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REPORT ON THE PRESENT SITUATION
OF THE MAPUCHE IN CHILE

Presented to the Working Group
on Indigenous Populations of the United Nations

by

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INTRODUCTION

Among the many victims of the Pinochet regime in Chile, none have been more ignored than the Mapuche Indians. With the promulgation of Decree Law #2568 in 1979, the military regime provided for the liquidation of Mapuche comunidades, lands communally owned by Chile's major indigenous population. Aside from this governmental attempt at ethnocide by decree, there has been a marked increase in recent months in reports of repression against the Mapuche. The repression has been particularly directed at the leadership of ADMAPU, the organization representing the majority of Mapuches in Chile.

The Institute for Policy Studies Human Rights Project and Survival International (USA) responded to this increased repression by coordinating a delegation to travel to Chile on June 26, 1984, and a follow-up conference in Washington, DC, on July 24, 1984. While in Chile, the mission was coordinated by the Chilean Human Rights Commission and ADMAPU. The delegation visited a number of Mapuche communities in the Concepcion, Temuco and Osorno regions in southern Chile. In addition to the many Mapuches interviewed, the delegation conducted interviews with government representatives, attorneys, and church officials in the area where repression has occurred. The delegation ended its trip with a visit to two remote towns in the north of Chile where ADMAPU's President and Treasurer were relegated (internally exiled) by the military government. On their final day in Chile, the delegation gave a press conference at the headquarters of the Chilean Human Rights Commission in Santiago.

The members of the delegation were: Del Anaquod, President of the Saskatchewan Indian Federated College of the University of Regina, who represented the World Council of Indigenous Peoples; Margaret Thomas, anthropologist and Director of the Portland (Oregon) Office of the Council for Human Rights in Latin America; and Kenneth I. Taylor,

anthropologist and Executive Director of Survival International (USA).

Also participating in the conference on July 24, 1984 was Melillan Painemal, a member of the Board of Directors of ADMAPU and Vice-President of the World Council of Indigenous Peoples. Isabel Letelier, Director of the IPS Human Rights Project moderated the conference.

LAND PROBLEMS AND LEGISLATION
(prepared by Kenneth I. Taylor)

The problems of land tenure and access to natural resources of the Mapuche of Chile date back many years. Their present situation of impoverishment and insufficient land is typical for the Third World and the Americas and yet the history of their relations with outsiders and invaders was, until the late 19th century, quite unique.

The Mapuche are the only indigenous group which withstood the attacks of the Inca and were never conquered by them. They are also the only south American indigenous group which was never conquered by the Spaniards. Their eventual "pacification" by the State of Chile in 1883 is not accepted by them as having been a conquest. They prefer to call it the PENULTIMATE STRUGGLE. Their history is a proud one and it is a history of which they are very conscious. It is reflected in their disdainful attitude to the operations of successive governments of Chile -- especially the present military regime.

In practice, however, they have lost control of and access to the great part of what was once their territory. At the time of the arrival of the Spaniards, in 1540, the Mapuche occupied most of what is now Chile, from Antofagasta in the north, to the Isla Chiloe in the south. This has been calculated as an area of 31 million hectares (a hectare is 2.47 acres). After about a century of interaction and struggle with the Spaniards, the Treaty of Quilin was signed in 1641. By this the Mapuche agreed to remain to the south of the Bio Bio river, in an area of only 10 million hectares. For more than two centuries they successfully defended this area against the Spaniards and, later, the Chileans. In 1881 to 1883, the Chilean armies which, with the help and financing of England, had just won the War of the Pacific against Bolivia and Peru, put down a major uprising and finally "pacified" the Mapuche. They were then settled on "reducciones" or reserves, all relatively small and, in most cases, separated one from another by areas settled by Chileans and European immigrants. This process continued until 1929 when 3,078 reserves had been created for a total area of only 525,000 hectares. By 1979, the date of the current law which provides for the division and liquidation of the Mapuche reserves, this had been further reduced to only 350,000 hectares.

Legal definition of Mapuche land tenure began in the 1860's with the issuing of "titulos de merced" in the north and "escrituras de comisario" in the south. The "titulos de merced" were for lands considered to be granted or gifted to the Mapuche by the State. They were communal, though generally in the name of the head of an extended family or community, and were clear titles of land ownership. The "escrituras de comisario" in the south had a different character. Although also communal, they were for possession and use, not for ownership. The State retained ownership or, during the years when inalienability (that is, a prohibition of sale to non-Mapuches) of these lands was provided for by law, trusteeship of the lands.

