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# ARGENTINA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010 and 2011, insecurity, violence and political repression affected diverse groups of human rights defenders, including those involved in trials related to crimes against humanity committed during the last dictatorship, indigenous leaders defending the right to community lands, labour rights defenders and journalists denouncing corruption and drug trafficking.

## Political context

The climate of violence and insecurity in Argentina intensified during 2010. This led to the creation of the Ministry of Security on December 10, 2010, in charge of the entire federal security forces. Nevertheless, as of April 2011, there had been no measures for structural change implemented within the security forces, which was cause for concern given that a number of cases of violence and abuse of authority were traced back to the police. One example of this was the strong police repression used to evict families from a public area in the city of Buenos Aires in December 2010, in which three people were killed<sup>1</sup>. Additionally, the UN Human Rights Committee and the UN Committee on the Rights of the Child expressed concern about the killings and torture of adolescents and young people caused by violent police actions<sup>2</sup>.

Individuals deprived of their freedom were also victims of this violence and the situation in prisons continued to not comply with the UN Standard Minimum Rules for the Treatment of Prisoners. To that extent, the UN Human Rights Committee, the Inter-American Commission on Human Rights (IACHR) Special Rapporteur on the Rights of Persons Deprived of Liberty and the United Nations Committee on the Rights of the Child, all expressed in 2010 serious concern for the substandard conditions of detention in Argentina and in particular for the numerous denouncements of torture and of cruel, inhumane and degrading treatment carried out by the prison authorities (especially in Buenos Aires and

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1/ See Service for Justice and Peace in Argentina (*Servicio Paz y Justicia Argentina* - SERPAJ).

2/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, United Nations Document CCPR/C/ARG/CO/4, March 22, 2010 and Committee on the Rights of the Child, *Concluding Observations: Argentina*, United Nations Document CRC/C/ARG/CO/3-4, June 21, 2010. See also Centre for Legal and Social Studies (*Centro de Estudios Legales y Sociales* - CELS) Press Releases, August 20 and November 12, 2010.

Mendoza)<sup>3</sup>. The abovementioned IAHCR Special Rapporteur stated that he had received statements of frequent beating of prisoners, maltreatment, prolonged punishment in isolation cells, overcrowding and inadequate living conditions.

Regarding the fight against impunity, it is important to highlight the fact that trials continued throughout 2010 in the cases of those responsible for crimes against humanity committed during the last military dictatorship (1976-1983). As of April 2011, there were 366 ongoing cases throughout the country, 45 oral arguments had taken place, another eight were taking place, and 188 people had been convicted<sup>4</sup>. On a particular note, were the life sentences to be served in a civilian prison that were received by former Dictator Jorge Rafael Videla, former General Luciano Benjamín Menéndez and another 28 soldiers<sup>5</sup>, and by former Dictator Reynaldo Bignone<sup>6</sup>, all for “crimes against humanity”. Despite these significant advances and the high number of individuals undergoing trial, the slow progress in many cases continued to be cause for concern.

Meanwhile, in 2010 the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern about the persistent forced evictions, general violence against indigenous peoples and the reigning impunity in these acts<sup>7</sup>.

### **Threats to and insecurity of human rights defenders involved in trials for crimes against humanity committed during the last dictatorship**

In 2010, there continued to be reports of thefts and destruction of information related to ongoing trials for crimes against humanity committed during the last dictatorship. On April 8, 2010, there was a break-in at the legal offices of Ms. **María Isabel Caccioppolis**, a lawyer in the case of the violation of the human rights of adolescents in the students centre of the “Escuela Normal de Concepción del Uruguay”, in the province of Entre Ríos, in 1976. This was not the first time that such events had occurred, in fact several lawyers’ offices working on cases in Paraná, the capital of the Entre Ríos province, suffered similar attacks in which paper or digital

3/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee, op cit*, Inter-American Commission of Human Rights (IACHR) Press Release No. 64/10, June 21, 2010 and Committee on the Rights of the Child, *Concluding Observations: Argentina, op cit*.

