

## **Background- Argentina<sup>1</sup>**

Argentina is a large South American country (pop. 44 million, 2017 est.) that suffered one of Latin America's most violent Dirty Wars. The military disappeared up to 30,000 people in the 1970s and quashed initial prosecution efforts in the 1980s. However, Argentina resumed prosecution of human rights violations in the 2000s and has developed one of Latin America's strongest track record for prosecuting Dirty War human rights violations, convicting 818 people and pursuing current charges against 754 more.<sup>2</sup> Since its return to democracy, Argentina's most persistent human rights problems have been excessive use of force by police and extrajudicial killings, the use of defamation laws to suppress criticism, and other irregularities in its judicial system.

During the colonial era, Argentina grew from a neglected fringe of Spanish territory to a center of power in Latin America. Before the arrival of the Spanish, Argentina had a small native population of mostly fishers and hunters. European explorers visited sporadically beginning in the early 1500s but died or abandoned settlement efforts due to lack of supplies, no obvious precious metals, and the indigenous peoples' fierce defense of their land. As a result, Argentina was not an initial focus of Spanish settlement and was considered a minor part of the Viceroyalty of Peru. Gradually, however, the Spanish established missions and ranches, farming corn and potatoes and raising cattle, horses, and sheep. Indigenous peoples were increasingly forced to work on ranches, moved onto missions, and taken as wives by the Spanish. Argentina's population and influence grew and, in 1776, Spain created a new viceroyalty, centered on the city of Buenos Aires, and including modern-day Argentina, Uruguay, Paraguay, and southern Bolivia. In 1808, Spain was invaded by Napoleon and, as in the case of many other Latin American colonies, leaders in Buenos Aires used the invasion as a pretext to declare independence, ostensibly in support of the Spanish crown. At a July 9, 1816 meeting of congress in Tucumán, Argentina, Uruguay, and part of Bolivia declared independence as the United Provinces of the Río de la Plata.

In the 1800s and early 1900s, modern Argentina took shape amidst conflict and growth. Buenos Aires struggled to maintain control over the former viceroyalty and successively lost Bolivia and Uruguay. Argentina itself was roiled by repeated civil wars and territorial conflicts with indigenous peoples, Brazil, France, and Britain. Nevertheless, Argentina continued to grow. Its population swelled with European immigrants, its military subjugated the remaining indigenous populations, and its ranching industry grew with the advent of new cattle breeds, meat refrigeration, and railroads. Between 1860 and 1930, exploitation of the rich land of the pampas strongly pushed economic growth. Argentina's comparative advantages in agriculture, as the country is endowed with a vast amount of highly fertile land, made it so that during the first three decades of the 20th century, Argentina outgrew Canada and Australia in population, total income, and per capita income. By 1913, Argentina was the world's

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<sup>2</sup> Daniel Politi and Ernesto Londoño, *29 Argentines Sentenced to Life in Prison in 'Death Flights' Trial*, N.Y. TIMES (Nov. 29, 2017), <https://www.nytimes.com/2017/11/29/world/americas/argentina-death-flights-trial-dictatorship.html>.

10th wealthiest nation per capita. However, mismanagement of the economy's expansion soon led to inflation, an economic crisis, and political conflict.

In 1912, the Radicals, led by Hipólito Irigoyen, successfully pressured the government into allowing universal male suffrage and, in 1916, Irigoyen became the first president elected by popular vote. Irigoyen and his successors engaged in modest advocacy for the unions and tenant farmers but failed to cope with the Depression and were forced out of power by the military in 1930. In what was later dubbed "the Infamous Decade," a series of Generals reasserted conservative rule by arresting political opponents, barring political opponents' participation in elections, dissolving political parties, and censoring the press.