More recently, starting in 1927, titles of individual ownership have been issued to Mapuche, following the subdivision of community lands into individual family holdings. This was provided for by Law #4.169 (slightly modified in 1961) which set up the Special Court for the Division of Indian Communities in Temuco. This is the capital of Cautin Province in the heart of Mapuche territory. The laws on inalienability had to be renewed every ten years and between 1943 and 1947 there was a lapse in renewal which was taken advantage of for the purchasing from the Mapuche of some 100,000 hectares of their land.

THE CASE OF THE ROFUE COMMUNITY

We visited the community of Rofue, some 8 kilometers south of Temuco. The Rofue people are under threat of eviction at any moment. This small community of 11 families received a "titulo de merced", a communal property title, in 1905. Their present problem goes back to the 1930's and has developed in five distinct phases.

Phase I - Division of the community and the sale of one family holding

In 1934 a petition was presented for the division of the community lands, in the terms of the law of 1927. In 1942 the community twice actively opposed and prevented the necessary survey. In 1946, however, in spite of the community's continued opposition, the division was carried out. "Material possession" never took place, however, and the community members, therefore, do not accept that the community was divided.

Following this supposed division of the community, one absentee member sold her individual holding to a non-Mapuche called Sepulveda. This was the beginning of the present troubles of the community.

Phase II - First eviction attempt

In the late 1950's there was a first attempt at eviction. At least one family was evicted by carabineros who arrested Robustiano Jineo and burned down his family's

house. Robustiano spent 15 days in jail and was then sentenced to one and a half years in jail in a case brought by Sepulveda. His innocence was later established, the eviction was declared incorrect, and a commission of the Ministry of Lands was to look into the case. Because of the earthquake of 1960 this never happened.

Phase III - Compensation and re-sale

The land holding has been sold and re-sold some 5 times and in 1960 Sepulveda received 9 million pesos compensation for loss of his rights to the land. Nevertheless, he sold it again to another person at around that time. Because of the payment of compensation, the community members do not accept the legality of this sale.

Phase IV - Second eviction attempt

In December 1981 there was another judgment of eviction, in favor of the new owner. Robustiano went to Santiago again and spoke to a lawyer at the Ministry of Agriculture. He informed the lawyer that there would be opposition and dead and wounded if the eviction was attempted. He also informed the newspapers and radio stations of this. The authorities backed down and there was no eviction.

Phase V - The present situation

Now, in July 1984, there could be an eviction at any moment. A judicial decree for this has been issued. On June 25th the community approached the State Governor at Temuco and discussions on the case are going on with his office.

We spoke with the lawyer who is handling the case for the Mapuche. He is presenting every possible delaying action to the courts but says the only real hope is for a change in government. The only legal argument against the eviction, he told us, is that the community is not properly divided as the present day holdings (with the exception of the one which was sold) do not correspond to those of the survey of the late 1940's. There is also a procedural objection in that the eviction was ordered two years ago and should have been carried out within 30 days of that date.

Not just the families immediately involved, but the entire community is prepared to resist the eviction and they told us they are willing to die rather than be removed from their lands.

Between 1954 and 1972 there was a slow-down in the process of division and alienation of Mapuche lands when Venancio Conioepan, a Mapuche, was Minister of Lands. Although of the Conservative Party, as a Mapuche he was

opposed to the division of their lands.

In 1972, Law #17.729 of the Popular Unity government of Salvador Allende completely restructured the Mapuche land situation. As one Chilean lawyer we met told us, this is the only legislation in the history of Chile which has been favorable to the Mapuche.

Quite the opposite of the earlier legislation, this provided not for the division of lands but for consolidation and increase in size of Mapuche land holdings and the confirmation of communal ownership. Indians are defined both as the owners or occupiers of lands referred to in the relevant legislation (since 1860) and also as those who speak an indigenous language and maintain distinctive cultural practices. The Indians are presumed to be the owners of their lands and various procedures are spelled out for the recovery of formerly usurped Indian lands. That was to mean not only lands which had been part of the original 525,000 hectares titled since the 1880's, but also for progressive increase of Indian territory as the agrarian reform would continue to expropriate lands in excess of the established limit.

Absentee heirs would not have access to lands in favor of community members who live on and work the lands. The lands were to be inalienable (with certain exceptions) as were the woods on Indian land. Any further division of Indian lands was to be at the request of an absolute majority of the community members. Indian lands, trees, improvements, crops, equipment, animals and credits were to be unavailable for attachment or lien.

