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Americas: Indigenous peoples -- Second-class citizens in the lands of their ancestors

Ten years ago, on the 500th anniversary of the arrival of the first Europeans in the American continent, the descendants of the continent's indigenous peoples vocally reclaimed their rights and identity. Today, they remain among the most marginalised and poorest communities, discriminated against and often exposed to grave abuses of their fundamental rights, Amnesty International said today.

The statement came on the eve of the day -- known as Columbus Day, *Día de la Raza* or Native American Day -- in which several countries in the Americas celebrate the continent's multicultural heritage.

"More than half the countries on the continent recognize the multicultural character of the state and guarantee indigenous rights in their constitutions and legislation. However, this is in stark contrast with the reality faced by the vast majority of indigenous people from Canada, through Central America, down to the very tip of Chile and Argentina, who are often treated as second-class citizens," Amnesty International said.

"Basic rights of indigenous communities, including the right to land and to cultural identity -- in the use of language, education and the administration of justice -- are systematically violated in a variety of countries," the organization added.

"At the same time, racism and discrimination entrenched in most societies make indigenous people more vulnerable to human rights violations including torture and ill-treatment, "disappearance" and unlawful killings."

Amnesty International believes that governments throughout the American continent are clearly lacking the political will to make indigenous rights a reality, as demonstrated, among others, by the failure of the Guatemalan government to address the genocide of its indigenous people during the country's long-term civil conflict.

Other examples include failure to implement agreements reached with the indigenous community in Honduras in 2000, or the adoption in Mexico of inadequate and controversial Indigenous legislation which indigenous communities and organizations have rejected as violating their fundamental rights. The failure of this legislation to meet the indigenous communities' expectations has undermined efforts to protect human rights and end the conflict in the state of Chiapas.

"This lack of commitment is further demonstrated by the way governments have been dragging their feet in regards to the adoption in the Inter-American system of the American Declaration on Indigenous People," the organization added, urging governments in the region to comply with this year's OAS General Assembly's resolution on this important issue and move ahead on it .

Amnesty International also called on governments to take immediate and concrete actions to turn their rhetoric on multiculturalism and indigenous rights into reality. The organization reminded governments of the commitments they made at last year's World Conference against Racism in Durban, South Africa, which set specific goals for actions on indigenous people's rights.

"This means ensuring real representation of indigenous communities and promoting respect of the full range of indigenous rights not only in the legal, judicial and political system, but throughout society as a whole," the organization said.

Examples of violations of indigenous people's rights known to Amnesty International include:

Violations related to land and the environment

In countries including Argentina, Bolivia, Brazil, Canada, Chile, Guatemala and Nicaragua, indigenous people are reclaiming the lands of their ancestors, coming up against violent opposition from land-owners and companies exploiting natural resources, often supported by the authorities.

Across the region, large-scale projects for the construction of infrastructure or the extraction of natural resources on indigenous lands, threaten the communities' livelihood and survival, and are being planned and carried out without real and transparent consultation. Examples include the *Plan Puebla-Panamá*, set to create infrastructure and industrial projects in the southern states of Mexico and Central America with inevitable impact on indigenous communities; a project to dig a dry canal joining the Atlantic and Pacific Ocean through sacred indigenous land in Nicaragua; the Urrá dam in Colombia, situated in the ancestral lands of the Embera Katio people, which some members of the community have been campaigning against; and projects for the construction of an oil pipeline in Ecuador.

In Brazil, Hipãridi Top'Tiro, an Xavante indigenous leader from the Sangradouro indigenous reserve in Mato Grosso state, was forced to leave his land due to the death threats he received on account of his environmental campaigning and of a legal action he brought against local landowners for deforesting part of an indigenous area. According to reports, he received threats and intimidation from the regional administrator of the National Indigenous Foundation, the government's body set up to protect indigenous people, who has strong links with local landowners. Hipãridi was later informed by the federal government that he should leave the country as they were unable to offer him protection.

In Colombia, indigenous leader Kimy Pernia Domicó, of the Embera Katio community campaigning against the Urrá dam, "disappeared" in June 2001 after being abducted by army-backed paramilitaries. Other community members campaigning for his safe return have suffered harassment and one of them, Pedro Alirio Domicó was murdered also after being abducted by paramilitaries. The whereabouts of Kimy Pernia remain unknown and nobody is known to have been brought to justice in either case.

