

PUBLIC

AI Index: AMR 22/001/2008

3 June 2008

UA 154/08      Intimidation/harassment

CHILE      **Elena Varela López (f), documentary filmmaker**

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Documentary filmmaker Elena Varela López is being held in Rancagua Prison, central Chile (*Complejo Penitenciario de Rancagua*, sexta region). She is currently filming a documentary which she has been researching for the last four years, on the conflict between lumber companies and Chile's Mapuche Indigenous people, over the use of land. Amnesty International believes that the authorities have arrested her in an attempt to halt investigations into this conflict and in an attempt to intimidate her and the Mapuche Indigenous people.

Elena Varela López was arrested on 7 May by police at her home in the Novena region, approximately 620km south of where she is being held. She has been charged with "illegal association with intent to commit an offence" (*asociación ilícita para delinquir*).

Police confiscated equipment from Elena Varela López's home, including videotapes, sound equipment, stills cameras and mobile phones, and costumes needed for the filming of the documentary. In addition, the arresting officers also took the research she had done, and documents relating to the funding of the film by the government agency, the National Audiovisual Fund (*Fondo de Formento Audiovisual del Consejo Nacional de la Cultura y las Artes*). Amnesty International fears that this information could be used by Chilean security forces to intimidate and harass Mapuche activists and those who contributed their opinions to the research.

Since March 2008, the authorities have arrested three documentary makers who have spoken out against the conflict between lumber companies and the Mapuche people.

#### **BACKGROUND INFORMATION**

The Mapuche community is recognised as one of the indigenous peoples of Chile under Chile's 1993 Indigenous People's Act. The Act states that the indigenous peoples in Chile are "the descendants of human groups that have existed in national territory since pre-Colombian times and that have preserved their own forms of ethnic and cultural expression, the land being the principal foundation of their existence and culture".

Use of land is at the heart of the conflict between the Mapuche Indigenous people and the Chilean government, which has been ongoing for over a decade. In 2003 the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples submitted a report following a mission to Chile in which he stated within his recommendations that "In addition to the granting of title for private pieces of land, traditional communal indigenous territories containing resources for communal use should be reclaimed and re-established."

Amnesty International has reported ill-treatment and harassment of the Mapuche by Chilean police (*Carabineros*) and has publicly criticised the Chilean authorities for using anti-terrorism law against Indigenous community members fighting for their human rights and fundamental freedoms (see for example UA 121/06, AMR 22/001/2006, of 5 May 2006). In March 2008, the UN Committee on Human Rights expressed concern about the use of anti-terrorism legislation against members of the Mapuche community who had taken part in activities in support of Indigenous land rights. On 21 May 2008, Chile was elected as a member state to serve a three-year term on the UN Human Rights Council. As such Chile must demonstrate

their commitment to uphold human rights both internationally and nationally and to fully cooperate with the Council.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:**

- expressing concern that the arrest of Elena Varela López appears to be an attempt to intimidate her and other Mapuche activists;
- calling on the authorities to guarantee the safety of all Mapuche activists, and all those named in the research documents confiscated by police;
- noting the concern expressed by the UN Committee on Human Rights about the use of anti-terrorism legislation against members of the Mapuche community, and calling for Chile, as a newly-elected member of the UN Human Rights Council, to uphold human rights for all.

**APPEALS TO:**

President of the Republic of Chile

Señora Presidenta de la República de Chile

Sra. Michelle Bachelet

Presidencia de la Republica

Palacio de la Moneda

Santiago, Chile

**Fax: + 56 2 690 4958**

**Salutation: Señora Presidenta de la República de Chile**

Minister of the Interior

Señor Ministro del Interior

Sr. Edmundo Pérez Yoma

Ministerio del Interior

Palacio de la Moneda

Santiago, Chile

**Fax: + 56 2 699 2165**

**Salutation: Señor Ministro**

Minister of Culture

Señora Ministra Presidenta del Consejo Nacional de la Cultura y las Artes

Sra. Paulina Urrutia Fernández

Consejo Nacional de la Cultura y las Artes

Fray Camilo Henríquez 262,

Santiago, Chile

**Fax + 56 2 665 0803**

**Salutation: Señora Ministra**

**COPIES TO:**

National Director of the National Indigenous Development Board (Conadi)

Señor Wilson Reyes Araya

Director Nacional de Corporación Nacional de Desarrollo Indígena - Conadi

Ahumada 48, piso 10

Santiago, Chile

**Fax: + 56 2 6721879**

and to diplomatic representatives of Chile accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 15 July 2008.