

URGENT ACTION

INDIGENOUS COMMUNITY FACE ILLEGAL EVICTION

A landowner attempting to drive an Indigenous community off their ancestral land in north-western Argentina have attacked them, leaving one man shot dead and four others wounded.

A local landowner came to the Indigenous community of Los Chuschagasta in Tucumán Province, on 12 October, with two other men, whom the community recognised as former police officers. The men asked for the leader of the community (*el cacique*). They said they were the owners of the land, and told the people of Los Chuschagasta (around 20 of the community's 300 people were present) to get out. Other members of the community approached and asked the men to leave; the three men opened fire, killing 68-year-old Javier Chocobar and wounding three other men. The gunmen then got into a car and drove off, shooting from the windows: they wounded one other man. Community members threw stones at them. The landowner and the two gunmen were arrested shortly afterwards.

Ten days earlier, the landowner had gone onto the community's land and built a prefabricated house there. Members of the community have been blocking the road leading to the land since then.

Members of the community, who belong to the Diaguita Indigenous group, are seeking recognition of their ancestral land and the effective application of a 2006 law that prohibits the eviction of Indigenous people from their land before November 2010, while Indigenous People's land ownership throughout Argentina is reviewed and registered. Despite this law (Emergency Act No. 26.160), which was passed by the National Congress in November 2006, landowners have continued threatening members of the Diaguita Indigenous community with forcible removal from their ancestral lands, whose natural resources the landowners want to exploit.

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- Calling on the authorities to provide the Diaguita Indigenous community of Los Chuschagasta with the protection they need.
- Calling on them to implement effectively Emergency Act 26.160 so that Los Chuschagasta and other Indigenous People in Argentina can live on their ancestral lands without fear of attack or illegal eviction.
- Calling on them to order a full, prompt and impartial investigation into the killing of Javier Chocobar, publish the results and bring those responsible to justice.
- Calling on them to comply fully with the UN Declaration on the Indigenous Peoples and the International Labour Organisation's Convention 169, to enshrine Indigenous People's rights to their ancestral lands and establish mechanisms whereby these rights can be recognised and exercised with their full participation.

PLEASE SEND APPEALS BEFORE 27 NOVEMBER 2009 TO:

Minister of Social Development

Dra. Alicia Margarita Kirchner
Ministra de Desarrollo Social
Avenida 9 de Julio 1925' Piso 14
(C1073ABA) - Ciudad Autónoma de Buenos Aires, Argentina

Fax: +54 11 4379 3648 (if a voice answers, ask "me puede dar tono de fax, por favour")

Email:

privadeministro@desarrollosocial.gov.ar

Salutation: Estimada Ministra

Governor of Tucuman Province

Dr. Jose Jorge Alperovich
Gobernador de la Provincia de Tucumán
25 de Mayo 90
San Miguel de Tucumán
Argentina

Fax: +54 381 484 4003 (if a voice answers, ask "me puede dar tono de fax, por favor")

Email:

privadogobernador@tucuman.gov.ar

Salutation: Estimado Gobernador

And copies to:

Indigenous community of Los Chuschagasca

ANDHES (Abogados y Abogadas del NOA en Derechos Humanos y Estudios Sociales)- NGO representing the community
Mendoza 654 4° Piso Oficina 410
Tucumán 4000
Argentina

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Argentina's National Congress approved Law 26.160 in November 2006, which declared a state of "emergency with respect to the possession and property of the ancestral lands of the Indigenous communities of the country." (*Ley de emergencia en materia de posesión y propiedad de las tierras que tradicionalmente ocupan las comunidades indígenas del país*). This law prohibits the eviction or removal of Indigenous peoples from their ancestral lands for a period of four years and mandates a nationwide land survey. The National Institute of Indigenous Affairs (*Instituto Nacional de Asuntos Indígenas*, INAI) is overseeing the surveying and registration of indigenous land ownership. However, evictions have continued in several provinces, including Tucumán and Neuquén. Some communities have also resisted and contested judicial eviction orders that have been issued.

On 17 September, 40 families of the Quilmes Indigenous community, in Tucumán province, were forcibly evicted from their ancestral lands and their houses destroyed, in Colalao del Valle.

Cut off from resources and prevented from carrying out the traditional practices vital to their welfare and survival, many Indigenous Peoples in Argentina are unable to enjoy their human rights fully. Instead they face marginalization, poverty, disease and violence.

Both the UN Declaration on the Rights of Indigenous Peoples and the International Labour Organisation's Convention 169, to which Argentina is a party, enshrine Indigenous People's rights to their ancestral lands, and call on states to establish mechanisms whereby these rights are recognised and made enforceable.

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