4/ See CELS blog on the trials: <http://www.cels.org.ar/wpblogs/>.

5/ See Sentence of the Federal Oral Tribunal 1 of Córdoba, December 22, 2010.

6/ See Sentence of the Federal Oral Tribunal 1 of San Martín, April 15, 2011.

7/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee, op cit*, and CERD, *Concluding Observations*, United Nations Document CERD/C/ARG/CO/19-20, March 29, 2010.

information was stolen and burned<sup>8</sup>. Likewise, on September 27, 2010, the home of Ms. **Alicia Morales** was broken into, searched and some of her personal belongings were stolen<sup>9</sup>. Ms. Morales is a member of the San Rafael section of the Permanent Assembly for Human Rights (*Asamblea Permanente por los Derechos Humanos - APDH*) as well as Prosecutor and witness in the trial hearings in San Rafael, Mendoza province. Moreover, in 2010, during the trial for crimes against humanity committed during the dictatorship in prison No. 9 in the city of La Plata, for which fourteen people were convicted, Ms. **Nilda Eloy**, a human rights defender and Prosecutor representing the Association of Former Detained and Disappeared Persons (*Asociación de Ex Detenidos Desaparecidos*), was threatened, such as Ms. **María Noelia García**, Secretary of the Federal Oral Tribunal No. 1, who was responsible for the case. These threats were linked to one of the convicted individuals in the trial and were formally denounced. As of April 2011, an investigation had been opened at the Federal Prison Service, responsible for transferring the convicted person linked to the threats<sup>10</sup>. At the same time, Mr. **Enrique Fidalgo**, a psychologist and member of the Interdisciplinary Team of the Committee for the Defence of Health, Ethics and Human Rights (*Equipo Interdisciplinario del Comité para la Defensa de la Salud, la Ética y los Derechos Humanos - CODESEDH*), responsible for offering support and accompaniment to the victims in the same trial in the Federal Oral Tribunal No. 1 in La Plata, was the victim of repeated violent acts and threats to his security, both in his home and in public. As of April 2011, an investigation into these events was underway in the Attorney Investigation Unit No. 9, in La Plata<sup>11</sup>. Meanwhile, on March 18, 2010, an attempt was made to hamper the work of Messrs. **Diego Jorge Lavado**, **Alfredo Guevara Escayola**, **Pablo Gabriel Salinas** and Ms. **Viviana Laura Beigel**, all lawyers and members of the Ecumenical Movement for Human Rights in Mendoza (*Movimiento Ecueménico por los Derechos Humanos de Mendoza - MEDH*). On this occasion, the lawyer Eduardo Sinforiano, defender of a number of those accused of crimes against humanity, requested before the Federal Appeals Chamber of Mendoza that the lawyers be arrested and fined for having

8/ For example, as a result of a similar attack, the whereabouts of the computers stolen from the Secretary of Human Rights in the Buenos Aires province on December 30, 2009, are still unknown. The computers contained information about crimes against humanity committed during the dictatorship. The only computer found was the personal computer of Ms. **Sara Derotier de Cobacho**, which contained information on common crimes.

9/ See APDH Press Release, October 4, 2010.

10/ See Committee for the Defence of Health, Ethics and Human Rights (*Comité para la Defensa de la Salud, la Ética y los Derechos Humanos - CODESEDH*).

11/ *Idem*.

demanded the removal of two judges from the Chamber. While it is often difficult to determine the exact source of threats, it is of great concern that defenders and witnesses taking part in ongoing trials have little access to effective protection and are the constant victims of the climate of violence and insecurity that has taken hold throughout the country.

