

DECLARATION OF ARIEL JESÚS MALDONADO LEZA

1. My name is Ariel Jesús Maldonado Leza. I am older than 21 years and the following is based on my personal and direct knowledge. I am an attorney; I have been a public servant and have been practicing law since 1989.

2. I provide this statement freely and openly. I provide permission to publish this statement in all media, newspapers, news and communication and by any other means necessary.

3. In the beginning of the month of December of 1997 we met in the offices of the Centro de Investigación y Seguridad Nacional [*Center of Investigation and National Security*] (“CISEN”), located at Camino Real de Contreras number 35, Concepcion Colony in Magdalena Contreras Delegation of Mexico City, Federal District, specifically in the second floor annex where the training classrooms were located, by the side access in the front on the left of the main building (the “CISEN Meeting”).

4. Present at the CISEN Meeting were the members of the Chiapas Coordination Group at the Operative Level, as part of the meetings of the Anti-terrorist Group (“GAT”), Engineer Jorge Tello Peon, General Director of CISEN, then Rear Admiral Wilfrido Robledo Madrid, Director of Protection of CISEN, Attorney Juan Sanchez Zarza, assistant director of studies in support of CISEN (who for some time headed the investigation department), and representatives of the Federal Police of Roadways, the Government of the State of Chiapas, the Procuraduria General de la Republica [*Attorney General’s Office of the Republic*] (“PGR”) and the Secretaria de Defensa Nacional [*Department of National Defense*] (“SEDENA”).

5. In the CISEN Meeting, as in other meetings, I headed the ...

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... representation of the PGR in my capacity as General Director of Inter-Institutional Coordination. The representation of the SEDENA was headed by a Cavalry Colonel, whose name I do not remember but who may be described as follows: from between thirty five to forty years old, approximately 1.80 meters in height, athletic to robust complexion, light brown skin with brown eyes and not too short black hair combed with gel or foam parted on the left (the “Cavalry Colonel”).

6. On the 9th, 10th or 11th of December of 1997, I attended another meeting in the offices of the SEDENA, in the meeting room of the Chief of Staff of the same Department [of National Defense], located at Boulevard Manuel Avila Camacho SN corner with Industria Militar Avenue in the Lomas de Sotelo Colony of Miguel Hidalgo Delegation of Mexico City, Federal District (the “SEDENA Meeting”).

7. Present at the SEDENA Meeting were, among others, some members of the Chiapas Coordination Group at the Operative Level, Rear Admiral Wilfrido Robledo Madrid, General Tomas Angeles Dahuare, then personal secretary to the General Secretary of National Defense, and General Juan Heriberto Salinas Altes, then Chief of Staff of National Defense, and the Cavalry Colonel.

8. Each meeting in which the Chiapas Coordination Group at the Operative Level was present followed a format: a report with elements of analysis was read by Attorney Juan Sanchez Zarza regarding the problems related to the security of the state of Chiapas, particularly regarding the Ejército Zapatista de Liberación Nacional [*Zapatista Army of National Liberation*] (“EZLN”), and the activity of the Diocese of San Cristóbal de las Casas, Chiapas, in order to later allow the representatives of several institutions speak.

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9. At the CISEN Meeting, the participation of the Cavalry Colonel as representative of SEDENA, not only addressed the subject matter – as in other occasions – of the use of helicopters of the PGR, which although initially donated by the Government of the United States of America to fight drug trafficking, were now reassigned to anti-terrorist operations in the states of Chiapas, Guerrero and Oaxaca under the strategic command of SEDENA; but also, in a pointed and emphatic manner he [the Cavalry Colonel] began to denounce the tolerance which existed until then to a checkpoint which EZLN had established in Polhó, municipality of San Pedro Chenalhó, Chiapas (the “Polhó Checkpoint”).

10. The CISEN Meeting was one of two occasions in which said Cavalry Colonel mentioned the Polhó Checkpoint and emphasized the interest [the SEDENA had] in dissuading the EZLN from continuing to maintain said checkpoint.

11. While initially the subject of these meetings was the helicopters, when the subject matter of the Polhó Checkpoint came up, this issue became an obsession for the Cavalry Colonel.

12. In the SEDENA Meeting the matter of the Polhó Checkpoint was dealt with as a principal issue and the need to neutralize the deployment of the EZLN in the area of the Altos de Chiapas, to which the villages of Polhó and Acteal belong, both being a part of the municipality of Chenalhó.

13. The focus of the SEDENA and the Chiapas Coordination Group at the Operative Level, in the CISEN Meeting and in the SEDENA Meeting, was that the Polhó Checkpoint under the command and operation of the EZLN, needed bases of social support for its...

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... militia-men.

14. With respect to bases of social support, it is necessary to understand the [following] three concepts clearly:

First, the concept of bases of social support is that militia-men exist in all insurgent movements, who comprise the armed elements [of said armed movements].

