

Indian Council of South America Indigenous Peoples and Nations Coalition

E-mail rfbipnc@hotmail.com

Phone 41 79 541 9430

Human Rights Council 4th session
Geneva, Switzerland
Ambassador Ronald Barnes
Thursday, March 22, 2007

Greeting distinguished participants of the Human Rights Council,

I was pleased to see that Madame Jilani identified in section III of her report that human rights defenders are also "Indigenous Peoples involved in struggles over land rights and right to use and to free disposal of their natural wealth and resources". Indigenous Peoples are discriminated against internationally despite the fact that we are historically recognized at all political levels of development.

Despite the ratification and acceptance by certain States to existing international human rights obligations and agreements and to the provisions of the Charter of the United Nations and other international agreements, some States are attempting to vilify Indigenous Peoples who are defending these basic rights for the promotion and protection against abuses as fundamental human rights embodied in the International bill of Human Rights. In paragraph 90 of A/HRC/4/37 Madame Jilani enunciates that "In cases of violations of their rights of indigenous defenders, it is sometimes alleged that private companies or landholders are responsible for attacks or threats against the defender(s).

Juana Calfunao Paillalef – the human rights defender and advocate for her nations and peoples has been imprisoned and tortured in Chile. Five months ago her whole family (husband, children and sister) were deprived of their liberties and freedoms, leaving 5 minors without protection. The Ambassador of Chile is the Chair of the Working Group on the Follow-up for Durban Declaration and Programme of Action for the World Conference Against Racism. I would impress upon the State officials back in the country that this is particularly embarrassing since you hold this important post. Others victims have been seriously harmed for defending their rights in Chile. Chile, we call upon your Government to address the situation raised in paragraph 88.

Leonard Peltier, a well known human rights defender from the United States of America cannot obtain relief from his prison sentence despite the fact that there were substantial flaws in his trial process, including coerced, perjured and fabricated evidence from the FBI and, in violation of United States criminal law and procedure, the defence was not allowed to present witnesses or evidence critical to his defence. Denial of justice is commonplace for Indigenous Peoples attempting to obtain relief from application of unjust law punishment, or blatant deficiencies in justice systems that promote unjust State sanctioned prosecution of human rights defenders.

At the 22nd Working Group on Indigenous Populations, the Paragraph 16 of E/CN.4/Sub.2/2004/28 reported that "Participants reported on the criminalization of political dissent resulting in arbitrary arrests, torture and extrajudicial killings of indigenous peoples by non-indigenous authorities. They asserted that indigenous peoples had become easy prey for anti-terrorism campaigns, which were being used to justify violations of their human rights and

fundamental freedoms.” Lastly, our delegation thanks Madame Jilani for identifying in her last report that Indigenous Peoples are victims of States using the veil of terrorism and national security to dispossess and vilify Indigenous Peoples in order to justify their illicit action.

Thank you Mr. Chair