### **Violence and judicial harassment against indigenous leaders who defend the right to land of their communities**

The struggle to defend the right to land continued to lead to harassment, violent acts, arbitrary detentions and killings in a number of indigenous communities. In 2010, the struggle led by the Qom Navogoh community (otherwise known as the community of Toba La Primavera) for a number of years for the defence of their lands, in the south-west of the Formosa province, intensified due to their opposition to the construction of a university institute on their lands. The community reacted with peaceful protests and a road blockade, after which a number of their members received threats, and Mr. **Félix Díaz**, a leader of the community, and his wife Ms. **Amanda Asijak** were charged with the crime of “usurpation”. On September 22, 2010, protection measures were granted to the community, which ordered all construction to be suspended on their lands. In spite of this decision, on November 23, 2010, members of the provincial police force, supported by armed individuals from the Celas family<sup>42</sup>, attempted to evict the community. Upon leaving, police agents left two firearms in the community, which were later reported before Judge Mouriño as having disappeared. On the same day, the Judge visited the community in person, accompanied, among others, by some seventy armed police officers to recover the weapons that had been declared as disappeared. This situation triggered violent events, which culminated in the death of indigenous leader Mr. **Roberto López** and the death of one police officer. A legal case was opened in Formosa to investigate the killing of Mr. López, yet as of April 2011, none of the police officers who had been present had been arrested, and the armed civilians who supported the violent repression had not been identified. However, the case file states that, according to a police statement, Mr. Félix Díaz was armed on the day in question, in a clear attempt to link him to the death of the police officer. In light of the situation of risk suffered by the Qom Navogoh community, on April 21, 2011, the IACHR granted precautionary measures that had been requested by the community, which include orders to charge the police officers with the

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168 12/ Non indigenous family which, thanks to its links with the Military Government in 1978, remained present in these lands after they were returned to indigenous communities.

crime and identify the responsible authorities. As of the end of April, none of the measures had been implemented<sup>13</sup>.

### **Violence against labour rights defenders during peaceful demonstrations**

The exercise of the right to peaceful protest to demand labour rights continued to be stigmatised and dangerous. In 2010 and up to April 2011, there was a tendency to use “agents provocateurs”, or the police themselves, against peaceful demonstrators calling for improvements to labour rights. On October 20, 2010, the outsourced workers from the Roca Railway Company were peacefully demonstrating, asking to be employed as permanent payroll staff and protesting against the dismissal of more than one hundred people, when they were violently attacked by trade unionists from the Railway Workers’ Union (*Unión Ferroviaria*)<sup>14</sup>. In the skirmish, Mr. **Mariano Ferreyra**, a student and member of the Workers’ Party (*Partido Obrero*), was killed, and three people received gunshot wounds, including Ms. **Elsa Rodríguez**. Both Mr. Ferreyra and Ms. Rodríguez were taking part in the demonstration in the defence of the economic, social and cultural rights of the Roca railway workers. Ms. Rodríguez was left at first in a state of coma, and although she later recovered, she is today paralysed on her right side and suffers from speech problems. The other two people who suffered gunshot wounds have also recovered. These events were denounced, the judicial proceedings progressed quickly, and those who carried out the crimes and a number of leaders from the Railway Workers’ Union were brought to trial, including Secretary General Mr. José Pedraza, who was accused of planning the attack. As of April 2011, the ten individuals accused of the crime were being held on remand by the Appeals Chamber. It is expected that the oral trial will take place in 2011. The failure of the police officers to intervene during the events was also denounced<sup>15</sup>. In this case, the Judge decided to call seven police officers to present an oral statement<sup>16</sup>. In another case, on April 12, 2011, close to the city of “28 de Noviembre”, in the Santa Cruz province, teachers

13/ Protection measures requested with the patronage of the Human Rights Ombudsman’s Office (*Defensoría General de la Nación*) and CELS. See Request for Precautionary Measures for the members of La Primavera community, presented by CELS and La Primavera community before the IACHR on November 30, 2010 and CELS Press Release, April 26, 2011.