In the 1940s, more moderate forces grew within the military regime, culminating in the rise to power of Colonel Juan Perón. Perón advocated for unions, paid vacations, and pensions for workers and pushed to allow political parties. Fearful of Perón's growing influence, his enemies within the military arrested him. However, his allies in the unions organized a strike that pressured the military to release him and paved the way for his successful presidential run in 1946. Perón and his wife Eva (Evita) took action to improve the welfare of their working class supporters, the *descamisados* ("shirtless ones.") Perón nationalized foreign companies and instituted an ambitious economic plan that increased wages, leisure time, education, and healthcare.<sup>3</sup> Evita ran a charitable foundation that rewarded Perón supporters with simple tools to improve their lives like sewing machines, bicycles, and false teeth, while also launching larger projects to build schools, hospitals, orphanages, and shelters.<sup>4</sup> The Peróns' social programs intensified their supporters' fervor but outraged opponents, who objected to the blatant patronage and to what they saw as the distribution of unearned luxuries to the undeserving poor.<sup>5</sup> Perón also earned enemies for his authoritarian attacks on opponents. Perón used dubious legal charges to force opponents out of political posts and the Supreme Court, incited his supporters to attack opposition groups' headquarters, and ultimately outright imprisoned opponents.<sup>6</sup> In 1952, Evita passed away from cancer, eliminating the personal touch she had supplied.<sup>7</sup> At the same time, Perón implemented austerity measures to combat an economic downturn and started an ill-conceived conflict with the Catholic Church, arresting priests who opposed him and revoking the legal recognition and tax exemptions of anti-Peronist Catholic groups.<sup>8</sup> Catholic opposition groups organized a series of religious processions that were thinly veiled anti-Perón protests.<sup>9</sup> Finally, in 1954, the military forced Perón out of power.

In the 1960s and 1970s, repeated power struggles between Peronists and their opponents deteriorated into a Dirty War. The new government tore down the Peróns' public projects (including hospitals) and made it illegal to use the Peróns' flag, images, or names.<sup>10</sup> When Peronists attempted a botched coup, the government summarily shot the participants.<sup>11</sup> Inflation

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<sup>3</sup> JILL HEDGES, ARGENTINA: A MODERN HISTORY 121-127 (2011).

<sup>4</sup> *Id.* at 139-143.

<sup>5</sup> *Id.* at 117-118, 135-136, 141-142.

<sup>6</sup> *Id.* at 118-121, 152.

<sup>7</sup> *Id.* at 135-136, 148-152.

<sup>8</sup> *Id.* at 148-149, 154-167.

<sup>9</sup> *Id.* at 162-163.

<sup>10</sup> *Id.* at 170-171.

<sup>11</sup> *Id.* at 172-173.

grew rapidly and the government adopted unpopular austerity measures to control it. Left wing groups such as the People's Revolutionary Army (Ejército Revolucionario del Pueblo - ERP) and the Peronist Montoneros engaged in kidnappings and assassinations. In 1973, Perón successfully returned to the presidency and sided with the right wing of the Peronist movement, covertly supporting the Argentine Anticomunist Alliance (Alianza Anticomunista Argentina - AAA) as it disappeared and murdered leftist activists. After only a year back in power, Perón passed away. Isabel Perón, his vice president and widow, became the world's first female president. She continued the violence against activists and implemented ineffective economic policies that caused inflation to soar. In 1976, the military deposed her and launched a full blown Dirty War against activists, arresting, torturing, disappearing, and killing tens of thousands. The military regime earned some initial support by finally reducing inflation but, as the economy faltered again and the regime's violence continued, its popularity plummeted. In 1982, the military attempted to boost its popularity by starting a war to regain control of the Falkland Islands (Islas Malvinas), which had been the subject of territorial disputes between Britain and Argentina since before Argentina's independence. The move backfired when Argentina suffered a swift and humiliating defeat against the United Kingdom that eroded the military's power even further.

In the 1980s, the military finally allowed a return to civilian rule but continued to wield its influence to block prosecution of its crimes. In 1983, President Raúl Alfonsín assumed the presidency, commissioned a truth report on the human rights abuses committed during the Dirty War,<sup>12</sup> revoked amnesty laws passed by the military government, and began prosecutions of hundreds of military personnel, including three former presidents. Alfonsín initially overcame the resulting military rebellions but, when inflation spiraled yet again, he was forced to bow to military pressure. He agreed to the "Full Stop Law," which prohibited new prosecutions of Dirty War human rights violations, and the "Due Obedience Law," which prohibited prosecutions of human rights violations committed in obedience to a superior's orders.<sup>13</sup> In 1989, the collapse of the economy forced Alfonsín to turn power over five months early to his democratically elected successor, Peronist Carlos Saúl Menem.

