

URGENT ACTION

ARBITRARILY DETAINED FOR OVER A YEAR

The social leader Milagro Sala has been arbitrarily detained since 16 January. The Argentine government has not complied with the UN decision ordering her immediate release.

On 14 December 2015 the governor of Jujuy Province, Gerardo Morales, filed a complaint against the social leader **Milagro Sala** and the Network of Social Organizations for protesting in front of the offices of Jujuy province's Executive Power. Milagro Sala was then detained on 16 January 2016. Despite her release being ordered in this case, further criminal proceedings were then initiated against her in order to keep her in detention. To date, Milagro Sala remains in detention.

In February 2016, Amnesty International, together with other organizations, submitted a complaint to the United Nations Working Group on Arbitrary Detention and an application for precautionary measures to the Inter-American Court of Human Rights (IACHR) in favour of Milagro Sala. On 27 October, the Working Group determined that "the detention of Milagro Sala is arbitrary" and requested that "the government of the Argentine Republic release her immediately". The Working Group maintained that there were various interlinked "consecutive allegations" at the time to ensure that that she would remain indefinitely detained, and concluded that the Argentine government prevented Milagro Sala from exercising the right to defence in a situation where the independence of the judiciary was violated. Furthermore, having analyzed the legal grounds on which Milagro Sala is detained, the Group concluded that there were no legal elements that justified her detention.

On 3 November 2016, the IACHR issued a request for information to the government to establish what action is being taken to comply with the Working Group's decision. The IACHR published a statement expressing concern about the prolonged pre-trial detention of Milagro Sala and urging the government to "take urgent action to respond to the recommendations issued by the Working Group" and release her immediately. However, she has now been detained for over a year and the government continues to violate Milagro Sala's human rights by arbitrarily detaining her.

Please write immediately in Spanish or your own language:

- Calling on the authorities to comply with the decision of the UN Working Group on Arbitrary Detention, and to order the immediate release of Milagro Sala, guaranteeing her physical integrity;
- Urging them to end the persecution of Milagro Sala and other social organizations.

PLEASE SEND APPEALS BEFORE 16 MARCH 2017 TO:

Minister of Foreign Affairs and Culture

Susana Malcorra
Esmeralda 1212
Buenos Aires, Argentina
Fax: +54 (11) 4819-7000
Email: cller@cancilleria.gob.ar
Salutation: Dear Chancellor / Sra. Canciller

Governor of Jujuy Province

Gerardo Morales
Gral. San Martín 450, 4600 San Salvador de Jujuy
Jujuy, Argentina
Fax: +54 (0388) 4239400
Email: privadadgobjujuy@gmail.com
Twitter: @moralesgerardo1
Salutation: Dear Governor / Sr. Gobernador

Secretary of Human Rights

Claudio Avruj
Av. del Libertador 8151, C1429BNC
CABA, Argentina
Fax: +54 (11) 4702-9920
Email: privadadh@derhuman.jus.gov.ar
Twitter: @clauavruj
Salutation: Dear Secretary / Sr. Secretario

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY RENATO CARLOS SERSALE DI CERISANO, Embassy of the Argentine Republic, 65 Brook Street W1K 4AH, 020 7318 1300, Fax 020 7318 1301
Email info@argentine-embassy-uk.org www.argentine-embassy-uk.org

Please check with your section office if sending appeals after the above date. This is the second update of UA 13/16. Further information: <https://www.amnesty.org/en/documents/amr13/5152/2016/en/>

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INTERNATIONAL**



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ADDITIONAL INFORMATION

The Working Group on Arbitrary Detention is a United Nations body. The decisions of the group are issued in accordance with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, two instruments with constitutional status in Argentina. Their implementation, far from being optional, is the government's duty before the international community and Argentine legal system.

In this particular case, in analysing the case of Milagro Sala, the Working Group examined information on all the legal proceedings against Milagro Sala, provided both by the organizations who submitted the international complaint and the government itself, and concluded that "the detention of Milagro Sala is arbitrary" and she should be released. It also ordered the government to provide information on the follow-up measures to the decision, which included among others: a) the date of her release, b) if any type of reparations have been made, c) if "an investigation into the violation of Milagro Sala's rights has been carried out", and the results, and d) what measures have been taken to avoid repetition of the events which led to the involvement of the international mechanism.

Milagro Sala's situation and the Argentine government's failure to comply with the UN Working Group's decision were also subjects of the recent interactive dialogues between the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD) and the government in November 2016. This was in the context of the evaluation of Argentina's periodic reports on compliance with the obligations arising from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), two international human rights treaties with constitutional status. CERD called for "effective access to justice, respect for fundamental rights and due process to be guaranteed" in the judicial proceedings brought against her and that the decision of the Working Group be implemented (CERD/C/ARG/CO/21-23 – 2016).

The Argentine government is responsible for ensuring compliance with the measures established by the Working Group.

Further information on UA: 13/16 Index: AMR 13/5612/2017 Issue Date: 2 February 2017