

# URGENT ACTION

## THREE INDIVIDUALS CRIMINALISED FOR POSTING ON SOCIAL MEDIA

Nahuel Morandini, Roque Villegas and Lucía González are prosecuted only for expressing ironic opinions about a public figure on social media. Morandini and Villegas were imprisoned for 54 days and still face a trial for posting on X and Facebook, while charges against Gonzalez are based on a comment she made in a private WhatsApp group. We demand the charges against all of them to be dropped.

### TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

**Mr. Walter Rondóns. General Attorney Diana Salazar**  
Prosecutor of the Public Prosecutor's Office  
Providence of Jujuy  
Email: [wrdon@mpajuju.gov.ar](mailto:wrdon@mpajuju.gov.ar)

Dear Mr. Prosecutor:

*I am writing to express my deep concern about the criminal charges brought against Nahuel Morandini, Roque Villegas, and Lucía González for referring ironically to Jujuy's former First Lady. I am concerned that all the evidence against them is their posts on social media or even in private messaging platforms.*

*International Human Rights Law protects the right to freedom of expression, including opinions that may be regarded as shocking, offensive or disturbing. The UN Human Rights Committee has further clarified that public officials should tolerate more criticism and that the mere fact that forms of expression may be considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.*

*Despite the provisional release of Morandini and Villegas and the fact that recently, at the request of the Public Prosecutor's Office, the Court ruled that the arrest warrant for Gonzalez should be repealed, I am still concerned that the prosecution against all of them is still ongoing. Moreover, the disciplinary conduct imposed on Morandini and Villegas in pending trial, requiring them to refrain from commenting on the case or the complainants, appears to be an additional excessive and disproportionate restriction.*

*I respectfully remind you that, under international law, regional and local authorities are equally obliged to comply with Argentina's human rights obligations. Criminal charges restricting the right to freedom of expression can have a disproportionate impact and a wider chilling effect across society. **Given the international obligations of the Argentine State to respect, protect and guarantee human rights, including the right to freedom of expression, I call on you to drop the charges against Nahuel Morandini, Roque Villegas and Lucía González as these stems solely from their peaceful exercise of the right to freedom of expression.***

Sincerely,

## ADDITIONAL INFORMATION

On 4 January 2024, Nahuel Morandini was arrested by the authorities of the Province of Jujuy in the context of a criminal investigation originating from a complaint made by Tulia Snopek, the wife of the former governor of the province of Jujuy, Gerardo Morales. The complaint followed the publication on the social network X (former Twitter) posted by Nahuel Morandini (45 years old, engineer, and teacher), referring to an alleged infidelity to a singer. As a result,

authorities of the province of Jujuy carried out a judicial investigation in which they also ordered the arrest of Roque Villegas, a 42-year-old self-employed silk-screen printer, who shared other publications on Facebook referring to the same.

The criminal case is based on alleged psychological injuries aggravated by gender violence and the crime of "suppression of the identity" of a minor (Gerardo Morales' daughter, who is two and a half years old). They are facing up to eight years' imprisonment if they are found guilty. In addition, the Provincial Women's Council and Gerardo Morales himself have been named as plaintiffs in the criminal case.

The authorities also issued an arrest warrant against Lucía González for a comment she made in a WhatsApp group on the same subject. The arrest warrant against Gonzalez was recently repealed by a decision of the Court at the request of the Prosecutor; however, the investigation against Gonzalez continues and she could face a trial in which she could be sentenced to 2 to 6 years imprisonment. In the same indictment, he is charged with the crime of mental injury.

They have been charged under Article 139, paragraph 2, of the Penal Code of the Nation which foresees a penalty of 2 to 6 years imprisonment for anyone who, by any act, makes uncertain, alters or suppresses the identity of a minor under ten years of age and for anyone who retains or conceals it. This criminal offence requires an act that makes uncertain, alters or suppresses the minor's identity, and such act must be suitable to alter the identity. The action is consummated when such alteration of identity is achieved. Comments on a social network or a private WhatsApp is not suitable enough to achieve an alteration of identity. Morandini, Villegas and González are charged with an offence that has not been specified or intended to be specified, as the publications on social networks or in emails are not sufficient to achieve the deletion or alteration of identity. Furthermore, none of these publications make any reference to the identity of the girl. In the same indictment, he is charged with the crime of psychological injury.

The defence of Nahuel Morandini and Roque Villegas has claimed that the only evidence in both cases is posts made on social media. Morandini and Villegas also reported the inhuman and degrading treatment they were subjected to in the first days of their detention in the Barrio Gorriti prison in San Salvador de Jujuy, for which the National Committee against Torture filed a complaint with the Public Prosecutor's Office.

This investigation and the charges brought against the three individuals are extremely alarming. In addition to violating their right to freedom of expression, they can produce a chilling effect that discourages the rest of the population out of fear of reprisals.

Amnesty International has previously expressed concern over human rights violations in Jujuy. In June 2023, the province experienced violent police repression in the context of the demonstrations that took place due to a constitutional reform approved in June. The organization also documented arbitrary detentions and the excessive use of force by state agents, and other violations of the rights to liberty, personal integrity, peaceful assembly, and freedom of expression. Many victims avoided filing complaints, fearing prosecution for their participation in the protests. At the same time, the organization found a significant lack of action by the authorities to investigate allegations of human rights violations committed by the security forces during the demonstrations.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** Spanish

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 12 April 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PREFERRED PRONOUN:** Marcelo Nahuel Morandini (he/him)

Humberto Roque Villegas (he/him)

Lucía Gonzalez (she/her)

**LINK TO PREVIOUS UA:** NA