1-13-2017

Calls for the Release of Jailed Activist Go Unheeded in Argentina

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A year after the jailing of social activist and indigenous leader Milagro Sala, the government of Argentina, under President Mauricio Macri, finds itself in an uncomfortable position as human rights groups the world over express their dismay over the situation.

In addition to leading the Organización Barrial Túpac Amaru, a neighborhood association active in the northwestern province of Jujuy, Sala also serves as a deputy for PARLASUR, the legislative body of the Mercado Común del Sur (MERCOSUR) trade bloc (NotiSur, May 20, 2016). She has been locked up since Jan. 16, 2016, due to a confusing series of allegations with which the pro-Macri governor of the province, Gerardo Morales, has sought to remove her from the political stage.

While the Macri administration endorses the maneuvers made against Sala, a wide range of groups, including the Organization of American States (OAS), demand that the indigenous activist of Quilla descent be freed. All of the groups and organizations agree that the Sala case violates basic human rights guarantees included in the Constitution and in the various conventions, pacts, and international agreements to which Argentina is a party. They also note that the state, represented by Macri’s government, is supposed to be responsible for protecting those guarantees.

‘Arbitrary detention’
Sala and Morales have a long political rivalry that the Jujuy governor is now trying to settle through what critics call the “addicted” legal system. The term refers to lower and high court judges that Morales appointed almost immediately upon taking office, on Dec. 10, 2015.

In late October, when the UN Working Group on Arbitrary Detention (WGAD) approached the Macri government to argue that Sala’s jailing was “arbitrary” and to demand her immediate release, one of its suggestions was that the defendant’s treatment, at the hands of the police and courts, was in violation of the legal privileges she is supposed to enjoy as a member of PARLASUR.

The pro-government daily La Nación, in a Dec. 4 article, offered a basic summary of that treatment. “Sala was arrested and detained on Jan. 16, 2016, and accused of sedition for having organized her followers to occupy a public square until Morales agreed to meet and discuss Túpac Amaru activities,” the newspaper explained. “Thirteen days later she was freed, but at the same time was informed that she would have to stay in jail on charges that happened to have been filed just the day before. These more serious charges included fraud, criminal conspiracy, and extortion.”

Arguing that the original detainment was arbitrary, the La Nación article went on to say that the arrest “invalidated the legitimacy of the judicial process that followed.” As constitutional law expert Roberto Gargarella told the daily, “Every step taken from that point on followed the same pattern: Keep her locked up and only afterwards come up with ways to justify this arbitrary detention.”
**International solidarity**

Macri fully supports Morales, but it doing so, he has put his international reputation on the line. Since being sworn in as president in late 2015 (NotiSur, Dec. 4, 2015), Macri has tried to position himself as a regional leader in the defense of human rights. As part of that effort he has taken every opportunity available to demand that the government of Venezuela free jailed opposition figure Leopoldo López. Now Macri is the one under pressure from bodies such as the UN and OAS, which employ the exact same arguments in demanding Sala’s release that the Argentine president uses to complain about Nicolás Maduro, the leader of Venezuela.

Keeping Sala in jail, furthermore, undermines all of Macri’s efforts on behalf of López, as the prime minister of Canada, Justin Trudeau, noted indirectly during a recent visit to Argentina. In a joint press conference held Nov. 17, Trudeau said that he had urged Macri to release Sala and that the two leaders “talked about the importance of transparency” and the rule of law.

“I have absolute confidence that the issue will be treated responsibly, openly, and that they will follow the rule of law, just as it happens in our country,” the prime minister said.

Sala’s local and international prestige is based on the work she has done over the last 10 years. Her organization built a development 10 minutes from Jujuy’s capital that she named “Cantrí Túpac Amaru” (an ironic reference to the walled communities known as “countries” that sprouted in the wealthy areas of Argentina in the 1990s). Nine days after Sala’s arrest, the Jujuy press noted the description of the development offered by the British daily The Guardian: “6,000 homes, all the same, with water tanks [decorated with] the faces of Tupac Amaru [the Inca leader dismembered by the Spanish in 1781] or Che Guevara. In the development [is] a health center, a rehabilitation center, a school, factories (for textiles, bricks, and metallurgy), a cultural center, a theme park, a water park, and a replica of the Temple of Kalasasaya [the second most important sanctuary of the Aymaras in Tiwanaku, Bolivia]. The government had built nothing of the sort.”