A new government agency was set up, the Directorate of Indian Affairs. Among its principal objectives were: the promotion of the social, economic, educational and cultural development of the communities, while seeking their gradual and harmonious integration into the national society, respecting their distinctive ethnic characteristics. Credit was to be provided and no land taxes were to be paid by Indians. Debts were to be forgiven, and decrees of expropriation of Mapuche lands, of 1931 and 1961, were to be annulled.

This law followed meetings held by the Mapuche in Ercilla in 1969 and in Temuco in 1970, the latter attended by Allende and his Minister of Agriculture, Jacques Chonchol. All the demands of the Mapuche were not met, but the legislation was essentially favorable to them.

During the one year that the law was in effect a good deal of land which had been in the hands of large land-owners was regained by the Mapuche. This was achieved both by the implementation of the law itself and also by numerous direct takeovers by the Mapuche themselves. In September 1973 the Pinochet military regime took power and a widespread and bloody revenge was visited on the Mapuche who

had dared to question the injustices of history and retake the lands which had always been theirs.

"... On the day of the coup, the big landowners, the land barons, the military and the carabineros started a great manhunt against the Mapuches who had struggled and gained their land back; ... the massacres of Lautaro, Cunco, Meli-Peuco, Nehuente, ... Lonquimay ... and Panguipulli ... The counter-revolution of 1973 hit the Mapuche populations even harder than most other sectors ..." (UN Ad Hoc Working Group on the Situation of Human Rights in Chile 1978). "No one has ever been able to accurately establish the number of Mapuches actually killed at /that/ time. Only /in 1979/, after six years, /were/ some people gaining the courage to explain what happened to them and their families" (Inter-Church Committee on Human Rights in Latin America 1980).

Immediately following the coup of 1973, the gains of the one year old Law #17.729 were reversed and the lands regained were expropriated once again. Obviously, then, there was no further implementation of that law. In 1979 the military regime issued Decree Law #2568 which returns things to where they were and makes them even worse. In the very title of the new law its repressive and ethnocidal nature is expressed: "For the Indians, Indian lands, the Division of the Reserves and the Liquidation of the Indian Communities."

Once again provision is made for the division of Indian lands, this time at the request of one single person, an "occupant" of a community or reserve, who need not be an Indian nor a resident and can, in fact, be an illegal squatter or usurper of the land. Following division the lands are no longer to be considered Indian, nor the people Indians (the explicit wording to this effect was removed by the modifying decree of July 1979, but the sense is implicit in several remaining clauses of the law). Indians are no longer defined in terms of language or culture, there can be no appeal of a judgment of land division and such a division cannot be annulled or rescinded.

THE CASE OF THE LAUTARO COOPERATIVE

We visited this cooperative, near the town of Lumaco, founded in 1969. In 1968, during the Frei government, 120 Mapuche families of the community of Mohuen occupied the lands of what is now the cooperative. Mohuen was a "reduccion" or reserve where increasing population pressure meant that there was not enough land for these people to make a living for their families. The lands they therefore occupied were owned by an absentee landlord who rented them to a non-Mapuche of Lumaco. In the old days it had been Mapuche territory, in their language they knew it as Pelilimapu, "the place where it freezes."

Following the occupation, they were removed by 300 carabineros and spent one year at Maiten, on the edge of another reserve, waiting for CORA (the Corporation for

Agrarian Reform) to decide whether or not to expropriate the land for them.

This was done in 1969 and the cooperative formed, with 120 members. They had, at that time, 3 tractors, 390 animals (cattle and some horses), a harrow, metal ploughs, carts, silos, warehouses, and an electric mill in Lumaco.

Ramon Vidal, a mestizo member of the coop and one of the directors sold animals without the agreement of the others. Another member, Augusto Cisternas, sold a number of other items. The result was a fair-sized debt by the early 1970's.

The military coup was in 1973 but the land; division and community liquidation legislation was not decreed until 1979. The first clear evidence that it was in preparation dates from 1978. It is presumably not a coincidence that the government took its first steps toward liquidation of the coop in 1978. In January of that year, taking advantage of the existence of the debt, the government declared the coop bankrupt and named a non-Mapuche, Julio Diaz, as administrator. He was in this position for two and a half years. He sold animals and equipment, took out loans in the cooperative's name and, so we were told, used the money on his own land, used the cooperative's equipment on his own land, and rented out coop lands to outsiders. In the time he was administrator he managed to increase the debt from around 400,000 pesos to 4 million pesos.

