



# Global Nonviolent Action Database

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## Mapuche prisoners hunger strike for law reform, Chile, 2010

**Time period notes:** *Although the majority of the protestors called off the strike on October 1st, a group of 10 protestors continued the campaign until October 8th.*

12 July

2010

to: 1 October

2010

**Country:** Chile

**Location City/State/Province:** *Araucania province*

**Location Description:** *Southern Chile*

### Goals:

1. Bring an end to the use of the Anti-terrorism Law against the Mapuche.
2. Bring an end to the use of Military Law against civilians and repeal of the double jeopardy rule.
3. Guarantee the right to fair trial.
4. Demilitarize the Mapuche lands and cease the use of excessive police force in raids.
5. Free the Mapuche political prisoners currently imprisoned.

## Methods

### Methods in 1st segment:

- 159. The fast (fast of moral pressure, hunger strike, satyagrahic fast)

### Methods in 2nd segment:

- 159. The fast (fast of moral pressure, hunger strike, satyagrahic fast)

### Methods in 3rd segment:

- 015. Group lobbying
- 159. The fast (fast of moral pressure, hunger strike, satyagrahic fast)

### Methods in 4th segment:

- 159. The fast (fast of moral pressure, hunger strike, satyagrahic fast)

### Methods in 5th segment:

- 159. The fast (fast of moral pressure, hunger strike, satyagrahic fast)

**Methods in 6th segment:**

- 159. The fast (fast of moral pressure, hunger strike, satyagrahic fast)

## Classifications

**Classification:**

Change

**Cluster:**

Democracy

Human Rights

**Group characterization:**

- Indigenous Prisoners

## Leaders, partners, allies, elites

**Leaders:**

Not known

**Partners:**

Liberar, prisoners' family members

**External allies:**

Four congressmen from the Human Rights Commission

**Involvement of social elites:**

Four congressmen from the Human Rights Commission

## Joining/exiting order of social groups

**Groups in 1st Segment:**

**Groups in 2nd Segment:**

**Groups in 3rd Segment:**

**Groups in 4th Segment:**

**Groups in 5th Segment:**

- Congressmen from Human Rights Commission

**Groups in 6th Segment:**

**Additional notes on joining/exiting order:**

The initial date or duration of Liberar's involvement is unknown.

**Segment Length:** 14 days

## Opponent, Opponent Responses, and Violence

### Opponents:

The Chilean government

### Nonviolent responses of opponent:

Not known

### Campaigner violence:

None known

### Repressive Violence:

Not known

## Success Outcome

### Success in achieving specific demands/goals:

2 points out of 6 points

### Survival:

1 point out of 1 points

### Growth:

2 points out of 3 points

### Notes on outcomes:

Overall success received a 2 because although some of the prisoners' most immediate demands were met (the government dropped the terrorist charges), they failed to enact any real reform of the Anti-Terrorist law, which is still used to persecute Mapuche activists for charges of arson and other similar crimes. Growth received a 2 because of the additional strikers who joined the original 20, as well as the involvement of allies in Congress.

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With a population of 1.3 million people, the Mapuche are currently the largest indigenous group in Chile. Before 1881, the group functioned as an independent nation, but their political and territorial sovereignty was revoked after Chileans declared their independence from Spain. Since then, the government has forced the Mapuche to live on small “reducciones” (reserves) and allowed private lumber firms to expropriate their land. The resulting land tenure disputes have served as a catalyst for a larger social movement in recent years, as more Mapuche demand ownership of their ancestral territory, as well as constitutional recognition of their culture and tribal identity. In 2009, president Michelle Bachelet of the Social Democrats proposed a solution in which the government would buy the privately owned land to restore the Mapuche’s lost territory. The government dropped the policy after their efforts to buy land for 115 indigenous communities were met with fierce resistance from the landowners. After the election of conservative president Sebastian Pinera, exchanges between the Mapuche and the carabineros (uniformed police) became increasingly violent as more protestors set fire to the land and machinery owned by private logging companies. The government has come under criticism from the UN and multiple human rights groups for its use of anti-terrorist measures to criminalize the Mapuche for their protests.