Violations related to cultural identity

In a number of countries, including Guatemala and Mexico, non-Spanish speaking indigenous people are often questioned by police and have their statements taken without the assistance of an interpreter. In Guatemala, indigenous people have stood trial in capital cases in Spanish, which they do not speak. In one case, a non-Spanish speaking indigenous man was psychologically assessed in Spanish to determine if he was fit to stand trial.

On a recent occasion in Chile, two members of the Mapuche community were found guilty of "disrespect" and "disorderly behaviour" for shouting slogans in Mapudung and playing traditional instruments at a court case in Angol.

Attacks on human rights defenders working with indigenous communities

In Bolivia, Dr Leonardo Tamburini, legal advisor to the Chiquitano indigenous community in their land claim, received telephone threats in September 2002.

In Nicaragua, Dr María Luisa Acosta, a lawyer defending indigenous communities in the Autonomous South Atlantic Region, received death threats connected to her work. In April 2002 her husband was killed in an attack widely believed to have been aimed at her, with a weapon belonging to the lawyer of a US citizen involved in buying and selling land including in indigenous lands.

In Guatemala, members of the *Defensoría Indígena* (Indigenous Defence body), working to promote indigenous rights, resolve community disputes through traditional indigenous practices and promote the recognition of the authority of traditional Mayan leaders in the state structure, have received repeated death threats. In September 2002, Manuel García de la Cruz, was brutally tortured and murdered apparently in reprisal for his human rights and development work with the indigenous rights organization CONAVIGUA.

Human rights violations including unlawful killings, torture and ill-treatment and excessive use of force

In Honduras, numerous indigenous leaders have been killed over the past few years. Nobody has been held responsible for these killings, despite commitments by the government to indigenous groups, including a promise to set up a program to investigate killings of indigenous and black people in previous years. Two years on, the program has not been set up yet.

In Argentina, during a raid of the Toba community in Formosa by at least 100 members of the provincial police, several members of the community, including one pregnant woman, were beaten and racially abused. Several others, including a 74-year old man, were detained and ill-treated and humiliated while in custody.

In Canada, the 1995 shooting by Ontario Provincial Police of Dudley George, an indigenous man involved in a land claims protest has still not been the object of an independent enquiry despite repeated calls including by the UN Human Rights Committee .

Violations committed in the context of conflict

In Colombia, indigenous communities find themselves trapped in the cross-fire between the army and their paramilitary allies on one side, and guerrilla groups on the other. The Paeces community, living in the former demilitarized zone which hosted peace talks until 20 February 2002, was occupied by a military mobile unit, which has used local school and families' cooking facilities. They have refused to hand over two of their members who are suspected of belonging to the guerrilla, and have been accused of being guerrilla supporters by another community. They also live in fear of a paramilitary incursion because of these accusations. Eighty per cent of non-combat politically-motivated killings are carried out by paramilitary groups which act with the tacit or explicit support of the security forces. However, members of indigenous communities have also been killed by guerrilla groups accusing them of siding with the enemy. In July 2002, Bertulfo Domicó Domicó was killed by the Revolutionary Armed Forces of Colombia (FARC), in the municipality of Dabeiba, Antioquia department.

The killing of 26 indigenous people in Agua Fría (Oaxaca) in May 2002 was a result of the historical neglect and exploitation of indigenous communities in the region and of the failure of the state to take seriously threats of impending violence in the context of community disputes.

In February 2002 members of the Mexican army allegedly beat and sexually assaulted 17-year-old Valentina Rosendo Cantu, near her home in Guerrero state, southern Mexico, where the military are carrying out anti-insurgency and anti-narcotics operations. As with other similar cases in the past, military jurisdiction has prevented full investigations leaving the victim still suffering from the consequences of the attack and without recourse to justice.

For over three decades, Guatemala was wracked by internal conflict, with the army carrying out a scorched-earth counterinsurgency policy systematically targeted at indigenous communities in the west and northwest of the country. It is estimated that some 200,000 men, women and children were killed or "disappeared" during the conflict. The scale of human rights violations was so massive that the Catholic Church Commission of Historical Clarification concluded that they amounted to genocide in at least four areas. The vast majority of these violations has not been investigated and nobody has been brought to justice for them.

Background

12 October was chosen to commemorate Christopher Columbus' arrival in the American continent and is marked, with minor variations in date, in Argentina, Bolivia, Chile, Costa Rica, Ecuador, Honduras, Mexico, the Turks and Caicos Islands, the United States, Uruguay and Venezuela.

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