During this period it was impossible for the coop members to work the coop normally because, quite apart from the misuse and sale of animals and equipment, they could not arrange credits and could not represent themselves in court in order to straighten out the situation.

The result has been the worst situation of poverty that we observed anywhere among the Mapuche.

In 1980 the administrator was replaced by a commission which is still working on the bankruptcy and the liquidation of the cooperative. In 1983 Julio Diaz claimed a sum of back pay from the commission. Instead of simply denying liability, they put on record that it is the coop members who owe that money. The process was, we have been told, highly questionable in legal terms but meantime the situation is defined by that action.

The liquidation commission has made plans to auction off one large part of the area of the coop, to pay certain of the debts, and then to liquidate the coop and divide up the remaining lands. This would leave the coop members each with a parcel of land encumbered with a large debt. The only way they could get out of these debts would be to sell their land. Needless to say, it would be only non-Mapuche who could afford to buy up the land.

In our investigation we sought information on the implementation of the 1979 law and the impact this has had on the Mapuche communities. We learned of specific cases of land difficulties at the Lautaro cooperative, the Rofue community and at San Juan de la Costa as regards the particular situation of the southern Huilliche. We had discussions of the law and its implementation with Mapuche and representatives of ADMAPU, of other pro-Indian organizations and with government representatives. In these discussions it was noteworthy that we received two quite different kinds of information. On the one hand, the Mapuche and their supporters were uninterested in the details of implementation, speaking more in terms of general resistance to the law and preferring to disregard it as not being legitimate rather than discuss it as if, in any way, valid. The government representatives, on the other hand, were proud of the extent of implementation, unhesitating in affirming its beneficial nature, and pleased to tell us of what we felt were clearly harmful aspects of its impact on the communities.

The Ministry of Agriculture and INDAP (National Institute for Agricultural Development) people we spoke with told us that, as of the end of June 1984, 1411 reserves had been, or were in the process of being, divided. This out of a total of 2,066 in 1979, according to government statistics. This represents 68% of the total of 2,066. As of the end of 1983, 41,341 individual property titles had been approved as a result of these divisions (of 1,365 reserves by the end of 1983), an average of 30 individual titles per divided community.

One of three ways to avoid division of a community is the so-called "pact of non-division" which requires the signatures of 100% of the members of a community and is valid for five years. In ADMAPU's view, to go along with this procedure would be no better than the division itself because it presents the government with a blank check to divide after the 5 years are up. They clearly prefer not to go along with the law in any of its aspects.

ADMAPU also told us of examples of community resistance to division, of cases where the majority of the residents of a community, agricultural implements in hand, had simply confronted the INDAP surveyors and told them to leave. So far it seems that the INDAP people have not forced the issue (although ADMAPU also spoke of "imposed divisions" where carabineros accompanied the surveyors, but these were not cases of overt resistance). The INDAP people we met with denied that carabineros had ever accompanied the surveyors (which may be true for the region we were in, it may have happened only in other regions).

We were not given any total count of the communities in resistance, only examples of four in one area, one in another, etc. Various other sources confirmed

that such resistance has occurred but again without any idea of the number of communities involved. Our impression is that only a few are involved. It is worth noting, however, that these cases of active resistance are recent, this did not happen in the first years of implementation of the law. It does seem that at the beginning many communities accepted that the division would be beneficial. It is only now, in the last year or so, that it has become clear to some communities that in fact the division is harmful.

Decree Law #2568 can be harmful to the communities in especially two ways. One is the extreme individualization of land holding that it represents and imposes. While it is true that Mapuche land tenure has, for a long time, been one of separated family small-holdings within the contiguous area of communally held community land, it has not been an inflexible system. Both the option for communal working of the land on occasion and for the shifting of limits and boundaries as might be required by changing patterns of tenure over the generations have been retained by the lack of a rigid and fixed separation of individual land areas. One interesting observation made to us was that it has been during the Pinochet years that the Mapuche have re-discovered aspects of their communality and have reversed some of the assimilation of earlier years, including the individualization of their agricultural practices.

Second, is the risk and the fact of sale of Mapuche land to non-Mapuches. The INDAP people were quite open in informing us of how that is happening and that it is already quite common. In one form (explicitly provided for by D.L.#2568) the regional head of INDAP can and does authorize the sale of land parcels by one Mapuche to another. This has the obvious potential for the concentration of land in the hands of fewer and fewer of the Mapuche, at the expense of their fellows, quite the opposite of what their traditional inheritance system involved. This, if anything, showed a tendency to divide and re-divide land holdings through inheritance by more than one heir. A second form of land sale which is already happening according to the INDAP representatives is the exchange of a parcel of land for a property in a nearby town or city. For the Mapuche receiving the urban property this has the risk of both separation from the other members of his or her community and of eventual need to sell to non-Indian(s) as the economic difficulties of life in the urban environment take their toll.

