

**PUBLIC**

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**UA 121/06**

**Medical Concern**

**05 May 2006**

**CHILE**

**Juan Carlos Huenulao (m)**

**]**

**Florencio Jaime Marileo (m)**

**]**

**Indigenous Mapuches**

**Juan Patricio Marileo (m)**

**]**

**Patricia Roxana Troncoso (f)**

**]**

**Mapuche sympathiser**

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The four individuals named above, have been on hunger strike for 54 days since 13 March at Temuco prison in the Novena Region (Ninth Region) of Chile. They were tried and sentenced under anti-terrorism law which the government has reportedly now claimed will no longer be applied against Mapuches. Amnesty International is calling on the authorities to ensure that they receive adequate medical attention.

Juan Carlos Huenulao, Florencio Jaime Marileo and Juan Patricio Marileo are from the Mapuche ethnic group in Southern Chile. Patricia Roxana Troncoso is a student who lived amongst the Mapuche community and who has pledged solidarity to their cause. In 2005, they were all sentenced to 10 years imprisonment and fined over 425 million Chilean pesos (827USD) under anti-terrorist legislation implemented by Former President Augusto Pinochet.

All four have been in prison since 2002 after being convicted of setting fire to 100 hectares of forest in 2001. They claim the forest was ancestral land wrongfully distributed to timber and paper producing companies during the government of Augusto Pinochet.

The hunger strikers are protesting against what they claim was an unfair trial and an unjust sentence under legislation that is not applicable in this case. On 28 April 2006, the Chilean Minister of the Interior, Andrés Zaldívar Larraín, promised that the Anti-Terrorist Law would no longer be applied against the Mapuche population. However, no mention was made of the four individuals currently in prison under this law.

### **BACKGROUND INFORMATION**

The Mapuche community are recognised as one of the indigenous peoples of Chile under Chile's 1993 Indigenous People's Act. The Act states that the indigenous peoples in Chile are "the descendants of human groups that have existed in national territory since pre-Colombian times and that have preserved their own forms of ethnic and cultural expression, the land being the principal foundation of their existence and culture".

In 2003 the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples submitted a report following a mission to Chile in which he stated within his recommendations that "In addition to the granting of title for private pieces of land, traditional communal indigenous territories containing resources for communal use should be reclaimed and re-established."

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

- asking the authorities to ensure that Juan Carlos Huenulao, Florencio Jaime Marileo, Juan Patricio Marileo and Patricia Roxana Troncoso, who are reported to be gravely ill, receive adequate medical attention;
- requesting a clarification of the Minister of Interior's statement on the future non-application of the Anti-terrorist Law against the Mapuche people with regards to the situation of the four individuals currently in prison.

### **APPEALS TO:**

The President

Señora Presidenta de la República de Chile  
Sra. Michelle Bachelet  
Presidencia de la Republica  
Palacio de la Moneda  
Santiago, Chile

**Fax:** +56 2 690 4958

**Salutation:** Señora Presidenta de la República de Chile/Dear Madam President of the Republic

Regional Governor, IX Region

Región Araucanía  
Sr. Eduardo Klein Koch  
Bulnes 590 piso 2  
Temuco, Chile

**Fax:** +56 4 520 8217

**Salutation:** Señor Intendente/ Dear Regional Governor

Interior Minister

Señor Ministro del Interior  
Sr. Andrés Zaldívar Larraín  
Ministerio del Interior  
Palacio de la Moneda  
Santiago, Chile

**Fax:** +56 2 699 2165

**Email:** [ie@interior.gov.cl](mailto:ie@interior.gov.cl)

**Salutation:** Señor Ministro/ Dear Minister

**COPIES TO:**

Foreign Minister

Señor Ministro de Relaciones Exteriores  
Sr. Alejandro Foxley Rioseco  
Ministerio de Relaciones Exteriores  
Edificio Jose Miguel Carrera  
Teatinos 180  
Santiago, Chile

**Fax:** +56 2 6994202 / 698 3592

**Email:** [minrel@minrel.cl](mailto:minrel@minrel.cl)

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 16 June 2006