

7-24-2009

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Recommended Citation

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Amazonian Indigenous Allege Persecution from Peruvian Government

by LADB Staff

Category/Department: Peru

Published: 2009-07-24

Thirty-three Peruvians dead, three indigenous leaders exiled in Nicaragua, a community radio station closed, more than 80 people detained, an undetermined number of people disappeared these are some of the consequences of the hard-line measures by President Alan Garcia's administration to end the Amazonian peoples' protests to defend their territory.

On June 5, 55 days after the Amazonian Indians began an indefinite strike to demand revocation of nine legislative decrees (decretos legislativos, DL) that they said threaten ancestral rights to their lands (see NotiSur, 2009-06-05), a violent confrontation erupted in the northeastern city of Bagua between Awajun Indians and police. The scene of the clash was the Curva del Diablo (devil's curve) on the Fernando Belaunde Terry highway near Bagua, where the Indians had been gathered since commencing their militant actions.

The police began the operation to remove the Awajun and Wampi Indians from the highway by throwing tear-gas grenades on the demonstrators from three MI-17 helicopters. By land, the police fired AKM rifles. The Indians retaliated by taking some 40 police who guarded Station 6 of Petroperu's Oleoducto Norperuano hostage and disarming and killing 23 of them.

The government said 10 Indians died in the confrontation and 200 were wounded, but the indigenous movement said the number of dead was much higher. Peruvian and international civil and human rights organizations expressed solidarity with the relatives of the victims at Bagua and asked for an investigation to determine responsibility.

"We condemn the authorities' lack of political will, indifference, and lack of transparency that has put the civilian population of Bagua, the Awajun people who exercised their right to protest, and the police deployed in the area at deadly risk through their inaction and poor handling of the conflict," said the Coordinadora Nacional de Derechos Humanos (CNDDHH) and the Asociacion Nacional de Centros de Investigacion (ANC) in a public statement June 6.

That same day, Amazon Alliance and other international organizations released a public statement saying, "The tragic unfolding incident illustrates how ignoring peoples' rights and meaningful participation in processes that affect their lands and livelihoods can lead to serious social conflicts and failed policies."

Government does about-face

The Asociacion Interetnica para el Desarrollo de la Selva Peruana (AIDSESP), representing some 1,350 native communities, decided to continue its militant actions, receiving support from numerous unions, defense fronts, and political groups. Supporters participated in a large national

mobilization on June 11 that included marches in Lima and the cities of Arequipa, Cusco, Chiclayo, and Yurimaguas.

Meanwhile, highway blockades continued causing tension in the interior of the country. Participants in the day of solidarity with the Amazonian peoples were united in one request: that the government repeal the legislative decrees, considered unconstitutional because they violate articles of the Constitution, Covenant 169 of the International Labor Organization (ILO), and Article 19 of the UN's Declaration on the Rights of Indigenous Peoples.

On June 15, the executive announced that it would ask Congress to rescind two of the most contentious decrees that precipitated the protests: DL1064, which approves the legal framework for using agrarian lands but eliminates the prior consultation with indigenous communities; and DL1090, the Ley Forestal y de Fauna Silvestre (forests and wildlife law).

Two days later, the full Congress approved abrogation of both decrees. "I first want to point out that the objective of the decrees we approved a year ago regarding the jungle was to protect the Amazon.... Nevertheless, I recognize that at the time there had been no dialogue with the heads of the native communities where 300,000 Peruvians live," said Garcia on national TV on June 17. "But unfortunately, those good proposals were distorted, caricaturized. They were not adequately understood, and agitators, those bent on violence, and political operatives convinced many native people of good faith that the law was going to take their water and their land, which was not true. That led to acts of violence and highway blockades."

AIDSESEP vice president Daysi Zapata said to the press, "Did so many lives need to be lost for the government to realize that the laws were ill-conceived?" Zapata emphasized that the Indians hope the seven remaining DLs will also be rescinded. "Because [the Indians] were not consulted about those decrees either," she told daily La Primera. "But they also concern the use of Amazonian resources, the land, water, in terms that are harmful for us."

Persecution of leaders continues

Judicial authorities have opened a legal case against and authorized the detention of AIDSESEP president Alberto Pizango and four other organization leaders on charges of crimes against public peace, sedition, and rebellion regarding incidents during protests between April 9 and June 5. Nicaragua granted Pizango, Cervando Puerta Pena, and his brother Saul political asylum.