The first gesture of international solidarity toward Sala came last February from the Vatican, which sent the jailed activist a rosary personally blessed by Pope Francis. The bearer of the gift was Enrique Palmeyro, director of Scholas Occurrentes, a global education network backed by Pope Francis.

“The pope values the work of social leaders who fight to improve the lives of people who don’t have homes to live in or enough food to eat,” Palmeyro said.

The papal gift was followed by an outpouring of international support unlike anything previously seen in Argentina. Between October and November, three UN organisms—the WGAD, the Committee on the Elimination of Discrimination Against Women, and the Committee on the Elimination of Racial Discrimination—intervened on Sala’s behalf. On Nov. 29, the secretary general of the OAS, Luis Almagro, spoke out. And on Dec. 2, the Inter-American Commission on Human Rights, an autonomous organ of the OAS, issued a statement demanding Sala’s release.

Similar messages have been sent by the World Council of Churches, the full PARLASUR, Bolivian President Evo Morales, the European Parliament, Amnesty International, and the Robert F. Kennedy Center for Justice and Human Rights in Washington, DC. They all describe the jailing as arbitrary and demand Sala’s immediate release. International media outlets are paying close attention as
well. The Guardian and the BBC in London, Radio France Internationale, the German broadcaster Deutsche Welle, the Latin American network teleSUR, Al Jazeera and Brazil’s O Globo, among others, have all given special coverage to the Sala case.

The jailed activist has also received support from within Argentina. Two of the country’s 24 provincial governors spent Christmas and New Year’s with her. Two universities awarded her honorary doctorates. And a group of human rights officials, judges, and prosecutors from across Argentina publicly denounced what they see as arbitrary actions by the legal system in Jujuy.

Targeting immigrants

The government’s campaign against Sala coincides with a rightward political shift in Argentina that has also resulted in a crackdown on immigrants and the reappearance of Nazi groups, particularly in the coastal city of Mar del Plata, where the long-dormant Foro Nacional Patriótico (National Patriotic Forum, FONAPA), the oldest of Argentina’s extreme-right organizations, took advantage of the election of a far-right mayor to launch a campaign against Bolivian immigrants and gay and lesbian groups (NotiSur, April 22, 2016).

Not only have authorities turned a blind eye to these kinds of racist and xenophobic actions, but they themselves have begun to openly associate immigrants with crime. Police have targeted bus terminals, for example, where passengers from Bolivia and Paraguay arrive. “They single out people based on their physical characteristics,” according to Víctor Ramos of the rights group SOS Discriminación. “Bolivians and Paraguayans are being pegged as dangerous just because of the way they look.”

Between July and August last year, dozens of Paraguayan laborers were arrested and deported. And in September, the government inaugurated the country’s first detention facility exclusively for immigrants (NotiSur, Sept. 16, 2016). The Ministry of Security stated that the purpose of the facility was to “protect Argentines and fight illegal immigration.” And yet, there is no statistical evidence to suggest that foreigners of any nationality are a threat to national security. “Never before have immigrants been criminalized [by] associating them with a security problem,” the humanitarian organization Centro de Estudios Legales y Sociales noted.

On Nov. 1, Sen. Miguel Pichetto, the leader of the opposition bloc who nevertheless, on certain issues, sides with the government, took observers by surprise with comments he made during a television appearance. “How much misery can we endure by taking in poor immigrants?” he asked. “We’ve always served as a social safety valve for Bolivia and a criminal safety valve for Peru, which solved its security problem by transferring the whole drug-trafficking scheme over to our poor neighborhoods.” The next day, none of his colleagues challenged him when, on the floor of the legislature, Pichetto said that, “Argentina is filling up with this backwash.”

On Dec. 18, the political right played its own anti-immigrant card when deputies with the pro-government Cambiemos (Let’s Change) demanded that Argentina’s public universities provide detailed reports that include the number of foreign students enrolled, what courses they’re taking, and from which countries they originate.

“We simply want to know who we’re spending our money on,” said Eduardo Amadeo, head of the Education Committee in the Cámara de Diputados, the lower house of Congress.