14/ The outsourced workers from the Roca railway company were working under precarious and unequal labour conditions in comparison to the workers affiliated to the Railway Workers’ Union. Their demands were granted after the violent attacks took place. See Committee for Legal Action (*Comité de Acción Jurídica - CAJ*) Press Release, October 22, 2010.

15/ According to information in the legal case, the police officers present suddenly withdrew, minutes before the crime took place. See CAJ Press Release, October 25, 2010.

16/ See CELS, CAJ and SERPAJ.

from the Association of Teachers of Santa Cruz (*Asociación de Docentes de Santa Cruz - ADOSAC*) were peacefully demonstrating, distributing texts in support of their demands for a raise in salary, when more than a dozen individuals identified as members of the Construction Workers' Union of the Argentinean Republic (*Unión Obrera de la Construcción de la República de Argentina - UOCRA*) arrived on the scene. They began to hit the teachers and those who were accompanying them with metal bars, wooden staffs and chains. Mr. **Victor Paredes**, Secretary General of the Association of State Workers (*Asociación de Trabajadores del Estado - ATE*), who was supporting the teachers, was severely beaten. These events were filmed by a number of television channels, and the footage is being held by the justice system. As of April 2011 the aggressors were being identified and the Director of UOCRA, who was present on the day in question, had absconded from the area<sup>17</sup>.

Meanwhile, as reported by the UN Human Rights Committee, the United Argentinean Workers' Union (*Central de Trabajadores Argentinos*) has not yet been granted legal trade union status despite the fact that the Argentinean State is a signatory of International Labour Office Convention No. 87 on Trade Union Freedoms, and despite the existence of a ruling from the Supreme Court against trade union monopolies<sup>18</sup>.

### **Murder of a journalist who denounced drug trafficking and corruption**

The climate of violence and insecurity throughout the country also had consequences for journalists denouncing drug trafficking and corruption. On September 4, 2010, the Bolivian journalist and community leader Mr. **Adams Ledesma Valenzuela** was killed in Buenos Aires. Mr. Ledesma Valenzuela was Director of the newspaper *Mundo Villa* and of the local television channel *Mundo Villa TV*. Mr. Ledesma, whose community work was closely linked to his journalistic profession, played an active role in the defence of the human rights of the inhabitants of his neighbourhood, and had made public declarations about his intentions to denounce drug purchases made by rich inhabitants in the area. Mr. Ledesma Valenzuela's family had reported being threatened by drug traffickers. The police reported the crime as a quarrel between neighbours and not as a crime related to the defence of human rights in the community. As of April 2011, no one had been arrested in relation to this murder as, according to the police, the individual responsible had gone into hiding. Nevertheless, the lack of investigation into the crime and its impunity reinforce the hypothesis

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17/ See CAJ.

170 18/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee, op. cit.*

that the police and the drug traffickers worked together in order to silence the journalist<sup>19</sup>.

### **Urgent Interventions issued by The Observatory from January 2010 to April 2011**

<b>Names</b>	<b>Violations / Follow-up</b>	<b>Reference</b>	<b>Date of Issuance</b>
Secretary of Human Rights in Buenos Aires / Ms. Sara Derotier de Cobacho	Theft / Harassment	Urgent Appeal ARG 001/0110/OBS 006	January 12, 2010
Messrs. Diego Jorge Lavado, Alfredo Guevara Escayola, Pablo Gabriel Salinas and Ms. Viviana Laura Beigel	Judicial harassment	Urgent Appeal ARG 002/0310/OBS 041	March 26, 2010
Ms. María Isabel Caccioppolis	Attack on offices / Theft	Urgent Appeal ARG 003/0410/OBS 045	April 14, 2010

19/ See CELS and SERPAJ. The IAHCR Special Rapporteur on Freedom of Expression called upon the State to protect the journalist's family, and to bring the perpetrators to justice. See IAHCR Special Rapporteur on Freedom of Expression Press Release No. R91/10, September 10, 2010.