"In these moments, the Amazonian regions are hurting because Alberto Pizango is outside the country because of a judicial complaint. He never called for blood to be shed, he never called for violence," Zapata, who assumed the AIDSESEP leadership in Pizango's absence, told La Primera on June 20. "As AIDSESEP vice president, my job is temporary because Pizango has to return. His term is from 2009 to 2011."

"[Pizango] is being persecuted for a verbal expression, for using a word he should not have used. That was his mistake, but then he corrected it. And now many leaders are being persecuted for no reason," Lidia Rengifo, coordinator of the Asociacion Regional de los Pueblos Indigenas de la Selva Central (ARPI-SC), told the daily La Republica. The verbal expression Rengifo referred to was

Pizango's May 15 "call to insurrection," which he took back the next day. "In the framework of the law we withdraw the word insurrection, but we will maintain the protest until the problems of the indigenous people are resolved," he said.

Human rights organizations initially reported the disappearance of 61 people following the June 5 incidents. That figure has been revised downward with confirmations that some were detained and others had returned to their communities.

On July 2, the Defensoria de Pueblo released a report stating that 1,244 people from the Amazonas region returned to their communities following the June 5 violence in Bagua. It also said that some 200 people were injured; that, of the 83 people detained early on, only 18 were still being held; and that there were no cases of disappeared people.

Zapata said the Defensoria should clarify that its report only refers to 22% of the Awajun communities. (Defensoria commissioners visited 39 of the more than 150 Awajun communities.) AIDSESEP lawyer Marco Barreto told the press that a census of the Awajun communities indicated that 300 natives have not returned to their homes.

Meanwhile, on June 8, the Ministerio de Transportes y Comunicaciones cancelled the broadcasting license for radio station La Voz de Bagua Grande, citing technical and administrative reasons, even though the station had been given a ten-year operating license on March 13, 2007.

The station was shut down after then Interior Minister Mercedes Cabanillas and various Alianza Popular Revolucionaria Americana (APRA) legislators demanded that it be sanctioned for inciting violence. "It's one thing for the station's editorial line or some of its journalists to be sympathetic to the demands of the indigenous pueblos and another to call for violence," said CNDDHH executive secretary Ronald Gamarra. He called on the government to respect freedom of expression and added, "Actions like this don't lead to solving the underlying problems in the Amazon."

The government's attack left no opposition sector unpunished. In June, Congress suspended seven legislators from the opposition Partido Nacionalista Peruano (PNP) for 120 days for protesting inside the chamber in support of the Amazonian natives.

Prevention policy lacking

"To apologize is not enough. There has to be justice. There is an organized pattern of human rights violations and behind it are the ones responsible," said Mexican anthropologist Rodolfo Stavenhagen, former UN rapporteur on the rights of indigenous peoples, after visiting Bagua.

The indigenous and grassroots movements, human rights organizations, opposition politicians and legislators demanded that Congress censure Prime Minister Yehude Simon and Interior Minister Cabanillas for their responsibility in the tragic events in Bagua on June 5. However, after an intense congressional debate on June 30, both escaped censure by 5 votes. Although they escaped censure, their replacement was inevitable.

On July 12, Garcia reorganized his Cabinet, thanking Simon and replacing him with APRA Congressman Javier Velasquez Quesquen. But Garcia could not maintain his calm, and his self-critical June 17 discourse was followed by a polarizing June 28 opinion piece, "To the faith of the overwhelming majority," in which he assured readers that outside agitators were responsible for the violence in the country.

Garcia wrote that a continental cold war exists in which foreign governments are participating, referring to Presidents Hugo Chavez of Venezuela and Evo Morales of Bolivia. Between 10 and 15 new conflicts erupt in the country each month, according to Rolando Luque, head of the Defensoria del Pueblo's social-conflicts unit. And, 86% of dialogue processes take place after violence has broken out, he said.

"This happens because, until now, the state has not had a policy to prevent and address conflicts. And, in those cases, because of the rush to find solutions, commitments are made that are later difficult to fulfill," Luque told La Republica.

"Among the explanations for this is the economic growth that raises people's expectations, and that economic growth is also closely tied to resource exploitation near communities, which produces a clash between two ways of viewing development," said Luque. "Conflicts of this type are the majority."

In June, 273 social conflicts were documented in the country, 47% of which were socioenvironmental. Experts in this area, the Defensoria del Pueblo on July 7 presented a bill to Congress for the Ley del Derecho a la Consulta de los Pueblos Indigenas (law on indigenous peoples' right of consultation), which proposes regulations to comply with ILO Covenant 169.

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