

## CHILEAN MAPUCHE LEADER ACQUITTED

Contributed by Elaine Ramirez  
Monday, 16 June 2008

Three judges in a Temuco court on Thursday found Arauco-Malleco Association (CAM) Mapuche director Hector Llaitul innocent of arson, illegal arms possession and receiving stolen goods.

In the eight-day trial local prosecutors tried to show that Llaitul and fellow Mapuche Roberto Painemil Parra were part of a group of six to eight arsonists who set fire to forest machinery in "Las Praderas," a countryside area in the Region IX town of Chol Chol, on Dec. 25, 2006. Painemil was found guilty of possessing illegal weapons, but all other charges were dropped. The court will announce the official rulings this Thursday. After a year and four months in prison, Llaitul was set free at noon on Thursday and left the court in silence. "I'm happy to get my freedom back, but I should be careful with the statements I make," Llaitul said, claiming he needed to keep a low profile after the ruling. "They persecute me for what I say, not for what I do. It's an ideological persecution." Llaitul's defense lawyer Pablo Ortega said testimony presented by prosecutors contradicted the conclusions of several experts and did not give consistent, convincing evidence that could place Llaitul at the scene of the arson. For example, the farm caretaker, whose name was not published, was found lost among the trees some 300 meters away from the fires and could not testify about who the vandals were. Llaitul insisted that he was elsewhere that night, at a family friend's house with his two oldest children. Prosecutor Vania Arancibia said the evidence against Llaitul was insufficient to prove "beyond all reasonable doubt" that he was guilty, but said the prosecution team might appeal Thursday's decision. "The public ministry did its job. It investigated and prosecuted because it believed the accused participated in the crime," she said. "Nonetheless, we weren't expecting the [Thursday's] result. We are going to wait for the official sentencing to analyze the situation and see if there is sufficient evidence to appeal the case." Roberto Painemil admitted that he was present at the fire when police officials revealed photographs from the Chol Chol site. Painemil had previously made an out-of-court statement that Llaitul was one of the incendiaries that set fire to the machinery. However, when he stood trial last week, Painemil claimed civilians had wrongfully arrested him and police tortured him until he would incriminate Llaitul. Painemil denied in court that Llaitul was present at the Chol Chol fires. Former judge Juan Guzman worked on Llaitul's defense team and called the court results a "triumph" for the Mapuches, an indigenous people who are not recognized as a separate people in Chile's constitution. Chile's Mapuche tribes have a history of legal battles on charges of burning farmland and houses on property they claim is rightfully theirs. "It's a triumph of justice for the original towns that had been so abused," Guzman said. This year, Guzman and a group of professionals will launch a foundation to provide free legal defense for minority and discriminated groups, including the Mapuches. CAM spokesman Oscar Ancatripai expects the now-free co-founding leader will soon rejoin the ranks of the Mapuche rights organization. SOURCE: CHILEAN NEWS SOURCES

By Elaine Ramirez