Under President Menem, the government retreated from prosecuting human rights violations and used defamation and privacy laws to suppress criticism. Although Menem himself had been detained for five years during the Dirty War, he immediately pardoned the Dirty War human rights violators Alfonsín's government had convicted and allowed human rights violators to remain free and push back against those who exposed them. In 1991, a court sentenced a journalist to a year in prison for libel because he criticized a judge's botched investigation of

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<sup>12</sup> COMISIÓN NACIONAL SOBRE LA DESAPARICIÓN DE PERSONAS, NUNCA MÁS: INFORME DE LA COMISION NACIONAL SOBRE LA DESAPARICION DE PERSONAS (1984), *available at* [http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain\\_001.htm](http://www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_001.htm) (English translation) and <http://www.desaparecidos.org/arg/conadep/nuncamas/nuncamas.html> (Original Spanish); Jane Lampmann, *Report on the 'Disappeared': Argentina Struggles to Come to Terms with a Brutal Past*, CHRISTIAN SCIENCE MONITOR (Jan. 27, 1987), <http://www.csmonitor.com/1987/0127/dbnunc.html>.

<sup>13</sup> Law No. 23492, Dec. 24, 1986, [26058] B.O., <http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/21864/norma.htm> ("Punto Final" or Full Stop law); Law No. 23521, June 8, 1987, [26155] B.O., <http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/21746/norma.htm> ("Obediencia Debida" or Due Obedience law); Francisco Goldman, *Children of the Dirty War*, THE NEW YORKER (March 19, 2012), <https://www.newyorker.com/magazine/2012/03/19/children-of-the-dirty-war>.

Dirty War murders.<sup>14</sup> Defamation and privacy laws were also used to suppress more prosaic scandals. In 1994, two men were fined and given suspended sentences for libel because they alleged corruption in the sale of burial niches in a local cemetery.<sup>15</sup> In 1995, President Menem himself sued two journalists for violating his privacy by publishing articles about his illegitimate son.<sup>16</sup> Sometimes criticism was suppressed through outright violence. When a detective investigated a corruption case, police shot him to death.<sup>17</sup>

In the 1990s and early 2000s, Argentina's economic problems worsened. Although Menem had brought inflation under control and restored confidence and investment in the economy at the beginning of the 1990s, in 1994, Mexico's poor monetary management prompted an economic crisis dubbed the "Tequila Crisis" that spread throughout Latin America, causing high unemployment and a recession in Argentina. Neither Menem nor his successor could fix the economy and, in 2001 and 2002, Argentina cycled through a series of interim presidents and defaulted on its foreign debt. Many Argentinians blamed the default on botched economic programs initiated by one of Argentina's largest lenders, the International Monetary Fund (I.M.F.)<sup>18</sup>

Amidst this chaotic political and economic backdrop, Argentina was unable to control its longstanding problems with police violence and inadequate judicial proceedings. These problems dated at least back to the 1970s and 1980s, when multiple defendants accused of financial crimes complained of irregular trial processes, lengthy pre-trial detentions, and police violence and harassment.<sup>19</sup> Eighteen members of the air force accused of embezzlement spent seven years in jail awaiting trial, many without access to attorneys.<sup>20</sup> Police beat a man accused of fraud until he gave a confession implicating both himself and his defense attorney.<sup>21</sup> Similarly, police beat and electrocuted a credit union manager accused of embezzlement.<sup>22</sup> When a business owner successfully sued police for illegally seizing his records during a fraud investigation, police

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<sup>14</sup> *Kimel v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 177 (May 2, 2008)*, <https://iachr.ils.edu/cases/kimel-v-argentina>.

<sup>15</sup> *Mémoli v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 265 (Aug. 22, 2013)*, <https://iachr.ils.edu/cases/memoli-v-argentina>.

<sup>16</sup> *Fontevicchia and D'Amico v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 238 (Nov. 29, 2011)*, <https://iachr.ils.edu/cases/fontevicchia-and-d-amico-v-argentina>.

