

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

AI Index: AMR 13/002/2012  
07 March 2012

### **Argentina: The time has come to respect the rights of La Primavera Indigenous community**

Amnesty International welcomes the decision of the Argentine Supreme Court of Justice to hold a public hearing to debate the obstacles preventing the Toba Qom community of La Primavera from claiming its ancestral lands. With this hearing, the highest court is emphasizing the importance of this case and highlighting, yet again, the unresolved territorial conflicts facing Argentina's Indigenous peoples.

It is in this context that Amnesty International calls on the national government and the provincial authorities of Formosa to recognise the importance of this case and to ensure that the indigenous Toba Qom community is able claim its ancestral lands without fear of attack or reprisal. The organization also urges the authorities to put in place a fair and independent process by which to recognize the community's rights to its lands and territories, in accordance with the provisions of the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169, to which Argentina is a state party.

The Toba Qom community of La Primavera has been calling for the effective fulfilment of its right to its traditional territory for years. These are lands which its people have lived on since time immemorial in accordance with their traditional subsistence practices. The community has obtained recognition of some five thousand hectares but has always maintained that its ancestral territory covers a much larger area. Because of its demands, various community members, including its leader, Félix Díaz, have suffered threats and intimidation at the hands of private individuals claiming to own part of the ancestral lands. The community has also denounced that it has been put under pressure from the provincial authorities.

The community's demands became all the more acute when the Formosa authorities announced the construction of a university institute on lands claimed by the community as ancestral territory. On 23 November 2010, the police violently dispersed around 70 community members who had been blocking a highway for four months in protest. One community member and one policeman died in the operation. Unfortunately, to date, no-one has been brought to justice. Félix Díaz and other community members are, however, facing charges for actual and grievous bodily harm, among other things.

Before and after the events of 23 September, Félix Díaz and members of his family have been exposed to threats and attacks. In November 2001, a son and a nephew of his were attacked by armed men who work for the family in dispute with the community over ownership of the land.

The Argentine state's failure to implement protective measures stipulated by the Inter-American Commission on Human Rights in order to protect the La Primavera community from "possible threats, aggression and harassment from police, law enforcement or other state officials" is worrying in this regard, as is the failure to put in place the necessary measures for the safe return of Félix Díaz and his family to their community.

The case of La Primavera community also highlights the violations of national legislation that are taking place, such as that of Emergency Law 26,160 of 2006, which prohibits evictions of indigenous populations while a nationwide survey is carried out to define Indigenous territories.

Amnesty International urges the need for the Argentine authorities to put an end to the discrimination and persistent violation of the rights of indigenous communities such as La Primavera, and to ensure that they are able to live on their ancestral lands without fear of attack or intimidation.