

PUBLIC

AI Index: AMR 22/005/2005

10 August 2005

Further Information on UA 247/04 (AMR 22/008/2004, 12 August 2004) and follow-up (AMR 22/012/2004, 19 October 2004) - Fear for safety

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

Antonio Cadin Huentelao (m), her husband
Their family

New names: Remultray Cadin Calfunao (f), aged 7, their daughter
Carolina Cadin Calfunao (f), aged 17, their daughter

Juana Calfunao Paillalef's house was destroyed by fire in an apparent arson attack on 22 July. The Mapuche community leader's house, in the Juan Paillalef indigenous community, was still being rebuilt after it was previously burned down in June 2004. She and her family are in grave danger. This attack may be linked to Juana Calfunao Paillalef's activism in defence of her community in a dispute with local landowners.

On the evening of 22 July Juana Calfunao Paillalef was at home with her husband, Antonio Cadin Huentelao, and their 7-year-old daughter, Remultray. They were waiting for their 17-year-old daughter Carolina, who had gone to the nearby city of Temuco, with other members of community, to observe the trial of another Mapuche community leader.

At around 6pm the family heard a female voice shouting from the direction of the river, about 150 metres from their house. Worried that Carolina was in danger, Juana and her husband immediately went to investigate, leaving Remultray in the house. They found no-one at the river, and as they made their way back to their house they heard Remultray screaming. They ran back and saw that their house was on fire. Remultray had been rescued from the fire by a member of their community.

A local public prosecutor (*fiscal local*) and investigative police officers (*criminalista de carabineros e investigaciones*) subsequently came to take statements and begin investigating the fire. The investigation is not known to have made any progress.

Juana Calfunao Paillalef is a founder member of the Chilean non-governmental organization *Comisión Ética Contra la Tortura* (Ethical Commission Against Torture). Her house, in the Juan Paillalef indigenous community, in the municipality of Cunco in southern Chile's IX Region, had previously burned to the ground on 26 June 2004, in another apparent arson attack. The charred body of her uncle, Basilio Coñoenao, was found after the fire, although it was alleged that he had not been staying in the house at the time. In February 2005 the Human Rights Office of the Chilean Foreign Affairs Ministry (*Dirección de Derechos Humanos del Ministerio de Relaciones Exteriores*) told Amnesty International that a local public prosecutor had been assigned to deal with judicial complaints filed by the family in relation to the alleged arson attack of 26 June 2004. Amnesty International is unaware of any further developments in the case.

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, whose house was burnt down again on 22 July in an apparent arson attack;
- urging the authorities to provide Juana Calfunao Paillalef and her family with adequate protection;
- calling for a prompt, impartial and conclusive investigation into the fire with the results made public and those responsible brought to justice;

- asking for details of any investigation initiated into the alleged arson attack on their home on 26 June 2004, and the death of Basilio Coñoenao, and asking for the findings of this investigation to be made public and those responsible to be brought to justice;
- asking what progress has been made in the investigation into the May 2000 beating of Juana Calfunao Paillalef by *Carabineros*, which caused her to suffer a miscarriage.

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 45 208 217

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 2 698 4656

Salutation: Estimado Señor / Dear Sir

Minister of Foreign Affairs

Sr. Ministro de Relaciones Exteriores

Sr. Ignacio Walker

Ministerio de Relaciones Exteriores

Catedral 1158, Piso 3, Santiago, Chile

Fax: +56 2 696 8796

Salutation: Sr. Ministro / 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 21 September 2005.