We heard from other sources that Mapuche land was also being sold in some areas for the purposes of tourism. This was denied by the INDAP people. Later, however, we received detailed information from representatives of CAPIDE (Centro Asesor y Planificador de Investigacion y Desarrollo -- Planning and Support Center for Research and Development) of the buying of portions of Mapuche holdings for the purpose of building summer homes. This has been happening to a considerable extent, we were told, in the

pre-Cordillera area, around lakes Calafquien, Colico and Caburgua, in the Cautin and Valdivia provinces, southeast of Temuco.

A further difficulty for the Mapuche is that by a more recent Executive Order #3.256, tax incentives are provided for communities that divide their land and severe tax penalties for those that do not.

Division of Mapuche land into individual holdings is fast becoming an accomplished fact. One of the supposed advantages of this that the government presented to the Mapuche was the possibility, with individual titles of ownership, of acquiring agricultural credit. The danger in this is obvious, for poor small-holders such as the Mapuche. Risking their land as collateral for loans and credit will in the normal course of events lead to the loss of more and more of their land. We were told, however, that very few people had so far taken this option and that the people are well aware of the risks involved.

For the Mapuche, then, their lands have been divided but there are thousands of them still living on lands that have always been theirs. The division has been in terms of the latest piece of non-Mapuche legislation, one of the many that have come and gone over the years. The Mapuche know that the present regime cannot last forever and they are waiting for the day when this ethnocidal legislation is replaced by laws which will return their lands to them and recognize their rights as an indigenous nation.

RECENT INCIDENTS OF REPRESSION AGAINST
MAPUCHE PEOPLE AND LEADERS
(prepared by Margaret Thomas)

It is clear that the Mapuche Indians of Chile, just like all other indigenous peoples of the Americas, have suffered a long history of racial, cultural and economic discrimination at the hands of the HUINCAS or white conquerors and settlers of their lands.

This section of our report deals with the repression which the Mapuche people, and especially the leaders of the Association of Small Agriculturalists and Artisans - AD-MAPU, commonly referred to as AD-MAPU, have suffered during the last six months.

It was at the request of AD-MAPU, seconded by the Chilean Human Rights Commission, that the International Commission traveled in Chile from June 26th to July 9th. We visited Mapuche communities in the Eighth, Ninth and Tenth Regions in the south of Chile, met with church and private organizations and lawyers working with the Mapuche as well as with government officials in Concepcion, Temuco and Osorno, and visited the two Mapuche leaders internally exiled in the desert in the Second Region in the north of Chile.

We collected testimony and legal documents pertaining to physical attacks against Mapuches, arbitrary detentions and control over their movements. Our investigation was not exhaustive, but we were able to get at least two sources of information, either verbal testimony or legal documents or statements from lawyers on a number of cases of repression of Mapuches and Mapuche leaders and denial of their human rights.

Let us briefly review the cases which we investigated:

I. MANUEL SEGUNDO MELIN PEHUEN

Manuel Segundo Melin Pehuen, 24 years old, a student, left his family's home in the community called Ralipitra near Nueva Imperial, which lies WEST of Temuco, at 6am on Monday, the 23rd of January. He had told his parents he was going to do summer work organized by AD-MAPU in Temuco. He did not arrive at AD-MAPU headquarters that day. On Thursday of that week, January 26th, his parents were informed by the police that he had drowned and his body found in the Traiguen River about 90 kilometers NORTH of Temuco.

The national directors of AD-MAPU denounced his death as being of uncertain cause and the protests appeared in the newspapers. A few days later, on February 11th, a funeral wreath sent by ACHA (the Chilean Anti-Communist Action) arrived at ADMAPU headquarters. On February 13th a total of 21 letters from the same organization, claiming to have killed Melin and threatening the recipients with the same fate, arrived at ADMAPU headquarters and at some private homes of AD-MAPU leaders and persons working with NEHUEN, a Mapuche-run private organization which offers technical help to Mapuche communities.