<sup>17</sup> *Gutiérrez and Family v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 271 (Nov. 25, 2013)*, <https://iachr.ils.edu/cases/guti%C3%A9rrez-and-family-v-argentina>; *A 20 Años del Asesinato de Jorge Omar Gutiérrez*, CENTRO DE ESTUDIOS LEGALES Y SOCIALES, DERECHOS HUMANOS EN ARGENTINA (Aug. 29, 2014), <https://www.cels.org.ar/web/2014/08/a-20-anos-del-asesinato-de-jorge-omar-gutierrez/>.

<sup>18</sup> Daniel Politi, *Argentina Turns to I.M.F., Long Its Villain, as Its Peso Plummets*, N.Y. TIMES (May 8, 2018), <https://www.nytimes.com/2018/05/08/business/argentina-imf-peso.html>.

<sup>19</sup> *Argüelles et al. v. Argentina, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 288 (Nov. 20, 2014)*, <https://iachr.ils.edu/cases/arg%C3%BCelles-et-al-v-argentina>; *Bueno Alves v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 164 (May 11, 2007)*, <https://iachr.ils.edu/cases/bueno-alves-v-argentina>; *Cantos v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 97 (Nov. 28, 2002)*, <https://iachr.ils.edu/cases/cantos-v-argentina>. *See also Grande v. Argentina, Preliminary Objections and Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 231 (Aug. 31, 2011)*, <https://iachr.ils.edu/cases/grande-v-argentina> (Finding Argentina did not violate the American convention in its handling of the 1980 fraud investigation of a bank manager).

<sup>20</sup> *Argüelles*, Inter-Am. Ct. H.R. (ser. C) No. 288.

<sup>21</sup> *Bueno Alves*, Inter-Am. Ct. H.R. (ser. C) No. 164.

<sup>22</sup> *Grande v. Argentina, Preliminary Objections and Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 231 (Aug. 31, 2011)*, <https://iachr.ils.edu/cases/grande-v-argentina>.

retaliated by detaining him more than thirty times and filing seventeen criminal cases against him.<sup>23</sup> In the 1990s and the 2000s, abuses intensified as police beat and disappeared people suspected of crimes ranging from the serious to the petty. Police disappeared two men accused of robbery and one man accused of having a “suspicious attitude.”<sup>24</sup> They used electric shocks to torture a confession from a suspected kidnapper<sup>25</sup> and arrested and beat 73 people for lingering outside a sold out rock concert, killing a seventeen year old boy.<sup>26</sup> By the late 2000s, Argentinians reported the least trust in their police and the highest rate of abuse by police out of twenty or more countries surveyed.<sup>27</sup> Meanwhile, courts sentenced a string of juveniles to life sentences in Argentina’s overcrowded, inadequately supervised, and abusive prisons. Fights and beatings by guards left one teenager blinded in his right eye and another prisoner with a scalp wound that required stitches. A suicidal prisoner killed himself after a guard told him to “go ahead and hang [yourself].”<sup>28</sup> The judicial system also failed in more ordinary cases, convicting a driver of manslaughter based on a laws passed after the accident took place,<sup>29</sup> allowing the adoption of a newborn over her father’s objections,<sup>30</sup> and struggling to obtain government cooperation in a premises liability lawsuit against the military.<sup>31</sup> Today, human rights monitors continue to report police shootings, police torture of suspects, and overcrowded, inadequate prison conditions. Suspects continue to experience lengthy pretrial detentions and political manipulation of the judiciary, which is heavily staffed by vulnerable temporary judges.<sup>32</sup>

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<sup>23</sup> *Cantos*, Inter-Am. Ct. H.R. (ser. C) No. 97.

<sup>24</sup> *Torres Millacura et al. v. Argentina*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 229 (Aug. 26, 2011), <https://iachr.ils.edu/cases/torres-millacura-et-al-v-argentina> (Police torture and disappear a man with a “suspicious attitude” under a law passed in Chubut Province during the military regime, Ley 815, Cht., Oct. 13, 1970, [http://www.corteidh.or.cr/tablas/TRASH%20JR/YS/escrito%20de%2018%20de%20julio%20de%202011%20y%20anexos%20\(REPRESENTANTES\)/Ley%20815%20-%20Recopilaci%C3%B3n%20hist%C3%B3rica.pdf](http://www.corteidh.or.cr/tablas/TRASH%20JR/YS/escrito%20de%2018%20de%20julio%20de%202011%20y%20anexos%20(REPRESENTANTES)/Ley%20815%20-%20Recopilaci%C3%B3n%20hist%C3%B3rica.pdf)); *Garrido and Baigorria v. Argentina*, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 39 (Aug. 27, 1998), <https://iachr.ils.edu/cases/garrido-and-baigorria-v-argentina> (Police disappear a robbery suspect and a friend driving in the same car.)

