



# General Assembly

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## Human Rights Council

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### Human rights situations that require the Council's attention

## **Written statement\* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 August 2020]

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\* Issued as received, in the language(s) of submission only.

## Situation of the Mapuche community in Chile

In Chile, there are repeated arbitrary arrests and imprisonments of members of the Mapuche community. Raids and controls sometimes turn violent. The charges usually include membership to an illegal organization, threats against or lacking respect for public officials, kidnapping with conditional intent, theft, arson, embezzlement, causing riots or damage to property with conditional intent. In Chile it is still possible to bring charges against people under the Anti-Terror Law. This law dates back to the time of Chile's dictatorship and allows, among other things, pre-trial detention of up to two years and prohibits the counsel for the defense from having access to the investigation files during the first six months of the proceedings. It is only used against the Mapuche. Peaceful protest marches of the Mapuche community are also regularly violently suppressed and criminalized.

In the prisons of Angol, Temuko and Lebu in the Bío Bío and Araucanía regions of Chile, 27 Mapuche prisoners are on hunger strike, 9 of them since May 4, 2020. Eight of the hunger strikers have been carrying out a dry hunger strike since August 5, 2020 and are also refusing to take liquids. The hunger strikers are in a very worrying state of health and are barely able to stand upright or speak. More than 13,000 prisoners have already been released because of the risk of the corona pandemic spreading in Chile's prisons. However, Mapuche and other political prisoners were not included in the release.

Because of the high risk of infection in the prisons, Mapuche inmates are demanding the possibility of serving their sentence under house arrest in their own communities. They also demand the return of territory to the Mapuche and changes to the rules of the penal institutions. They were also denied access to study or work centers.

By not taking into account the demands of the prisoners, the government of Chile is violating Convention 169 of the International Labor Organization (ILO), which Chile ratified on September 15, 2008. Article 10 states: "1. When penalties provided for by general legislation are imposed on members of these peoples, account shall be taken of their economic, social and cultural characteristics. 2. Other methods of punishment are preferable to deprivation of liberty".

Among the hunger strikers in the prison of Angol are Sergio Levinao, Víctor Llanquileo, Juan Queipul, Juan Calbucoy, Freddy Marileo, Danilo Nahuelpi, Reinaldo Penchulef and Antu Llanca and machi Celestino Córdova. Whereby five of them, including machi Celestino Córdova, have already been taken to hospital. Furthermore Daniel Canio, Facundo Jones, José Cáceres, Juan Cheuqueta, Fermín Marquez, Christofer Pino and Victor Marileo are sitting in the prison of Temuko, and Eliseo Raiman, Matías Leviqueo, Carlos Huichacura, Manuel Huichacura, Esteban Huichacura, Guillermo Camus, Cesar Millanao, Orlando Saez, Damián Sáez, Robinson Parra and Óscar Pilquiman in the prison of Lebu.

In the past indigenous people have been denied the opportunity to perform cultural or spiritual ceremonies. There are reports that spiritual ceremonies and the reception of traditional doctors were now allowed. Society for Threatened Peoples appeals for this development to continue.

Among the strikers is the machi (cultural and spiritual leader) Celestino Córdova. Since his arrest in 2013 it is already his fifth hunger strike. He was sentenced to 18 years imprisonment in 2014. He is accused of murdering the Luchinger-Mackay couple, landowners who occupied a farmland on which the Mapuche hold claims. International observers, human rights groups and Mapuche organizations and communities still question the evidence presented and the legality of the sentence. Celestino Córdova also refused to take liquids in the meantime and has already been taken to hospital. His state of health is very critical, and his spokeswoman stressed that he could not survive for many days.

The spokeswomen of the strikers, Giovanna Tabilo y Cristina Romo, met on August 7<sup>th</sup> with the Minister for Justice and Human Rights Hernán Larraín, the Undersecretary for Justice Sebastián Valenzuela and the Undersecretary for Human Rights Lorena Recabarren. They have discussed Córdova's proposal in order to amend Regulation 518 to include indigenous rights. The hunger strike was not discussed in the meeting. Territorial conflicts between the Mapuche and other citizens of Chile have been going on for a long time, and these conflicts have repeatedly triggered conflicts within the population. The conflict over land rights dates

back to colonial times. Mapuche countries were also expropriated under General Augusto Pinochet's dictatorship (1973-1990). The Mapuche, demand among other things the return of their territories, autonomy, and self-determination.

Discriminatory or racist acts and hostilities are also repeatedly committed. On August 1, 2020, there were renewed clashes between members of the Mapuche community and angry civilians. In support of the political prisoners on hunger strike, Mapuche members had occupied the town halls of several communities in Araucanía (the Mapuche-Territory). Violent civilians evicted at least one of the town halls. They armed themselves with sticks and sang racist songs and violated peaceful squatters. The police initially did not intervene and, according to media reports, let the violent eviction go unpunished.

Society for Threatened Peoples therefore calls upon the UN Human Rights Council to urge the Government of the Republic of Chile to:

- Negotiate with the political prisoners and their spokesperson in order to find a political solution that provides the maximum possible security for the prisoners from the pandemic.
- Allow political prisoners to serve their sentences in house arrest in their territory in accordance with Convention 169 of the International Labor Organization (ILO), Article 10, which Chile ratified on September 15, 2008.
- Act immediately without further delay because the lives of the hunger strikers are in danger.
- See to it that the police and state security act according to the rules of international human rights law respect the human rights of the Mapuche people.
- Send official observers to Araucanía to ensure that the rights of the Mapuche are respected.

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