

URGENT ACTION

SOCIAL LEADER REMAINS IN ARBITRARY DETENTION

The social leader Milagro Sala has been arbitrarily detained since 16 January. The Argentine government has not complied with the UN decision of 27 October 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.

In February, 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 government prevented Milagro Sala from exercising the right to defence in a situation where the independence of the judiciary was violated. Having analysed the legal grounds on which Milagro Salas is detained, the Group concluded that there were no legal elements which justified her detention.

On 3 November, 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. However, the Argentine Secretary of Human Rights declared publicly that "the report issued by this working group is an opinion, with absolutely no binding force" and the governor of Jujuy Province has stated "I will not release this woman". Milagro Sala remains in arbitrary detention.

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;
- Calling on them to provide the information requested by the IACHR in order to comply with the Working Group's decision to release Milagro Sala;
- Urging them to end the persecution of Milagro Sala and other social organizations.

PLEASE SEND APPEALS BEFORE 29 DECEMBER 2016 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 and Cultural
Diversity
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**

And copies to:

Amnesty International Argentina
Email: activismo@amnistia.org.ar

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 first update of UA 13/16. Further information: <https://www.amnesty.org/en/documents/amr13/3236/2016/en/>

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ADDITIONAL INFORMATION

In January 2016 Amnesty International issued an Urgent Action calling for the guarantee of the physical integrity of Milagro Sala and that her immediate release be ordered, for an end to the persecution of the leader and other social organizations, that provincial authorities grant them an interview and that they avoid using criminal law to intimidate and threaten social organizations and silence their claims.

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 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.

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

Further information on UA: 13/16 AI Index: AMR 13/5152/2016 Date of issue: 17 November 2016