

ARGENTINA

FORCED DISAPPEARANCE IN MAPUCHE COMMUNITY

National Security Forces violently repressed the Mapuche community Pu Lof en Resistencia, in Chubut, Argentina, and forcibly disappeared a 28-year-old man.

On the morning of 1 August 2017, about 100 members of the Argentine National Gendarmerie (GNA) - a government military force - entered irregularly and violently into the territory of the Mapuche community Pu Lof en Resistencia, in the department of Cushamen, in Chubut province, Argentina.

According to the community, the GNA fired lead and rubber bullets, and burned many families' possessions. In addition, **Santiago Maldonado**, a 28 year-old activist who had arrived the day before to assist the community in its suit to reclaim tribal lands, has gone missing since the operation began. He was last seen on 1 August, while fleeing from the GNA raid.

According to eyewitness accounts, about 30 uniformed members of the GNA entered the community and began firing, which led those present to seek safety by running towards a nearby river. Some managed to cross it and escape. Witnesses indicate that they saw Santiago Maldonado running to protect himself from the shots before the river crossing. Those who had fled to the other shore saw him crouching to hide himself and overheard two GNA officials exclaim, "We've got one," and "You are detained." Another person reported seeing a group of gendarmes beating a young man who was tied up. Later, another witness said he saw between six and eight troops forming a row to block the view of something being loaded into the back of a GNA van. Although none of the witnesses managed to identify precisely who was loaded into the van, the community reported that no other person present in the community that day has disappeared.

Despite the community's repeated attempts to locate Santiago Maldonado and the various habeas corpus appeals filed before the Federal Judge of Esquel, Guido Otranto, urging the state to expeditiously take the necessary measures to find Santiago Maldonado, the authorities have not offered any information about his whereabouts or the measures they have taken to find him. The UN Committee against Enforced Disappearances issued an urgent action requesting information on Santiago Maldonado's whereabouts, and a diligent investigation of the facts.

Please send a fax, email or letter without delay. (Postage is \$2.50.) **Ask the authorities**

* to urgently adopt all the necessary measures to find Santiago Maldonado;

* to carry out a full and impartial investigation into the events perpetrated on 1 August in the community of Pu Lof en Resistencia, to make the results public, and to bring those responsible for human rights violations to justice;

* to implement any measures necessary in order to guarantee the physical integrity of the Mapuche community Pu Lof en Resistencia, with their full participation;

* to reach a definitive solution to the territorial claim of the Lof Cushamen community of the Mapuche people.

Here is the contact information you need:

Minister of Security

Patricia Bullrich
Gelly y Obes 2289
C1425EMA
Ciudad Autónoma de Buenos Aire
Argentina

Fax: 011 54 11 4809 1656
Email: privadaum@minseg.gob.ar
Salutation: Dear Minister / Sra. Ministra

Chief of Staff, Ministry of Security

Pablo Noceti
Gelly y Obes 2289
C1425EMA
Ciudad Autónoma de Buenos Aires
Argentina

Fax: 011 54 11 4809 1656
Email: Privada.noceti@gmail.com
Salutation: Chief of Staff / Sr. Jefe de Gabinete

Secretary for Human Rights and Cultural Pluralism

Claudio Avruj
Av. del Libertador 8151 - C1429BNO
Ciudad Autónoma de Buenos Aires, Argentina

Fax: 011 54 11 5300 4000
Email: privadadh@derhuman.jus.gov.ar
Twitter: @clauavruj
Salutation: Dear Secretary / Sr. Secretario

Please send a copy to

His Excellency Marcelo Gabriel Suárez Salvia
Ambassador of the Argentine Republic
81 Metcalfe Street, 7th Floor
Ottawa, Ontario K1P 6K7
Fax: (613) 235-2659
Email: ecana@mrecic.gov.ar

Amnesty International Argentina
Email: activismo@amnistia.org.ar

Additional information

In 2017, Amnesty International issued Urgent Action 8/17 Index: AMR 13/5477/2017 for the acts of repression and violence against the Mapuche community of Lof Cushamen in Chubut carried out on 10 and 11 January of that year. In both episodes, the community reported having suffered beatings, hair pulls against women, and harassment of community's children.

The community is pursuing a land reclamation process in conflict with the company "Compañía de Tierras del Sur Argentino". It is owned by the Benetton family which has about one million hectares in Argentine Patagonia. On March 13, 2015, a group of Indigenous people carried out the recovery of an area in the department of Cushamen, near the city of Esquel, in the province of Chubut, which resulted in a complaint to the local justice by the Benetton family, to initiate proceedings to investigate the possible usurpation of the land.

In 2016, Amnesty International and other organizations reported on the increasing environment of stigmatization and persecution of the Mapuche peoples. National authorities have labelled communities as "threats to social security" in reports (<https://amnistia.org.ar/la-lucha-indigena-no-es-delito-estigmatizacion-y-persecucion-al-pueblo-mapuche/>).

The existence of the Mapuche peoples predates the establishment of the state and this is recognized in the Argentine Constitution in article 75, section 17. In fact, the oil and mining companies and the large ranches are the ones who have moved in - often by force - to community lands and dispossessed the communities of them. Argentina, in both its constitution and other national regulations along with the ratification of several fundamental international instruments - such as International Labour Organization (ILO) Convention No. 169 - and the adoption of the UN Declaration on the Rights of Indigenous Peoples, has acknowledged the human rights of Indigenous Peoples: the right to territory and natural resources, the right to self-determination, the right to determine their own priorities for development and the right to respect for their customs. Despite this, in practice, Indigenous people continue to face obstacles when claiming their rights, particularly in relation to control of their territories and natural resources.

The Argentine National Gendarmerie is a security force 'of military nature' which reports to the federal government and carries out its mission and functions in the context of domestic security and national defense, and provides support in foreign affairs. International law states that governments should, in their domestic legal systems, draw a clear distinction between national defense as the function of the armed forces, and citizen security as a function of the police. Functions related to the prevention, deterrence and lawful suppression of violence and crime are the sole responsibility of the police, under the oversight of the legitimate authorities of a democratic government.