<sup>25</sup> *Bayarri v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 187 (Oct. 30, 2008), <https://iachr.ils.edu/cases/bayarri-v-argentina>.

<sup>26</sup> *Bulacio v. Argentina*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 100 (Sept. 18, 2003), <https://iachr.ils.edu/cases/bulacio-v-argentina>.

<sup>27</sup> Nabeela Ahmad, Victoria Hubickey, Francis McNamara, IV, & Frederico Batista Pereira, *Trust in the National Police*, AMERICASBAROMETER INSIGHTS: 2011 (No. 59), <https://www.vanderbilt.edu/lapop/insights/I0859en.pdf> (On average, Argentinians rated their trust in police 30.6 out of 100, the lowest rating of twenty six countries surveyed); José Miguel Cruz, *Police Abuse in Latin America*, AMERICASBAROMETER INSIGHTS: 2009 (No. 11), <https://www.vanderbilt.edu/lapop/insights/I0811en.pdf> (8.7% of Argentinians reported being abused by police in the previous twelve months, the highest percentage of twenty countries surveyed).

<sup>28</sup> *Mendoza et al. v. Argentina*, Preliminary Objection, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 260 (May 14, 2013), <https://iachr.ils.edu/cases/mendoza-et-al-v-argentina>; *See also* Law No. 22278, Aug. 28, 1980, [24490] B.O. 3, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/110000-114999/114167/norma.htm> (Governing sentencing for juveniles.)

<sup>29</sup> *Mohamed v. Argentina*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 255 (Nov. 23, 2012), <https://iachr.ils.edu/cases/mohamed-v-argentina>.

<sup>30</sup> *Fornerón and Daughter v. Argentina*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 242 (April 27, 2012), <https://iachr.ils.edu/cases/forner%C3%B3n-and-daughter-v-argentina>.

<sup>31</sup> *Furlan and Family v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 246 (Aug. 31, 2012), <https://iachr.ils.edu/cases/furlan-and-family-v-argentina>.

<sup>32</sup> U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2016: ARGENTINA 1-4, 6-7 <https://www.state.gov/documents/organization/265770.pdf>.

Despite these continuing problems, in the late 2000s, Argentina's economy rebounded and it resumed prosecutions of Dirty War criminals, ultimately becoming one of the most committed prosecutors of Dirty War human rights violations. In 2003, voters elected Peronist Néstor Kirchner and, in 2007, they elected his wife Cristina Fernández de Kirchner, who served two terms. The Kirchners brought the economy under control, forced most of Argentina's creditors to accept the restructuring of the national debt, and took strong stands against human rights violations. During Néstor Kirchner's presidency, Congress nullified the Full Stop and Due Obedience Laws and the Supreme Court declared them unconstitutional.<sup>33</sup> Both Kirchners strongly supported prosecutions of Dirty War human rights violations and, over the course of their presidencies, Argentinean courts convicted hundreds of human rights violators.<sup>34</sup>

However, both Kirchners were dogged by corruption allegations<sup>35</sup> and the repercussions of their decision to forcibly restructure Argentina's debt. In 2014, continued litigation by hold-out creditors placed Argentina in technical default on its debts once again. Worse, in 2015, prosecutor Alberto Nisman was shot to death the day before he was scheduled to testify that Fernández de Kirchner had conspired to cover up Iran's role in a 1994 anti-Semitic bombing in Buenos Aires in exchange for a favorable trade deal.<sup>36</sup> When Fernández de Kirchner termed out of office, voters rejected her chosen successor in favor of the opposition candidate, Mauricio Macri. Fernández de Kirchner herself went on to win a Senate seat but, as her term began, she found herself facing treason charges for her alleged role in the Nisman scandal and multiple corruption charges for abusing her position to defraud the futures market and steer business to her family and friends.<sup>37</sup> Fernández de Kirchner's status as a Senator protects her from arrest, but her former foreign minister was placed under house arrest as part of an investigation that both maintain is politically motivated.<sup>38</sup>