Was Manuel Melin killed by ACHA? Or was his accidental death taken advantage of by ACHA to threaten the Mapuche leaders of AD-MAPU and NEHUEN? The government autopsy says the evidence does not point to homicide but does not rule it out; there is one reputable witness who claims to have seen Manuel Melin hitchhiking in the direction of Traiguen. It is possible he went to a popular swimming spot on the Traiguen River on his own.

If Melin was killed by ACHA, as that organization claims, it is one of the worst cases of threats to the leadership of an organization to have occurred in Chile in the last 4 or 5 years. If ACHA did not kill Melin, they certainly took cruel advantage of the situation to send the Mapuche leaders a very grisly threatening message. The case of Melin's death has not been resolved to date, and it is not clear to us that the necessary conditions exist in Chile under which it could be resolved.

II. DETENTION OF STAFF OF INDIAN INSTITUTE

On the 24th of March Juan Nanculef Huaiquinao and Paula Pilquinao, staff members of the Indian Institute, an organization which works under the auspices of the Catholic church in Temuco, were asked by two policemen for a ride in the Institute's vehicle for a few kilometers. The staff acceded to the request even though it would delay their arrival at the inauguration of a new mill at Collico near Ercilla. The police then asked to be taken a further distance, which request was also granted. At the end of the ride the police told the two Institute staff members that they were arrested and forced them to drive to the police post at Ercilla. There were held there for 4 or 5 hours and then were freed with no explanation as to why they had been detained.

In addition, some five police then went to the dedication ceremony for the new mill and insulted the people and threatened one of the leaders who attempted to talk with them. The Mapuche decided to ignore the police who finally left without further incident.

III. POLICE AND MILITARY ATTACK IN MIQUIHUE

On March 27th, at about 2:30 in the afternoon, 30 police, civilians and military people drove up in seven vehicles and surrounded a large group of 300 or more Mapuche Indians who had gathered together at the playing field of the community called Miquihue in Arauco Province to celebrate a traditional game of PALIN, or CHUECA, a form of hockey played with sticks and a hard wooden ball.

Without asking questions or warning the people, who had stopped the game and were starting to have lunch at the time, they opened fire, first shooting into the air and then toward the ground where the people were. The attack lasted about 30 minutes during which time four people were wounded by bullets and one woman's hand was smashed with a gun.

The wounded included:

Herman Millahual Nepuman	30, married, 1 child - bullet in the right thigh
Mario Reinao Millahual	11, student - bullet grazed his arm
Jose Segundo Pilquiman Pallao	39, married, 6 children bullet wound in left foot - he can no longer work
Bernardo Millahual Marihuen	19, out of work - bullet wounds in right foot and left calf

Maria Eugenia Millahual Cona 33 - damaged finger and
nail beaten with gun

We talked with all of the wounded and were shown their scars.

The date, March 27th, was a national day of protest, and the police claimed that they were breaking up a political meeting. They also claimed that the Mapuche had attacked their vehicles, breaking windows on them, and that this had forced them to shoot.

The Mapuche in Miquihue deny both of these stories as well as others which appeared later in the press stating that they were attempting to burn a bridge, that they were going to destroy a medical post, that they had closed off a highway which the police had come to clear, and that they had guns from Russia, etc.

The Mapuche claim to have taken advantage of a day in which people were not going to work to invite people from neighboring communities to play their traditional game of chueca. It is clear that they were celebrating a traditional game which holds religious significance for them and that even if they were having a meeting of some sort there is no excuse for the police and military to have come in shooting at people with no warning.

IV. DETENTIONS OF PERSONS FROM MIQUIHUE

There has been continual harassment of people from Miquihue since the 27th of March. Rumors were spread that if people went to the nearby town of Canete they would be arrested, and this has made many people fearful. In fact, at least three people from Miquihue have been arrested by the police and questioned about the 27th of March incident.

Those detained include Martin Millahual Caluman, 31, married, one child, out of work, who was arrested March 30th in Canete by a policeman nicknamed Condorito and two people dressed in civilian clothes. He was taken in a truck to the police headquarters where he was questioned about the incident in Miquihue and asked if he knew people in the community from a list of names. He was arrested about 10 or 11 in the morning and released about 5:30 in the afternoon and told not to tell anyone he had been detained.

Another person arrested is Igor Reinao Millahual, 17, a student at the high school in Canete. On Monday, April 2nd, Igor Reinao was on a bus which was ordered to stop at the police headquarters by the same policeman nicknamed Condorito. All of the occupants of the bus were asked to get off and to give their names and where they were from. Igor Reinao and another man named Florentino Marinan Ayayo, about 25 years old, out of work, were arrested because they said they were from Miquihue. They were detained about 3:30 pm on Monday and held overnight at the police station.

