

# URGENT ACTION

## ENSURE FAIR TRIAL FOR INDIGENOUS LEADER

**An Indigenous leader, Relmu Ñamku, will be charged with attempted homicide on 26 October for hurting a policewoman in 2012, when her community resisted eviction from their ancestral land, in Argentina's Neuquén Province. She had first been charged with 'causing harm'. She may face an unfair trial, and risks 15 years in prison.**

**Relmu Ñamku**, an Indigenous leader from the Mapuche Winkul Newen community, will go on trial on 26 October, charged with attempted homicide. She had been one of three members of the community prosecuted in 2012 after they resisted an oil company's trucks preparing to drill on their land, and a police officer was injured.

On 28 December 2012, while members of the Winkul Newen community were attending a Mapuche funeral (*Eluwvn*) the police came to their ancestral land in Paraje Portezuelo Chico, Neuquén Province, with an eviction order. A large number of trucks and bulldozers from the oil company Empresa Apache arrived at about 3pm and were ordered to enter Winkul Newen territory. Members of the community threw stones at the bulldozers, and a police woman was injured.

After this, three members of the Indigenous community, Relmu Ñamku, Martín Maliqueo and Mauricio Raín, were charged with "causing harm". The charge against community leader Relmu Ñamku was later changed to "aggravated attempted homicide". The prosecution provided no additional evidence to justify this change. If convicted she will face up to 15 years in prison.

### **Please write immediately in Spanish or your own language:**

- Urging the Argentinian authorities to guarantee that Indigenous leader Relmu Ñamku is tried in accordance with international fair trial standards
- Urging them to guarantee that international standards that protect Indigenous peoples' rights, including their right over their territories and natural resources, are taken into account during the trial.
- Urging them to avoid using criminal law to intimidate, threaten and silence the claims of Indigenous peoples.

### **PLEASE SEND APPEALS BEFORE 7 DECEMBER 2015 TO:**

#### General Prosecutor

José Ignacio Geréz  
Ministerio Público Fiscal de Neuquén  
Ciudad Judicial: Entre Ríos y Leloir  
Neuquén Capital, CP (8300) Argentina  
Fax: +5411(0299) 525-5010  
Email: ftsjnq@jusneuquen.gov.ar

**Salutation: Dear Mr Geréz /**

**Estimado Sr. Geréz**

#### Human Rights Secretary

Martín Fresneda,  
Secretaría de Derechos Humanos de la  
Nación, Ministerio de Justicia y  
Derechos Humanos  
Dirección postal: 25 de Mayo 544,  
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Buenos Aires, Argentina  
011 5167-6500.  
Email: bprivadadh@derhuman.jus.gov.ar

**Salutation: Dear Mr Fresneda /**

**Estimado Sr. Fresneda**

#### Governor

Jorge Augusto Sapag  
Roca y Rioja  
Neuquén Capital, CP (8300) Argentina  
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432565

**Also send copies to Amnesty International Argentina, [activismo@amnistia.org.ar](mailto:activismo@amnistia.org.ar) and diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
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### ADDITIONAL INFORMATION

The Windul Newen community, of Neuquén Province, have been campaigning for over a decade against being evicted from their ancestral land to allow oil extraction. In their fight for the rights they have suffered forced evictions, illegal inspections and surveillance of their territory at night, as well as a constant military presence in their cultural spaces.

Their land is in the *Yacimiento Protezueta Norte*, where there are 10 oil and gas wells owned by the Apache company, which has been owned by the state company Yacimientos *dle Sur-Ysur* since 2014. The Ministry of the Environment, Hydrocarbon Energy of Neuquen province ordered the company in 2012 to clean up the land before continuing with oil and gas extraction. There has been no extractive work since then, but the company still has not complied with the order

In 2012 the UN Special Rapporteur on the rights of Indigenous Peoples expressed concern after his visit to the country at the use of the judicial system to criminalize Indigenous peoples who campaigned for their rights. The Special Rapporteur urged the state to look for solutions which would ensure public order in line with international human rights standards.

This is the first criminal trial in the region to include an intercultural jury. It will be drawn from the Mapuche Group and there will be simultaneous interpretation into Mapuzungun, the native language of the mapuche.

Names: Relmu Ñamku (f), Martín Maliqueo (m) y Mauricio Raín (m)  
Gender m/f: both

Further information on UA: 240/15 Index: AMR 13/2733/2015 Issue Date: 26 October 2015