

URGENT ACTION

PEACEFUL PROTESTOR DETAINED, ON HUNGER STRIKE

Community leader Milagro Sala has been detained since 16 January for peacefully protesting in Belgrano Plaza in San Salvador de Jujuy, a city in northwest Argentina.

Since 13 December the Tupac Amaru organization and other co-operatives (forming part of the Network of Social Organizations) have been protesting in front of the offices of Jujuy province's Executive Power, demanding that the governor grant them an interview. On 14 December, Governor Gerardo Morales accused community leader **Milagro Sala**, who had been participating in the protest, of the "instigation to commit crimes and disturbances". Milagro Sala was then detained on 16 January.

Milagro Sala was accused of crimes under Articles 209 and 230, Section 2 of the Penal Code. Article 209 establishes a sentence of two to six years for whomever "publicly instigates to commit a crime against a person or institution". The authorities argue that she is the leader behind "illegally" occupying a public space and restricting the flow of traffic. Article 230 determines a punishment of four years in jail for those who, in accordance with Section 2, "publically rise up to block the execution of national laws, provincial laws, or the resolutions of public officials". The authorities argue that the protest is illegal because it impedes free movement of people and vehicles.

Amnesty International has had access to the arrest warrant and considers that Milagro Sala is being criminalized for peacefully exercising her rights to freedom of expression and protest. Additionally, she is accused of not respecting a recently-implemented regularization plan for co-operatives; however, Milagro Sala does not formally hold a post in any co-operative or in the Tupac Amaru organization, and therefore cannot be held accountable for this or any other alleged violation committed by these organizations.

On 17 January Tupac Amaru's lawyers presented a habeas corpus appeal in order to free Milagro Sala from pre-trial detention, which was rejected. Since being detained, Milagro Sala has begun a dry hunger strike. The State Prosecutor of the Province, Mariano Miranda, publicly confirmed that "while the crime continues to be committed, i.e. protesting and camping in the square, she will remain in detention". Governor Morales has publicly announced to the media that he considers the protest to be "destabilizing". On 17 January, a judge ordered the removal of the protestors from Plaza Belgrano, stating that the authorities should "use any means necessary" to end the protest.

Please write immediately in English or your own language:

- Calling on the authorities to ensure the physical safety of Milagro Sala and order her immediate release;
- Urging them to end unjust persecution of Milagro Sala and other social organizations;
- Calling on the provincial authorities to grant an interview with social organizations to facilitate open dialogue;
- Urging them to avoid using criminal law to intimidate, threaten and silence the claims of social organizations.

PLEASE SEND APPEALS BEFORE 1 MARCH 2016 TO:

Governor of Jujuy Province
Gerardo Morales
Gral. San Martín 450, 4600 San Salvador de Jujuy, Jujuy, Argentina
Tel/Fax +54 (0388) 4239400
Email: gobernacion@jujuy.gov.ar
Twitter: @moralesgerardo1
Salutation: Dear Governor/ Sr. Gobernador

State Prosecutor
Mariano Miranda
Fiscalía de Estado de la Provincia de Jujuy
Gral. San Martín 450, 4600, San Salvador de Jujuy, Jujuy, Argentina
Tel/Fax +54 (0388) 4239400
Twitter: @mgmmiranda
Salutation: Dear Prosecutor/ Sr. Fiscal

Prosecutor
Liliana Fernández de Montiel
Email: lbfernandez@justiciajuju.gov.ar
Salutation: Dear Prosecutor/ Sra. Fiscal

And copies to:

AI Argentina
Email: contacto@amnistia.org.ar

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

When Gerardo Morales took office as the Governor of Jujuy Province in October 2015, he announced the implementation of a new plan to re-register co-operatives, arguing that he sought transparency in the movement of state funds. With this announcement, the Network of Social Organizations of Jujuy requested a meeting with the new governor on two occasions, 24 and 30 November, to initiate a dialogue about the implementation of this regularization plan.

Facing silence from the authorities, on 14 December the Network mobilized in Belgrano Plaza in San Salvador, in front of the provincial governor's house, in a peaceful protest demanding the opening of a roundtable discussion between executive provincial power and social organizations. This day marked the beginning of protests and camping in the square that resulted in Milagro Sala's criminalization.

International Human Rights Law establishes that protests and social mobilizations are manifestations of the rights to freedom of expression, association, and assembly. Under certain circumstances they constitute the only way that vulnerable or excluded groups can make themselves heard and express their opinion. The use of criminal law to silence the claims of society implicates the State's international responsibility.

Name: Milagro Sala

Gender m/f: f

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