Florentino Marinan, who had not been present during the game of CHUECA on the 27th, was released about 6am.

Igor Reinao was beaten by the police and military people while being questioned about what had happened on the 27th in Miquihue. He was also asked whether he knew people they named to him from a list. At one point there were about 20 people surrounding him and taking turns hitting him during the questioning. At 9 am he was taken to Lebu where he was held for just over a month. He was later sent to Concepcion where he was held twelve more days before being released on petition of a lawyer working with the Human Rights Commission of the Archdiocese of Concepcion.

Our commission later talked with Judge Renato Campos Gonzalez in Canete about the Miquihue incident. He told us that since police were involved the case falls under the jurisdiction of the military courts and that civilian courts like his have no jurisdiction in such matters. In the same interview we asked the judge what percentage of the cases he sees involve Mapuches. He answered that he couldn't tell us because all Chileans are equal under the law and they don't keep statistics by race. He would not give us an estimate either.

V. HARASSMENT OF MEMBERS OF LAUTARO COOPERATIVE

On Friday, March 30th, a group of some 30 Mapuches, members of the Lautaro Peasant Cooperative, were returning home by bus from Traiguen, where they had gone in a successful effort to prevent the sale of one of the properties belonging to the cooperative.

In Traiguen the police had attempted to detain one of their leaders, Arturo Curin, an effort which was frustrated by the group. Between Traiguen and Lumaco the bus was stoned by some unidentified people, breaking some of its windows. The driver drove the bus to the police station in Lumaco to file a complaint.

While the bus was stopped at the police station two policemen forcibly took Jose Salvador Rain Caniupan, a local director, of the cooperative, off the bus. The police also started to take others off the bus, including Arturo Curin and his wife. At some point a fist fight broke out between the Mapuches taken off the bus and the police. Additional police came out of the station to fight, making a total of 8, and several more Mapuches got off the bus to join in. The doors of the bus were then closed so no one else could get off to help the Mapuches. Jose Rain and Arturo Curin were taken prisoner. Both were badly beaten, along with Curin's wife and some of the police.

The fight was finally stopped by the efforts of Pedro Rain, the president of the cooperative, and the

sergeant in charge of the station. Jose Rain and Arturo Curin were released, after clothes were found for Curin who had been left naked. The sergeant told them all to say that nothing had happened. To this day the police deny that the incident ever took place.

VI. ARREST AND DETENTION OF AD-MAPU LEADERS

On Saturday, April 21st, five Mapuche leaders belonging to the national directorate and youth group of AD-MAPU, along with two other Mapuches, were driving at night from Temuco to Miquihue to attend a cultural event, which the youth group was sponsoring. Others from the youth group had gone to Miquihue earlier. At about 11 pm in Contulmo, close to Miquihue, they were stopped by military and police, who, upon learning they were representatives of AD-MAPU, immediately took them to the police station in Contulmo and put them in jail.

Those arrested included Jose Santos Millao Palacios, President of AD-MAPU, Domingo Jineo Antinao, Treasurer of AD-MAPU, Francisco Painevilu and Wilma Mariqueo, student members of the youth group, Lucia Huenullan, and the owner of the vehicle and the driver.

Jose Santos was interrogated during the night by a lieutenant and questioned in an insolent and humiliating manner about Miquihue and the events of March 27th which took place there.

About 4:30 in the morning, the five men were handcuffed and put in the back of a truck and the two women were put in a car. They were taken to Lebu where upon arrival they were made to identify themselves again and were interrogated one by one by a captain of the police. Jose Santos said the captain was offensive and threatened him. Jose Santos only was then interrogated by a police general, this time in a much more diplomatic manner, about Miquihue once again.

About 9 or 10 am the seven were taken to the jail in Lebu. About 5 pm that same day, Sunday, five of them were released. Jose Santos and Domingo Jineo were held in the jail until midnight on Monday when they were turned over to the CNI, the security police. (See Section IX for the next phase, internal exile.)

VII. ANOTHER DETENTION OF AD-MAPU LEADERS

On Monday, April 23rd, just after midnight, five members of the AD-MAPU national directorate were taking a taxi to the home of a lawyer in Temuco to prepare to take legal action at the earliest possible moment regarding the detention of two of their national officers. They were stopped by police and asked to identify themselves, and, upon hearing they were of AD-MAPU, the police took them to the Coilaco police station in Temuco.

They were arrested and held without charge about 14 hours until 6 pm that same day when four of the five were released.

Those released were Rosamel Millaman Reinao, Maria Traipe Avendano, Aucan Huilcaman Paillama, and Jose Huenchual. The other leader, Juan Neculqueo, was taken to Lebu and held in jail there until April 29 when he was released. He was held on the accusation of being an instigator of the events which occurred in Miquihue.

VIII. ARREST AND DETENTION OF AD-MAPU MEMBERS

On April 25th after an AD-MAPU meeting, a number of members decided to go to the Intendencia in order to ask the Intendente to free the treasurer and president of AD-MAPU who had been held in the jail in Lebu since April 22nd. They were peacefully heading toward the Intendencia when they were stopped by police who used force to break up the group. A brief fight followed in which one policeman was hurt.

The police arrested eight of the Mapuches, the men being sent to the public jail in Temuco and the women to the women's jail. Those arrested were: Mariano Melillan, Benito Millapan, Volodia Painemal, Jose Huenchual, Feliciano Coche, Maria Huriman, Elena Colihuinca and Isabel Cayupil. They were all released on Saturday, April 28th. Three were given conditional liberty.

IX. INTERNAL EXILE OF AD-MAPU PRESIDENT AND TREASURER

On April 24th, after being held in the jail in Lebu for two days and then turned over to the security police for a day, Jose Santos Millao, President of AD-MAPU, and Domingo Jineo Antinao, Treasurer of AD-MAPU, were driven to the Concepcion airport early in the morning. They were put on a small six-passenger plane and flown north. It was only during the flight that they learned that they had been relegated, internally exiled, to the north of Chile for three months, on an order from the Ministry of the Interior.

The two Mapuche leaders were flown to Antofagasta, arriving about 5:30 pm, where they were interrogated in great detail before being taken by vehicle to two little towns located on the road which runs from Antofagasta to Calama, Jose Santos to Baquedano and Domingo Jineo to Sierra Gorda.

They were just left alongside the road in their respective towns, just before and after midnight, with nothing but the clothes on their backs, which were no protection from the cold desert night. In both places the local police waked up people who had been sent to the towns in exile previously to help them find a place for the night.

We interviewed the two men when they had about three weeks left of their period of internal exile. Both said they had been well treated by the local people. They had each been employed part of the time they were in exile, Jose Santos as a teacher and Domingo Jineo as a construction worker.

The internal exiles cannot leave the perimeter of the little two-street-wide towns so they have not seen each other. (An occasional exception was made for Domingo Jineo who was allowed to go a few kilometers out of town as part of his construction crew in search of building materials.) They must sign in with the local police three times a day, morning, afternoon and evening. Domingo Jineo, the younger of the two, is in poor health, coughs up phlegm and suffers very much from the cold at night.

The two Mapuche exiles have both been helped by the Vicariate of Antofagasta which paid Jose Santos' lodging and allowed Domingo Jineo to live in an unused parish house in Sierra Gorda.

There have been at least two requests for HABEAS CORPUS submitted by lawyers in Concepcion in an attempt to gain their freedom. These have been denied. The official documents which pertain to their internal exile give no specific charges to justify their exile.

X. CONTROL OF MOVEMENT BETWEEN REGIONS

There is also currently a situation in which two Mapuche women have been ordered not to enter the Eighth Region of the country by the military chief of the Ninth Region. This is particularly hard on one of the women because she lives in the Eighth Region.

The Human Rights Commission of the Archdiocese of Concepcion has solicited information from the government to find out why the women were prohibited from entering the Eighth Region. We are waiting to receive more specific information from the Human Rights Commission on this unusual human rights case, the only one of its kind known in Chile.

CONCLUSION

We feel that we have investigated enough cases of repression against the Mapuche people and their leaders to state that these are not a series of isolated incidents, but that there has developed a consistent policy of harassment and denial of their human rights.

Why has repression against the Mapuche increased so dramatically in the last six months? One possible explanation is that now that 70 percent of the reserves have been divided, a good percentage of the communities left to be divided are those which are resisting division. AD-MAPU as an organization is opposed to the division of the

reserves.

Another reason may be that the current leadership of AD-MAPU has made a consistent effort to bring the Mapuche demands before a number of popular, trade union and political organizations in Chile. These groups include the National Peasant Commission, the Democratic Alliance, the Popular Democratic Movement and the National Workers Command. The leaders of AD-MAPU are moving to ally their organization with these groups in opposition to the Pinochet regime.

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