



PUBLIC DECLARATION

In Temuco, on January 19, 2011, the institutions and organizations of human and social rights that formed a part of the Mission of Observation to the Center of Provisional Internment and of Closed Imprisonment of Chol Chol (CIP-CRC), in the Region of The Araucanía, declare that:

The above mentioned Mission of Observation aimed to appeal to institutions of human rights, childhood, indigenous peoples, and social organizations, to adopt the situation of three young Mapuche persons charged by the Antiterrorist Law in provisional internment in the above mentioned center.

It is important to note that J.Ñ.P., was released with house arrest on Friday, the 14th of January, 2011. Whereas C.C.M., was also released today, with house arrest. Nevertheless, L.M.C., with whom the Mission of Observation conducted an interviewed, remains imprisoned in this center of provisional internment.

The Mission of Observation was coordinated by Foundation ANIDE (*Fundación ANIDE*) and the NETWORK of NGOs of Infancy and Youth – Chile (*Red de ONGs de Infancia y Juventud de Chile*). They took part in the mission, along with the coordinating organizations the National Institute of Human Rights (*Instituto Nacional de Derechos Humanos*), Civil Observatory (*Observatorio Ciudadano*), NGO Liberar (*ONG Liberar*), Center of Mental Health and Human Rights CINTRAS (*Centro de Salud Mental y Derechos Humanos CINTRAS*), Corporation Option (*Corporación Opción*), NGO La Casona de los Jóvenes (*ONG La Casona de los Jóvenes*), National Indigenous Pastoral Commission of the Episcopal Conference of Chile (*Comisión Nacional de Pastoral Indígena de la Conferencia Episcopal de Chile*), Committee Bishop Oscar Romero (*Comité Obispo Oscar Romero*), Group of Political Ex-prisoners of The Araucanía (*Agrupación de ex Presos Políticos de La Araucanía*), Ethical Commission Against the Torture (*Comisión Ética contra la Tortura*) and Center of Studies Simón Bolívar (*Centro de Estudios Simón Bolívar*).

In the interview with the Mission, L.M.C. claimed to have been arrested April 13, 2010, by unidentified civilian personnel while in class at the Liceo de Pailahueque studying in 11th grade (third year in secondary school), and taken to an unidentified white vehicle, where he was brutally beaten and insulted.

The participating institutions of the Mission qualify the humiliating treatment, used by the police institutions and described by L.M.C., as torture; in addition to beating L.M.C., the police continuously insulted him and interrogated him irregularly about the whereabouts of other Mapuche community members supposedly involved in the so-called “Mapuche conflict”.

The participating institutions also manifest their concern about the slow development of the process that is being applied to indict L.M.C. With regard to the process, it should be mentioned that the investigation stage was already closed four months ago, in September, 2010, without a date having been set for preparation of the oral proceedings.

L.M.C. also manifested his helplessness for the injustice to which he is subject, on having been charged by the Antiterrorist Law, the reason he remains held, and for being subject to procedures that do not respect the due process, the only proof against him being the testimony of a protected witness. Because of this situation, he is showing depressive symptoms, with variable mood, irritability, emotional fragility and perplexity. In spite of this, L.M.C. expresses his will to withstand with a high psychological cost, according to the diagnosis of the specialists of the Center of Mental Health and Human Rights CINTRAS, who formed part of the mission.

Another relevant aspect is the extreme concern for his family, composed of his mother and seven brothers, based in the Community Cacique Jose Guiñón, commune of Ercilla. On the one hand, he is worried about the economic situation of his family, since his mother worked formally up until the earthquake of February, 2010, and given that, before his detention, he was a fundamental economic contribution to the family's subsistence. On the other hand is the distance from his loved ones and his community; having had only one visit per month with them has damaged his emotional health, in spite of the fortitude shown in the interview.

Likewise, the mission echoes the concern expressed by L.M.C. on the existence of other Mapuche boys and girls in his community and other communities in the zone that today feel a justified dread of being arrested, beaten, being victims of irregular interrogations and of living through traumatic experiences similar to the ones he has lived through.

Remembering the standards imposed on the states by the international systems of protection of the rights of children, as well as the ones raised by the United Nations Committee on the Rights of the Child with regard to the application of the Antiterrorist law to minors, in a letter sent to the permanent ambassador of Chile in Geneva.

Similarly, the concerns raised to the Chilean State by the Special Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights. The person who specifically refers to the violation of the articles 1.1, 2, 5, 7 and 19 of the American Convention on Human Rights, where special measures are established that the States must adopt to tend to the best interest of the child, and which also includes the unrestricted respect of the guarantees, guidelines, and principles established in instruments like the Convention on the Rights of the Child and the minimal rules of the United Nations for the administration of justice of minors, for the exercise of the penal action in case of teenagers.

In this context, the assistants to the Mission of Observation express their concern for the persistence of the Attorney General's office in invoking the Antiterrorist Law to apply to minors, in spite of the fact that it is indicated in article 3 that said law cannot be applied in these cases.

Thus, even though the Mission declares its satisfaction with the modification of the precautionary measures taken in the cases of J.Ñ.P. and C.C.M., which allowed them to

be released but with house arrest, it will be on alert while L.M.C. continues to be in provisional internment and while these young persons continue being charged by the Antiterrorist Law, as it is the reality that they will have to face when the oral proceedings are carried out, given the aforementioned insistence of the Attorney General's office.

The participants in the Mission call for a hearing be carried out as soon as possible that permits the revision of precautionary measures of L.M.C., the only young Mapuche charged for terrorist crimes who, from today, will continue in provisional internment in the Center of Provisional Internment and of Closed Imprisonment of Chol Chol (CIP-CRC de Chol Chol).

We also call on the legislators to reach the necessary agreements that allow new modifications to the Antiterrorist Law that thereby correct the failures that remain in the modifications, making specific reference to the aforementioned special regulation to not apply the law to minors in any stage of the process, during the investigation, provisional internment or the trial itself.

Finally we call on the executive to fully implement the agreements that were established after the Mapuche community members' recent hunger strike, in which these young persons also took part.

Temuco, 19 de enero de 2011

For more information:

Ana Cortez, Coordinator Pichikeche Proyect, Foundation ANIDE
anacortez.salas@gmail.com / (56-9) 95743940

Carlos Muñoz, Spokesperson NETWORK of NGOs of Infancy and Youth – Chile
redinfanciachile@gmail.com / (56-9) 79086607