty International and spokesmen for survivors of the Acteal attack, have pointed out that no high-ranking officials have been convicted.

In January 2004, the Mexican government announced it would conduct a judicial review of the situation. The month before, more than 100 pastors and church leaders met with authorities at Gante Street Methodist Church in Mexico City to press for such a review.

In April 2004, according to Compass News Service, about 500 Tzotzil Christians from Chiapas journeyed to Mexico City and staged a peaceful march urging the government to complete the review.

Samuel Ruiz Garcia, who was Catholic bishop of the area at the time of the killings, criticized those actions, saying evangelicals were trying to shift the case from its legal basis to one of religious persecution. The Acteal survivors group, Las Abejas, issued a statement noting the marchers had permitted “their Christian dignity to be stained with that lie.”

Nafare said the defendants' arguments had been favorably received by the review task force, “but they have asked us why we are not present every time they meet every-other month.”

Mayfield said the two lawyers never received a salary since taking over the case at the request of Chiapas evangelical leaders, and what support they had went for expenses. For the past year, they have been covering some expenses out of their own pockets.

“Other supporters have had their own funding problems or moved on to other issues, but we have provided as much funding as we could,” Mayfield explained. “But there is not enough for the lawyers to travel to Mexico City

for the meetings or even to go interview witnesses like they want to.

“I hope Americans will pray for Sergio and Roger, as well as the prisoners and their families and the government officials still making decisions in these cases. And I hope people will donate to help pay for the defense so the prisoners can have the best possible chance to prove their innocence.”

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