Second, the base of social support is made up of civilians in the area of military operations, and provides logistical and social support to militia-men.

Third, the members of the bases of social support are not regular soldiers or combatants, but rather are civilians who later become soldiers at specific times.

15. During the CISEN Meeting and the SEDENA Meeting, the Cavalry Colonel indicated that, according to information obtained from the Anti-Zapatista villages in Chiapas, some of the residents of Acteal were EZLN militia-men and that the EZLN relied on bases of social support in the village of Acteal.

16. According to the SEDENA, the Polhó Checkpoint was maintained by the EZLN, whose members belonged to and lived in Acteal.

17. Specifically, according to the SEDENA, based on its own intelligence information, there were bases of social support established in Acteal, whose members logistically supported the EZLN militia-men who operated the Polhó Checkpoint and said bases [of social support] concealed these militia-men as civilians.

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18. Additionally, the SEDENA informed the Chiapas Coordination Group that there were members of other indigenous communities [also] concentrated in Acteal, who had been displaced [from their own villages] for religious reasons. However, based on its own intelligence information, the SEDENA proposed to eliminate the bases of social support which maintained the Polhó Checkpoint.

19. Even though at no time was it openly stated that Acteal was going to be attacked, it was understood among the participants of the CISEN Meeting and the SEDENA Meeting that any operation against the Polhó Checkpoint would necessarily involve some type of deployment of resources with the purpose of eliminating opponents residing in Acteal who were maintaining the Polhó Checkpoint.

20. What the SEDENA openly communicated in the CISEN Meeting and the SEDENA Meeting was the need and the stated objective of eliminating the Polhó Checkpoint.

21. I stress that the understanding and concept of the SEDENA's intelligence was that those who were maintaining the Polhó Checkpoint lived in Acteal.

22. I want to clarify that these allegations made by SEDENA – the existence of bases of social support to the Polhó Checkpoint located in Acteal – were made during the CISEN Meeting and the SEDENA Meeting and as a result, [said allegations] preceded the events that resulted in the massacre of Acteal.

23. During the SEDENA Meeting the matter of the Polhó Checkpoint and the bases of social support in Acteal were pointed out by the Cavalry Colonel and General Salinas Altes.

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24. Immediately after the conclusion of each meeting, be it the CISEN Meeting or the SEDENA Meeting, I notified attorney Jose Luis Ramos Rivera, then Assistant Prosecutor of General Coordination and Development, who in turn would inform all of this to then Attorney General of the Republic, Jorge Madrazo Cuellar by means of internal memoranda as well as verbally in private meetings in their offices.

25. Around the 24th of December, I met with attorney Jorge Antonio Miron Reyes, then one of the general directors of the PGR, and commented on the Acteal case with him. He told me that the Assistant Prosecutor Everardo Moreno Cruz, was in charge of the investigation and that he had left Chiapas stating that he was going to “get those sons of bitches.” (*sic*).

26. Several days later, in agreement with attorney Jose Luis Ramos Rivera, then Assistant Prosecutor of General Coordination and Development, I commented to attorney Miron Reyes that it was necessary to investigate whether there was any connection between the massacre of Acteal and the SEDENA’s attempt to eliminate the Polhó Checkpoint.

27. Attorney Miron Reyes replied that he was going to take care of the investigation, that it had nothing to do with the army, and [told me] not to intervene.

28. In spite of the fact that I specifically notified attorney Miron Reyes in a detailed manner that perhaps SEDENA personnel could be implicated in the massacre of Acteal, I found out that, not only was the connection [between the massacre of Acteal] and participation of the SEDENA in these events not investigated, but rather the SEDENA was invited to contribute actively to said investigation.

I SWEAR under penalty of perjury of the laws of the United States of America that ...

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... the preceding is true and correct.

August 6, 2012
Date

Signed – Ariel *
ARIEL JESUS MALDONADO LEZA

*There is a thumb print

Each of pages 1 – 6 has been signed (Ariel) on the right margin and has a thumb print.

TRANSLATOR'S AFFIDAVIT

I, MAGDA MEDEL, am fluent in the Spanish and English languages and capable of complete and accurate translation from Spanish into English. I have translated the attached document completely and accurately from Spanish into English. The document is true and faithful translation of the original.

DECLARATION OF:

ARIEL JESUS MALDONADO LEZA

on August 22, 2012.

FURTHER AFFIANT SAYETH NAUGHT.

Magda Medel
MAGDA MEDEL

State of Florida)
)
County of Miami-Dade)

SWORN TO AND SUBSCRIBED BEFORE ME by MAGDA MEDEL, who is personally known to me and who did take an oath, on August 22, 2012.

Gloria M. Gross
NOTARY PUBLIC
STATE OF FLORIDA

My commission expires:

