

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Argentina: Safety of indigenous communities threatened on their ancestral lands**

Amnesty International is concerned at the lack of effective measures to protect the safety of the indigenous community of Chuchagasta, Tucumán Province, and their ability to demand their human rights without fear of reprisals or intimidation. These measures are particularly urgent following the murder of community representative, Javier Chocobar, on 12 October last.

The Argentine authorities must take measures to guarantee the assistance and safety of the victims, witnesses and families during the trial for Javier Chocobar's murder. International human rights standards exist in this respect, and these indicate that such measures must be discussed and agreed with the people affected.

According to information received, on 12 October last, a local landowner and two former police officers arrived at the Chuchagasta community with the aim of forcibly evicting its members. When the community refused to leave its lands, the men – who were armed - fired on the community members present. As a result, Javier Chocobar, 68 years of age, was shot dead and four others were wounded. Amnesty International subsequently urged the authorities to provide the community with the necessary protection.

Three men were arrested in connection with the murder and, on 6 November, a judge ordered that two of them be held on remand, including the landowner. The third man was released, although he remained a defendant in the case.

On 18 February, the Tucumán Court of Appeal overturned the original judge's decision and ordered the conditional release of the two men for the duration of the trial for Javier Chocobar's murder and the wounding of two other community members.

Amnesty International has received information that members of Chuchagasta community are worried that they will be threatened once more. Two days after the release of the two men, unknown people were seen roaming around the community's lands close to where Javier Chocobar used to live.

The organization regrets that, despite the threats suffered over the years and the death of one of its members, the risks being run by this community are being ignored. Two of the witnesses to Javier Chocobar's death were seriously injured in the attack. "Without effective protection of witnesses and victims, there is no guarantee that the events will be clarified or that justice will be done for what happened on 12 October," added Amnesty International.

Amnesty International emphasises that it is crucial that the Argentine authorities demonstrate their commitment to the human rights of indigenous peoples, guarantee their safety, and take action to put an end to the discrimination and persistent human rights violations they are suffering. Amnesty International reminds the authorities that indigenous peoples have a right to their ancestral lands, and that this should be ensured without fear of attacks or intimidation.

**Background information**

The members of Chuchagasta community, who belong to the Diaguita indigenous people, are seeking recognition of their ancestral lands and the effective application of Emergency Law 26,160 of 2006, which prohibits the eviction of indigenous peoples from their lands while indigenous lands throughout the whole of Argentina are being revised and registered. Last November, the provisions of this law were extended to 2013.

Despite the existence of this law, a number of indigenous communities are facing the threat of forcible eviction from their lands by local landowners, with the complicity of the local judicial authorities, so that they can exploit the natural resources on them.

According to the United Nations Declaration on the Rights of Indigenous Peoples, "indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

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