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<sup>33</sup> Ley 25.779, "Decláranse insanablemente nulas las Leyes Nros. 23.492 y 23.521", Sancionada: Agosto 21 de 2003; Promulgada: Septiembre 2 de 2003, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/85000-89999/88140/norma.htm>; Corte Suprema de Justicia de la Nación [CSJN] [National Supreme Court of Justice], 14/6/2005, "Simón, Julio Héctor y otros s/ privación ilegítima de la libertad, etc." (S. 1767. XXXVIII, Causa N° 17.768C), [http://www.asser.nl/upload/documents/20121101T045118-Simon\\_Corte\\_Suprema\\_Fallo\\_amnestia\\_14-6-2005.pdf](http://www.asser.nl/upload/documents/20121101T045118-Simon_Corte_Suprema_Fallo_amnestia_14-6-2005.pdf); CENTRO DE ESTUDIOS LEGALES Y SOCIALES, DERECHOS HUMANOS EN ARGENTINA: INFORME ANUAL 2005 at 49-52 (2005), <https://www.cels.org.ar/web/wp-content/uploads/2005/12/IA2005.pdf#page=45>; CENTRO DE ESTUDIOS LEGALES Y SOCIALES, DERECHOS HUMANOS EN ARGENTINA: INFORME ANUAL 2002-2003 at 41-43 (2003), <https://www.cels.org.ar/web/wp-content/uploads/2003/07/IA2002-2003.pdf#page=37>.

<sup>34</sup> Politi & Londoño, *supra* note 2. Jon Lee Anderson, *A Very Argentinian Mystery*, THE NEW YORKER (Jan. 23, 2015), <https://www.newyorker.com/news/daily-comment/argentinian-mystery>; Goldman, *supra* note 13.

<sup>35</sup> Goldman, *supra* note 13.

<sup>36</sup> DEPARTMENT OF STATE, *supra* note 32 at 18; Daniel Politi, *Judge Seeks Arrest of Ex-President of Argentina on Treason Charges*, N.Y. TIMES (Dec. 7, 2017), <https://www.nytimes.com/2017/12/07/world/americas/argentina-kirchner-nisman-treason-murder.html>.

<sup>37</sup> *Judge Seeks Arrest of Ex-President of Argentina on Treason Charges*, *supra* note 36; Daniel Politi, *Ex-President of Argentina Indicted Again, Now With Her Children*, N.Y. TIMES (April 4, 2017),

<https://www.nytimes.com/2017/04/04/world/americas/argentina-cristina-fernandez-de-kirchner-corruption-indictment.html?mcubz=0>; Daniel Politi, *Argentine Ex-President Faces Trial in \$3.5 Billion Fraud Case*, N.Y. TIMES (March 24, 2017), [https://www.nytimes.com/2017/03/24/world/americas/argentina-christina-kirchner-trial-peso-macri.html?\\_r=0](https://www.nytimes.com/2017/03/24/world/americas/argentina-christina-kirchner-trial-peso-macri.html?_r=0); Daniel Politi, *Cristina Fernández de Kirchner Indicted Again on Corruption Charges*, N.Y. TIMES (Dec. 27, 2016), <https://www.nytimes.com/2016/12/27/world/americas/argentina-cristina-fernandez-kirchner-mauricio-macri.html>.

<sup>38</sup> Héctor Timerman, *I Am a Political Prisoner in Argentina*, N.Y. TIMES (Dec. 20, 2017), <https://www.nytimes.com/2017/12/20/opinion/timerman-argentina-political-prisoner-bonadio.html>; Max Radwin and Anthony Faiola, *Argentine ex-president Cristina Fernández de Kirchner charged with treason*, WASHINGTON

Macri has decisively rejected the Kirchners' left-wing economic policies and rolled back their efforts to prosecute human rights violators. Argentinians protested in the streets when Macri's government cut pensions and social welfare benefits, increased interest rates, and sought new credit from the widely detested I.M.F.<sup>39</sup> Macri's government continues to prosecute human rights violations but with considerably less enthusiasm. The government has dismantled human rights departments investigating the Dirty War, questioned human rights groups' estimates of the number of disappearances, and expressed support for the "two demons" theory that blames leftists for provoking the violence.<sup>40</sup> Macri's government has also cracked down on political protests, jailing indigenous activist Milagro Sala for almost two years in pretrial detention on various charges related to her anti-government protests.<sup>41</sup>

