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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by Auspice Stella, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 March 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Xenophobia, Racism and Related Forms of Intolerance Against the Mapuche People of Chile

Auspice Stella in conjunction with Mapuche Human Rights Commission, Mapuche International Link and Juan Paillalef Community wish to commend the broad body of work achieved by the United Nations, member states and other stakeholders, in the promotion and protection of all human, civil, political rights and freedoms on the occasion of the 50th anniversary of the adoption of the ICCPR and the ICESCR.

Such Instruments have laid the foundations of good governance which underpin the attainment of the highest possible standards of democracy, thus providing the opportunity for equality, peace and freedom for all, regardless of age, status, class, gender, ethnic or national origin, political or religious persuasion.

Following the International Day of Zero Discrimination 2016, we reaffirm our commitment to the elimination of discrimination in all its manifestations, in consensus with the global fraternity toward attainment of the highest standard of human, civil and political rights and equity for all.

However, we lament that member states fail to maintain compliance with them, thus limiting the capacity for the realization of the provision of rights and freedoms for all humanity. These failures, result in protracted inequalities perpetrated in the lives of global citizens, in particular for the most vulnerable sectors of society.

Indigenous peoples continue to suffer inequality, injustice, and discrimination, resulting in violence and breach of human, civil, political and territorial rights as a result of this failure to honor rightful obligations. Non-compliance must be conclusively addressed with genuine political will to induce an unequivocal end to these commonplace, unethical malpractices.

Manifest, is a profound lack of respect for freedom of belief and spirituality of indigenous peoples. Mapuche spokespersons' consistently denounce the discriminate desecration of holy sites and their rewe (altars) throughout the Mapuche ancestral territory Wallmapu, encompassing all territory south of the Bio Bio River, Chile and Colorado and Salado rivers, Argentina to the southern tip of Latin America.

February 28, 2016, unidentified individuals set fire to the guillatuwe (ceremonial site) of Ranquilco community, Collipulli, Araucanía, Chile.

December 31, 2015, anonymous persons destroyed a rewe located in the Entuco and Curiqueo Queupumil communities, Huichahue region, Padres Las Casas commune, Araucanía, Chile.

October 13, 2015 the Wentelolen community, adjacent to the Forestry Mininco and Forestal Arauco estates, reported that their rewe had been destroyed by GOPE (Police Special Operations Group).

June 27, 2015 the communities of Vicente Reinahuel and Painepe denounced the destruction of their sacred site, the burning of a rewe and burial of its remains using an industrial digger, after police enforced compliance with a court action brought by the Agricultural Society and Forestal Las Vertientes. These are just some examples of commonplace, targeted destruction of sites of Mapuche religious significance.

We deplore the fact that the Chilean authorities have not taken steps to prevent this type of sacrilegious vandalism.

The Mapuche Nation, continue suffering daily, the consequences of states failure to comply with such instruments; based on their ethnic heritage, Mapuche are subject to discrimination, manifesting as a policy of violent repression and deprivation of fundamental rights and freedoms as enshrined in international instruments and law including regards treaty obligations by Chile, relating to their duty to respect the principle, Pacta Sunt Servanda.

Political persecution against Mapuche leaders has been repeatedly denounced in this UN forum. Military police and intelligence services planting of manufactured evidence to convict Mapuche leaders is notoriously commonplace and recently Chilean courts have acknowledged such, ordering the release without charge of hundreds of Mapuche leaders due to lack of evidence.

Today reference to the existence of violation of historical treaties, between the Mapuche Nation, Spain and Chile is covertly prohibited. Mapuche lawyer Jose Lincoqueo initiated legal action against the Chilean state, within the Supreme Court, due to their violation of the border treaty of Quillen of January 6, 1641, subsequently ratified in at least 28 bilateral treaties with Spain and later Chile.

Lincoqueo's office was later raided, his files and computers confiscated, he was blackmailed and received death threats. As a consequence of these State actions he was prevented from exercising his profession. 14 April 2011, he was arbitrarily incarcerated, accused of "illegal exercise of profession" and "contempt of the law" suffering further indignity of being subjected to "psychiatric examination" for publically and legally asserting the legal validity of historic treaties.

