

PUBLIC

AI Index: AMR 22/008/2004

12 August 2004

UA 247/04

Fear for Safety

CHILE
defender

Juana Calfunao Paillalef (f), indigenous community leader and human rights

Antonio Cadin Huentelao (m), her husband
Their family

Killed: Basilio Coñoenao (m) – Juana's uncle

A community leader from the Mapuche ethnic group, and her family, have suffered a campaign of intimidation, including the apparent murder of her uncle and an arson attack on her home. All this is apparently connected to her community's dispute with local landowners over land ownership. The authorities have apparently taken no action to protect them, and Amnesty International believes their lives are in danger.

Juana Calfunao Paillalef is a *lonko* (community leader) of the Juan Paillalef indigenous community in the municipality of Cunco in southern Chile's IX Region. In the early hours of 26 June a fire started in her house which burned it to the ground. A charred body found after the fire was later discovered to be that of her uncle, Basilio Coñoenao, himself a *lonko* from the nearby Juan Pichunlaf indigenous community. He had not been staying at the house, and many in the community believe that he was killed elsewhere and his body left in the burning house.

For some days before the fire, cars from outside the community had been seen near the house at night, and Basilio Coñoenao and his nephew had received threats from landowners calling on the family to abandon their property. Basilio Coñoenao filed a complaint about this with the Regional Public Prosecutor (*Fiscal Regional*). The authorities are not known to have made any progress with the investigation into either these threats or the fire.

Juana Calfunao Paillalef and her family were threatened and intimidated on four occasions during the month of July. Stones were thrown against their makeshift tin house and shots were fired in the air outside. They have reported this to the *Carabineros* (national police) in the town of Los Laureles, eight kilometres from Juan Paillalef. The authorities are not known to have ordered any investigation, or taken any measures to provide protection for the family.

There has been a longstanding disagreement between the community and landowners over demarcation and fencing (*demarcación y cerramiento*) of the community's land. Landowners are reported to have intimidated members of the community repeatedly, in attempts to force them to abandon their land. The authorities have reportedly not acted to protect the community against this harassment. The community has filed a lawsuit against several local landowners which is before the First Civil Court (*Primer Juzgado Civil*) in the city of Temuco.

In May 2000 Juana Calfunao Paillalef, who is a founder member of the non-governmental organization *Comisión Ética Contra la Tortura* (Ethical Commission Against Torture), was imprisoned for three days after a man attacked her in the street in Temuco. In custody she was beaten by *Carabineros* causing her to suffer a miscarriage. Again, Amnesty International is unaware of any progress in this case, which is in the hands of the military prosecutor's office (*fiscalía militar*) in Valdivia.

BACKGROUND INFORMATION

Indigenous people in Chile have been pressing for reforms of land ownership and the recognition of their rights since the end of military rule in 1990. In the report on his visit to Chile in July 2003, the United Nations Special Rapporteur on indigenous people underlined the social and economic marginalization of indigenous communities in the country. Some of the most serious problems were those related to land tenure, especially among the Mapuche community.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing concern for the safety of Juana Calfunao Paillalef and her family, who have suffered repeated intimidation;
- calling for a prompt, impartial and conclusive investigation into the intimidation the family have suffered, the alleged arson attack on their home on 26 June, and the apparent murder of Basilio Coñoenao, and for those responsible to be brought to justice;
- urging the authorities to provide her and her family with adequate protection;
- asking for information on the progress of the investigation into the torture suffered by Juana Calfunao Paillalef in May 2000 which led to the loss of her unborn baby.

APPEALS TO:

Regional Governor, IX Region

Sr. Intendente IX Región

Intendencia Región Araucanía

Sr. Ricardo Patricio Celis Araya

Bulnes 590 piso 2, Temuco, Chile

Fax: +56 45 208217

Salutation: Sr. Intendente / Dear Sir

Minister of Justice

Sr. Ministro de Justicia

Sr. Luis Bates

Ministerio de Justicia

Morandé 107, Santiago, Chile

Fax: +56 2 695 4558

Salutation: Sr. Ministro / Dear Minister

COPIES TO:

Presidential Advisor (including indigenous affairs)

Asesor de Gestión de la Presidencia

Sr. Domingo Namuncura

Palacio de la Moneda, Santiago, Chile

Fax: +56 2 6984656

Salutation: Estimado Señor / Dear Sir

Minister of Foreign Affairs

Sra. Ministra de Relaciones Exteriores

Sra. María Soledad Alvear Valenzuela

Ministerio de Relaciones Exteriores

Catedral 1158, Piso 3, Santiago, Chile

Fax: +56 2 696 8796

Salutation: Sra. Ministra / Dear Minister

and to diplomatic representatives of Chile accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 September 2004.