Nevertheless, public support for human rights remains strong. When Macri attempted to end the annual celebration of a Day of Memory commemorating the victims of the Dirty War, protests forced him to reinstate it.<sup>42</sup> When the Supreme Court dramatically reduced the sentence of a human rights violator, hundreds of thousands of protestors took to the streets and Congress swiftly and near unanimously passed legislation preventing future sentencing reductions.<sup>43</sup> Today, Argentinians remain committed to prosecuting the human rights violations committed during their country's past.

### More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#).

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POST (Dec. 7, 2017), [https://www.washingtonpost.com/world/the\\_americas/argentine-ex-president-cristina-fernandez-charged-with-treason/2017/12/07/e3e326e0-db80-11e7-a241-0848315642d0\\_story.html](https://www.washingtonpost.com/world/the_americas/argentine-ex-president-cristina-fernandez-charged-with-treason/2017/12/07/e3e326e0-db80-11e7-a241-0848315642d0_story.html).

<sup>39</sup> Politi, *supra* note 17; Daniel Politi and Matt Phillips, *Argentina Raises Key Rate to 40%, Bringing Economic Uncertainty*, N.Y. TIMES (May 4, 2018), <https://www.nytimes.com/2018/05/04/business/economy/argentina-economy-interest-rates.html>; Daniel Politi, *After Street Clashes, Argentina's Congress Passes Pension Overhaul*, N.Y. TIMES (Dec. 19, 2017), <https://www.nytimes.com/2017/12/19/world/americas/argentina-congress-pension-protest.html>.

<sup>40</sup> CENTRO DE ESTUDIOS LEGALES Y SOCIALES, DERECHOS HUMANOS EN ARGENTINA: INFORME ANUAL 2017 145-179 (2017), <https://www.cels.org.ar/web/wp-content/uploads/2017/12/IA-CELS-2017.pdf>; Politi & Londoño, *supra* note 2; Daniel Politi, *Argentines Fight Court's Leniency for Human Rights Crimes*, N.Y. TIMES (May 13, 2017), <https://www.nytimes.com/2017/05/13/world/americas/argentina-mauricio-macri-luis-muia.html>; Uki Goñi, *Fury In Argentina Over Ruling That Could See Human Rights Abusers Walk Free*, THE GUARDIAN (May 4, 2017), <https://www.theguardian.com/world/2017/may/04/argentina-supreme-court-human-rights>.

<sup>41</sup> CENTRO DE ESTUDIOS LEGALES Y SOCIALES, *supra* note 40 at 49-81; DEPARTMENT OF STATE, *supra* note 32 at 4-5, <https://www.state.gov/documents/organization/265770.pdf>; *Argentina's Milagro Sala Acquitted of All Criminal Charges*, TELESUR (Dec. 7, 2017), <https://www.telesurtv.net/english/news/Argentinas-Milagro-Sala-Acquitted-of-Criminal-Charges-20171207-0017.html>.

<sup>42</sup> CENTRO DE ESTUDIOS LEGALES Y SOCIALES, *supra* note 40 at 146.

<sup>43</sup> Corte Suprema de Justicia de la Nación [CSJN] [National Supreme Court of Justice], 3/5/2017, "Bignone, Reynaldo Benito Antonio y otro s/ recurso extraordinario." (CSJ 1574/2014/RHI), <http://sjconsulta.csjn.gov.ar/sjconsulta/documentos/verDocumentoByIdLinksJSP.html?idDocumento=7373073&cahe=1513555390997>; CENTRO DE ESTUDIOS LEGALES Y SOCIALES, *supra* note 40 at 156-159 (2017), <https://www.cels.org.ar/web/wp-content/uploads/2017/12/IA-CELS-2017.pdf>; *Argentines Fight Court's Leniency for Human Rights Crimes*, *supra* note 40; Goñi, *supra* note 40.

For an overview of the current human rights situation, see the [U.S. Department of State's 2017 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).