In a similar case Werken (Mapuche authority) Cristian Jimenez Painefilo, a Mapuche teacher, having given an interview outlining the aforementioned treaties; Later on 10 July 2015 the oral court of Temuco passed a sentence of 10 years and one day, for a crime that he did not commit in the absence of any tangible evidence.

Democratic freedom of expression is equally suppressed for non-indigenous Mapuche supporters. Chilean Felipe Duran Ibáñez, a freelance photojournalist, was arrested and prosecuted under the 'law of gun control' on September 22, 2015 in Temuco. Despite lack of credibility of the allegations he remains incarcerated. Civil society interpreted this sentence as an act of retaliation intended to prevent the documentation and publication of images depicting repression and violation of Mapuche human rights.

Mapuche communities live under conditions of intensive, disproportionate and unsolicited occupation under Chilean military police forces. The Chilean State deploys not only ordinary police personnel but additionally highly specialized military police agents such as GOPE and DIPOLCAR.

GOPE and the DIPOLCAR are strategically employed to extinguish democratic Mapuche dissent, a method previously employed under the former Pinochet dictatorship. DIPOLCAR are used specifically to gather special intelligence using advanced interrogation techniques. In Chile today these agencies are used to affect the normal daily lives of Mapuche civilians. GOPE are deployed in order to exact indiscriminate excessive physical force against innocent Mapuche civilians techniques normally reserved for application during extra-ordinary circumstances of war or counter terrorism activities.

As a result of these routine practices numerous Mapuche communities live under 24 hour surveillance and military police occupation and are thus induced into living a daily existence of fear, threat, intimidation and reprisals, with countless physical assaults upon Mapuche individuals by them.

The practice of free and informed prior consent rarely takes place in Chile in relation to Mapuche communities. National and multi-national corporation's activities are implemented without this requirement, sanctioned, protected and supported by the Chilean State which supplies the aforementioned armed forces to control and limit any democratic resistance of Mapuche consensus within their ancestral territory.

Chile fails to comply with the internationally accepted consensus on the guidelines for Business and Human Rights, contrary to claims made by the Chilean foreign minister during this session.

March 9, 2016 militarised police officials blocked the route between Tirúa and Lumaco actively preventing Chilean 'National Human Rights Institute' (NHRI) officials from gathering testimonies of eight Mapuche that on February 10, 2016 been subjected to torture and abuse by the Police Special Operations Group (GOPE) and (DIPOLCAR) in Choque. The Mapuche community land is adjacent to 'Forestry Mininco Company', and patrolled by military police-forces.

NHRI investigations of allegations of police torture of Mapuche are denounced by such companies which maintain close links with Chilean State institutions.

NHRI director Lorena Fries stated that she has conducted interviews with all non-Mapuche parties who had reported violation of their human rights in Araucania, with the exception of Mapuche communities whom she was unable to reach due to police obstruction.

Raids and arbitrary and pre-trial detentions and torture of Mapuche Leaders is endemic in the Araucania region. The privileged elite non-indigenous sector of Chilean society and their parliament representatives block investigation of abuse of Mapuche human rights by NHRI State agency.

We request that the Human Rights Council:

- * Provide evidence of any such cases in which it claims to have consulted with the Mapuche people and their traditional ancestral authorities on issues which directly affect them, in particular in relation to business activities within Mapuche territory.
- * Provide a reasonable explanation as to why peaceful Mapuche communities are subject to military occupation and surveillance, interrogation and brutality by specialized forces and why these forces have been deemed necessary for deployment within Mapuche communities.
- * Swiftly investigate Mapuche human rights violations and procedural inconsistencies in a swift and transparent fashion, in accordance with due legal process with respect to the rule of law as an obligation of all legitimate democratic nations.
- * Restore the Mapuche people their inherent right to live unhindered in peace, safety, security and coexistence, to exercise their right to freedom of democratic expression, the right to develop in full accordance with their national aspirations intrinsically linked to their unique 'cosmo-vision' in line with 'Buen Vivir' or 'Earth law principles', their inherent right to integrity as a human person and freedom and equality before the law, and their right to self-determination as enshrined in the UN Charter and all other relevant International instruments.

We request that the Human Rights Council urgently encourage the Chilean State to demilitarize Mapuche communities and to cease the systematic violent repression of them with immediate effect.

Mapuche Human Rights Commission, Mapuche International Link, Juan Paillalef Community, NGOs without consultative status, also share the views expressed in this statement.
