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Weary and Still Wary, Chile's Mapuche Hunger Strikers End Perilous Protest

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Very much overshadowed by the rescue of Chile’s now world-famous "33," another group of Chilean men—more than three dozen Mapuche prisoners—concluded their own moving survival story last month, ending a harrowing hunger strike that left many dangerously near death’s door. The Mapuche is Chile’s largest indigenous group with an estimated population of roughly 800,000.

Late on Oct. 8, the last holdouts from a group that at its peak included 38 Mapuche detainees gave up the perilous protest following negotiations between indigenous leaders and government officials. In a group statement, the 11 prisoners—seven of whom were being treated in a local hospital—said they were dissatisfied with the government’s proposals but, at the request of friends and family members, decided for "humanitarian reasons" to end the strike.

The rest of the group had ended their dramatic fast a week earlier, on Oct. 1, after government authorities promised to withdraw terrorism charges against the men and prosecute them instead under normal criminal procedures.

The decisions concluded what had been a nearly three-month standoff between the Mapuche inmates, who consider themselves political prisoners, and the government of President Sebastián Piñera, a conservative who took office this past March (NotiSur, March 12, 2010).

On average, the Mapuche inmates lost 40 pounds each. Besides suffering from significant muscular atrophy, many sustained damage to their livers and digestive tracks. "It’s possible that some of them will be left with permanent physical consequences," Health Minister Jaime Mañalich explained in an Oct. 2 interview with Radio Bío-Bío.

Hungry for justice

An original group of some 20 hunger strikers, scattered between prisons in south-central Chile’s Biobío and Araucanía regions, launched the strike July 12. Other Mapuche prisoners joined soon after in a desperate attempt to draw attention to—and hopefully ease—what they claim is political persecution at the hands of the Chilean state (NotiSur, Sept. 10, 2010).

Facing charges that range from arson to attempted homicide, the strikers are accused of organizing and/or participating in the kind of periodic arson attacks, land occupations, and occasional armed assaults that have typified Chile’s "Mapuche conflict" during the past decade. The attacks tend to target property belonging to large landholders or forestry companies operating in the Araucanía, an area the Mapuche consider their ancestral territory.

Mapuche groups and their sympathizers consider such actions to be a legitimate form of protest—a sole recourse for a historically marginalized people who, at the hands of the Chilean state, were forcibly bereft of their lands. Supporters of the Mapuche cause are quick to point out that at no point have the arson attacks and land occupations resulted in a single non-Mapuche death. Carabineros
(uniformed police), in contrast, have killed at least three Mapuche activists in recent years (NotiSur, March 13, 2009).

The killings are symptomatic of the Chilean state’s repressive, zero-tolerance approach to the conflict. Heavily-armed carabineros, technically a branch of the armed forces, maintain a constant presence in and around certain Mapuche communities, where they regularly carry out violent raids on Mapuche family homes. The heavy-handed tactics have drawn complaints not only from Mapuches but also from international rights groups such as Amnesty International (AI) and Human Rights Watch (HRW).

Those same groups are also highly critical of the state’s decision in numerous cases to prosecute Mapuche suspects not as criminals but as "terrorists"—a practice that began during the administration of former President Ricardo Lagos (2000-2006), when authorities dusted off a draconian "anti-terror" law leftover from the dictatorship of Gen. Augusto Pinochet (1973-1990). The "harshest" of all Chilean statutes, according to HRW, the law stiffens sentences, denies defendants basic disclosure rights, and allows prosecutors to submit testimony from anonymous witnesses.

It also allows the state to hold suspected terrorists for lengthy spells (in many cases well over a year) pending trial—which is precisely the case of the hunger strikers. The Spanish news agency EFE reports that only one of the strikers has actually been convicted. The rest are serving significant jail time for misdeeds they are only accused of committing. Rights groups say the punishment hardly fits the crime, especially as the vast majority of the prisoners are technically only suspects.

In launching their hunger strike, the indigenous prisoners demanded first and foremost that Chilean prosecutors cease applying the anti-terrorism law to cases involving Mapuche. They also called for a "demilitarization" of the Araucanía as well as changes to the country’s military court system. Of particular concern is the "double jeopardy" scenario whereby suspected Mapuche wrongdoers can be tried and convicted in both civil and military courts.

The strikers also demanded that carabineros accused of attacking and/or killing activities be tried in civilian rather than military courts. Under the existing court martial system, carabineros—as evidenced by the cases of Alex Lemún (2003), Matías Catrileo (2008), and Jaime Facundo Mendoza Collio (2009), all shot and killed by police—enjoy virtual impunity.

Meeting half way

For nearly two months the hunger strikers struggled on through their dangerous fast with little public attention to show for it. Neither the media nor the Piñera government showed much interest in the issue, particularly after Aug. 5, when all eyes first turned north to the now-world-famous San José mine, where a partial collapse stranded 33 miners. Their dramatic rescue more than two months later, one of the year’s biggest news stories, was covered by thousands of international journalists and broadcast live throughout the world.

