

AMNESTY INTERNATIONAL PUBLIC STATEMENT

9 December 2010
AI Index: AMR 22/006/2010

Chile: Amnesty International concerned about human rights violations committed against the Rapa Nui, in the context of unresolved land claims of Indigenous Peoples

Amnesty International is deeply concerned about the situation on Rapa Nui (Easter Island), following the events of 3 December in which over 20 indigenous people were injured during an operation to evict them from buildings and land that they occupied as part of a protest. A number of detentions were made.

Serious injuries were sustained by both indigenous protestors and police during the operation to evict protestors occupying a number of public and private buildings and land. The long-standing protest by some indigenous clans in demand of ancestral land, and in rejection of the Chilean government's long-standing failure to adequately address their rights, is ongoing.

Chilean security forces, numbering around 45, began their operation in the early hours of the morning, according to reports. When the group refused to leave and others gathered at the scene, the police opened fire with pellet guns, and physically beat up some protestors. Many, including 50 year old Leviante Araki, president of the Rapa Nui Parliament, sustained serious injuries from the shootings. It is understood that the indigenous protestors responded using sticks and stones. The families of protestors also reported mistreatment of their relatives who were detained and held in the local police station.

According to reports, there were serious delays in treating those who were injured after they were taken to the local hospital, due to lack of capacity on the island to deal with such a high number of injuries. It is understood that some of the injured clan members have not sought medical treatment.

The government confirmed that the day after the violence they brought in an additional 100 police officers especially to deal with the situation and that these officers remain on the island. Amnesty International has received concerns that they may be targeting clan members who are providing information to lawyers who are presenting a request for precautionary measures to the Inter-American Commission on Human Rights.

The occupations have been underway since August. In September, Indigenous peoples occupying the Hotel Hanga Roa, situated on land they are claiming as part of their ancestral territory, were evicted. Since the violence on 3 December, government authorities have reported that they have "recovered" six out of 18 properties occupied. It is understood that protestors withdrew voluntarily from some of the premises they were occupying.

Amnesty International notes that although the Chilean authorities have the right and duty to guarantee law and order, they should do so with proportional use of force, complying at all times with their obligations to respect human rights. The organisation calls upon the Chilean government to investigate fully any excesses that may have been committed.

Amnesty International also notes the recent commitment by Chile to Indigenous Peoples' rights through the ratification of ILO Convention 169, which contains standards for the

protection of Indigenous Peoples' rights to consultation and ancestral lands. Chile also recently endorsed the UN Declaration on Indigenous Peoples' rights which requires states to provide redress for lands taken without their free, prior and informed consent. According to the organisation, these international standards – together with domestic constitutional guarantees of Indigenous Peoples' rights – provide a necessary framework for guiding future discussions between Indigenous leaders and government officials.

Amnesty International urges the Chilean authorities to:

- Ensure the use of proportional force in all law enforcement operations, and investigate any human rights violations committed;
- Ensure the availability of medical services to treat those injured during occupations and law enforcement operations;
- Ensure that police do not target individuals or clans on the basis of their having sought legal advice, or because they hold evidence regarding possible excesses committed during law enforcement operations.
- Ensure the rights of Rapa Nui indigenous peoples enshrined in international human rights standards, including their right to free, prior and informed consent with regard projects that may affect their rights and livelihood.
- Ensure Rapa Nui Indigenous peoples have access to a fair process for claiming rights to ancestral lands.

Background

Rapanui or Easter Island (Isla de Pascua) is in the south eastern Pacific Ocean and is a special territory of Chile. It is located around 3,500 kilometres west of the coast of Chile. About 2,200 of the island's 5,000 residents are Indigenous Peoples 'Rapa Nui'. Many of them are concerned by the effects of increased immigration to the island, and the fact that a flourishing tourist industry benefits outsider companies whose profits flow offshore. With decades-long disputes over property ownership, some Rapa Nui have begun to occupy government owned properties they say were illegally taken from their families generations ago.

The indigenous Rapa Nui concerns relate to long-standing land tenure issues. Since the island was annexed by Chile in 1888, following an agreement between island authorities and the Chilean government, indigenous peoples have witnessed the gradual loss of their territories. The situation was exacerbated by a 1979 decree law that allowed non-indigenous peoples on the island to be granted title to land.

In 2003, the UN Special Rapporteur on Indigenous Peoples called for “guarantees for the protection of the rights of the native Rapa Nui people over their land and resources and their right to respect for their social organization and cultural life”, in particular in the context of a planned autonomy statute for the island. The Rapporteur also reported on indigenous peoples' concerns around the “constant threat to land ownership” posed by the law allowing non-indigenous islanders to purchase land.

In response to the ongoing problem, in September the Chilean government announced the creation of working groups [mesas de dialogo] to discuss an agreement that would address their concerns regarding land titling, immigration to the island, an autonomy statute and a development plan. Some clans from the island have criticised the government's failure to consult before setting up the working groups, as well as their being conditioned on ending occupations, and the perceived ineffectiveness of the mechanism.

In 2009, a number of States, including Mexico, Sweden, Denmark, Azerbaijan, Austria, New Zealand, Uruguay, the Holy See and Canada, all recommended that Chile improve its record on recognising and implementing indigenous peoples' land rights during the country's Universal Periodic Review in the United Nations Human Rights Council. In this respect, Amnesty

International reminds the Chilean State of the commitment it made in the same review to “follow the recommendations which have been made about adopting and achieving the objectives of the UN Declaration on the Rights of Indigenous Peoples, an important political instrument.”