On July 12, 2010, 20 Mapuche prisoners initiated a hunger strike to protest the charges levied against them under the Prevention of Terrorism Act (“Terrorism Act”). The law, which was first instituted under Augusto Pinochet in 1984, allowed the government to sidestep certain due process restrictions that would normally be applied under the criminal code. In 2001, the Chilean government modified the law to encompass cases of arson, theft and destruction of land. The government has since used the law to prosecute Mapuche defendants in military tribunal courts rather than civilian courts.

The modified law benefitted public prosecutors by allowing them to conduct secret criminal investigations for extended periods and keep the witness identities anonymous during the trial. In cases of “terrorism,” judges are also permitted to grant prosecutors certain powers that they would not receive under normal criminal investigations, such as phone tapping and computer

inspections. Those who are convicted under the law not only face harsher sentences than they would in a criminal case, but they also have their citizenship revoked. During the fifteen years following their release, prisoners are prohibited from holding office, teaching in schools, practicing journalism, or leading political parties, trade unions, and professional associations. The law has been criticized by groups such as Amnesty International and the International Federation of Human Rights Leagues (FIDH), whose representatives argued that the Mapuche's crimes did not constitute acts of terrorism.

In the two months that followed, 14 additional prisoners joined the original twenty in their hunger strike. Two of the prisoners, who joined on September 1, were Mapuche youths that were being held in the Youth Detention center of Chol-Chol. The prisoners, who were scattered between five different jails in the southern region of Chile, had been convicted under the Terrorism Act for crimes such as arson, attempted homicide, bodily injury, and illicit association. They claimed in interviews that they had been framed by police and prosecutors, and demanded that a dialogue be opened with the government.

The prisoners were largely influenced by Patricia Trancoso, a prisoner who had garnered international attention for her previous 111-day hunger strike. Trancoso, along with several other Mapuche activists, was convicted of arson in 2002 after a fire destroyed hundreds of acres of pine plantations belonging to the Forestal Mininco logging company. When Trancoso initiated her hunger strike in 2007, she demanded the release of 20 Mapuche activists from prison, a review of the arson case specific to her, and reform of the Terrorism Act. Although she called off the strike once the government eased her sentence, none of her other demands were met.

On August 12, one month after the fast began, the protesters' family members formed a delegation and travelled to Valparaíso to meet with members of Congress and register the prisoners' complaints. They met with Supreme Court Chief Justice Milton Juica the following day. The families were accompanied by representatives from Liberar, an NGO that provided the prisoners with legal counsel throughout the campaign.

The strike reached a milestone on September 9, when four members of Congress began fasting in solidarity with the protesters. The lawmakers, who belonged to the Human Rights Commission in the lower house of Congress, were all members of the leftist opposition party. The day they initiated the strike, President Pinera responded by proposing reforms to the Terrorist Act. His proposed changes would lessen the sentences associated with terrorist charges and forbid minors and civilians from being tried in military court. The strikers refused to accept Pinera's offer, reasserting their demands that the charges be dropped altogether.

On October 1, a group of 24 of the strikers signed an agreement with the Pinera government and subsequently ended their fast. Under the negotiated terms, the government withdrew the terrorism charges and agreed to re-file them as common crimes. The government also promised to reform the Anti-Terrorism Law. The remaining ten strikers signed the agreement on October 8, although their spokesman made clear that the protesters were not completely satisfied with the final terms of the agreement.

Since the strike's conclusion in 2010, the Mapuche have continued to face persecution under the Terrorist Act. In March 2011, four Mapuche prisoners initiated an 87-day hunger strike to protest the law and pressure the government to reduce their sentences. On October 10, 2011, roughly 10,000 people participated in a nonviolent march in Santiago in support of the indigenous struggle.

## Research Notes

### Influences:

The prisoners were influenced by previous hunger strikes, of which the most prominent was led by Patricia Trancoso in 2002 (1). Their campaign in turn influenced a similar hunger strike by Mapuche prisoners in 2011, who were also protesting the application of the anti-Terrorist law in their sentencing (2).

### Sources:

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**Name of researcher, and date dd/mm/yyyy:**

Carmen Smith-Estrada, 30/10/2011

**A project of Swarthmore College, including Peace and Conflict Studies, the Peace Collection, and the Lang Center for Civic and Social Responsibility.**

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