Yet as deafening as the media buzz surrounding "los 33" was, by early September the Mapuche hunger strikers did start attracting some attention—first from local media, church representatives, and some opposition politicians, and finally, just as Chile was preparing to celebrate its Sept. 18 bicentennial, from the Piñera administration, which belatedly agreed to enter into negotiations.

By the end of the month, the negotiations—mediated by Concepción Archbishop Ricardo Ezzati—finally began bearing fruit. The turning point came when the government, which began with vague
promises to modify the anti-terrorism law and the military legal code, offered up something far more concrete by agreeing to withdraw terrorism charges and instead process the Mapuche under normal legal channels. The government also agreed to modify the military justice system so that Mapuche will only be tried in civil courts and thus no longer endure double jeopardy scenarios.

"As is publicly known, the government has instigated legal reforms to modify both the so-called anti-terrorism law and the norms related to trying civilians in military courts," Ezzati, reading the government’s official statement, told reporters Oct. 1. "The government considers that from a legal standpoint, it doesn’t make sense to maintain the terrorist charges filed [against the Mapuche suspects] during the presidency of Madam Michelle Bachelet....The government is not convinced that the deeds which the ‘Mapuche comuneros’ have been accused of carrying out can continue to be characterized as terrorist conduct."

For President Piñera, a law-and-order conservative who is on record as supporting the anti-terrorism law, the concessions were a major about-face. To save face, the government was quick to blame the matter on Piñera’s predecessor, former President Bachelet (2006-2010), during whose administration dozens of Mapuche suspects were accused of terrorist acts. According to the Araucanía-based indigenous rights group Observatorio Ciudadadano, there are currently 58 Mapuche who have either been convicted or are awaiting trial on terrorism charges. All of those charges predate the Piñera presidency.

"It makes me immensely happy that the Mapuche men have finally given up their hunger strike," Piñera said. "I want to express that, in this matter, the government acted with a lot of energy, with a lot of determination, but also with a lot of coherence."

**Turning point or tenuous truce?**

This is not the first time Piñera has surprised his critics on the left by demonstrating a willingness to adapt his political postures—even in a case, like the Mapuche hunger strike, which he described during a recent trip to the US as "illegitimate."

In his first six months in office, Piñera—a wealthy businessman and one-time Renovación Nacional (RN) senator—angered social conservatives by supporting same-sex civil unions, ruffled feathers in the business world by single-handedly blocking a billion-dollar energy project opposed by environmentalists (NotiSur, Sept. 17, 2010), and shunned a Catholic church proposal that would have extended a pardon to some Pinochet-era human rights abusers (NotiSur, Aug. 13, 2010).

His particular approach, described by some analysts as "neopopulist," appears to be paying off in the opinion polls, which are also rewarding him generously for the successful rescue of "los 33." A truly heartwarming story, the rescue was—whether Piñera wants to admit it or not—a political boon.

But when it comes to the Mapuche conflict, the triumphant new president might be advised not to celebrate his success too prematurely. Neither of the two groups of strikers was overwhelmingly satisfied with the Piñera government’s concessions. While the president certainly ceded ground by lifting the strikers’ terrorism charges, his government did not scratch the anti-terrorism law altogether, meaning there is no guarantee prosecutors will not yield it again in the future. Critics also point out that, despite modifications to the military-justice code, carabineros still enjoy the relative protection afforded by court martial proceedings.
"We don’t have the sense that this was a triumph," said Eric Millán, a spokesperson for some of the Mapuche strikers. "They didn’t agree on everything we’ve been asking for, so we don’t move on with a sense of victory. Among the demands that we handed to Minister [Cristián] Larroulet there are seven points on which work needs to be done starting now."

Piñera insists the real solution to the "Mapuche problem" lies in raising their living and education standards. To that end, he is championing his Plan Araucanía, a several-billion-dollar development scheme designed to stimulate the Araucanía as a whole and thus bring Mapuches into the national fold by providing jobs, improving infrastructure, and advancing educational opportunities (NotiSur, July 9, 2010). Piñera likens the project to the post-World War II Marshall Plan, implemented by the US to help rebuild and develop war-ravaged Europe.

Widespread economic investment may be part of the answer, but, at the same time, Mapuche activists need government redress to their immediate political and human rights demands. Creating jobs is one thing, but if Piñera continues to blame his predecessors while failing to reign in overzealous prosecutors and carabineros, the abuse, violence, and corresponding desperation—manifested so clearly in the three-month hunger strike—will continue apace.

"The government was late to react, but in the end it made some relevant decisions, particularly regarding the legal processes that motivated the strike," said José Aylwin, co-director of Observatorio Ciudadano. "However, it’s necessary to point out that the reforms that were presented by the president and approved by Congress still have limitations in terms of human rights because they continue to consider as terrorist acts things that really aren’t—like arson."

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