



Photo: Susi Maresca

BULLETS AND JAIL

**Criminalization of protesters
and restriction of democratic
freedoms in Argentina**

June 2024

Protesting in Argentina today involves numerous risks. Protesters receive insults and threats from the highest political authorities and their followers on social media. To reach the designated protest site, they must navigate roads blocked by security forces aimed at preventing demonstrators from moving freely. On the streets or public transport, individuals may be subject to delays and illegal searches by police looking for flags and other signs of political affiliation, something not seen since the military dictatorship. During protests, there are serious risks of being hit, pushed, chased by police on foot or motorcycles, sprayed with irritating chemical gases, or suffering burns. Additionally, protesters may be struck by rubber bullets in the body or face, potentially losing their sight. Protesters are also under constant scrutiny by police forces that have normalized the illegal practice of filming demonstrators for identification purposes. There is a risk of being detained simply for being present, whether protesting, working, or just passing by. Once detained, individuals may spend hours without knowing where they will be taken, and days before judicial authorities acknowledge the lack of evidence justifying their detention. Even then, they may be charged with crimes ranging from resisting authority to illegal association and public intimidation. Meanwhile, in the press and on social media, authorities continue their insults and accuse protesters of “terrorism.”

OTHER RULES (THAT ARE NOT DEMOCRATIC)

On December 14, 2023, the Ministry of National Security published Resolution 943/2023, establishing a “Protocol for maintaining public order in case of road blockages.” It states that any public demonstration involving roadblocks that reduce “vehicle circulation, the width of streets, roads or avenues” constitutes a flagrant offense, allowing security forces to repress, evict, and detain protesters without a judicial order. It also encroaches on other judicial responsibilities by enabling police to collect information on individuals and organizations participating in protests with the aim of criminal prosecution. By suppressing the right to choose the mode and place of protest, it effectively nullifies the right to demonstrate. The United Nations, through its special rapporteurs, has expressed that this protocol criminalizes protests and violates basic rights and guarantees.

Since its implementation, this “protocol” has served as a justification for violent and arbitrary police actions in any situation. These new rules have led to constant police harassment of protesters during operations. Moreover, many police officers no longer wear visible identification, as these irregularities go unchecked and become normalized. The protocol is applied inconsistently—sometimes it is enforced, sometimes it is not (as in the massive demonstrations on March 8 for International Women’s Day, March 24 in memory of the victims of the dictatorship, and April 23 in defense of public education), and other times it is used to justify dispersing protests that were not even blocking traffic.



April 10th

Social organizations protest on the Avenue July 9 asking for food for community kitchens. Photo: Mariana Nedelcu

The same resolution that approved this protocol repealed a previous Ministry of Security resolution (210/2011) which established minimum criteria for controlling police actions during public demonstrations. Today, no criteria exist for such control.

“LESS-LETHAL” WEAPONS

The indiscriminate and illegal use of “less-lethal” weapons has become a permanent feature of police actions during public demonstrations. Instead of using these weapons as a means of self-defense or to protect third parties, the police use them offensively, deploying tear gas and firing rubber bullets as a method to clear protesters.

The result is a large number of injured people at demonstrations over the past six months. While there are no official figures, as the government does not record them, various organizations that monitor social protests and assist injured individuals (Posta Sanitaria, Provincial Commission for Memory of the Province of Buenos Aires - CPM, National Committee for the Prevention of Torture and that of the City of Buenos Aires, Repressive Response Monitor of the Argentine Workers' Central Union - CTA) recorded at least 665 people with injuries of varying severity during six repressive episodes in Buenos Aires City in January, February, March, April, and June of 2024. In the province of Misiones, the repression directed against teachers and police officers calling for better salaries left at least 20 injured in May.

bullets

Rubber bullets are being fired at protesters' faces, violating all international regulations on the use of these weapons. As a result, several people have suffered severe eye injuries. One of them is human rights lawyer Matias Aufieri from the Center of Professionals for Human Rights (CEPRODH). Matias was at the February 1st demonstration in front of the National Congress to monitor the

actions of security forces when he was shot in the face. He had to undergo surgery and lost vision in his left eye. Similarly, Claudio Astorga, a member of the Union of Workers of the Popular Economy (UTEPA), lost vision in one eye due to a bullet impact when the police evicted a group of people asking for food in front of the Ministry of Human Capital on April 10th.

repression



gases

Irritant gases are also being used irregularly and violently. They are sprayed at close range on the faces and bodies of protesters, causing several people to suffer unprecedented chemical burns. According to a doctor who treated people injured by pepper spray, the chemical irritant used by security forces in the demonstrations on January 31st and February 1st was mixed with alcohol, “which means it lasts longer, dries the skin more, and its irritative effect can be much greater.” During the repression on June 12th, it was confirmed that the tear gas used had expired in 2022, which can also impact the health of the protesters.

aggressions against press workers

Among those attacked and injured by the police, a significant number are press workers. According to the Press Workers’ Union of Buenos Aires (SiPreBA) and the CPM, at least 47 journalists were injured in repressive episodes between January and June of 2024. Journalists were shot, gassed, and beaten with batons. During the March 18th demonstration, Carlos Ferrara, a journalist from Canal 9, was attacked along with the cameraman who was recording the events



February 2nd

Mobilization against "Bases" Bill in Congress. Photo: Susi Maresca

and had to be taken to a hospital. Recorded footage showed Ferrara with injuries to his torso from the blows. Aggressions against press workers are particularly concerning given the recent repeal of Resolution 210/2011, which provided special protection for the free exercise of journalism, a protection not included in the current regulations.

PRISON

Detentions during demonstrations are intended to instill fear and demobilize. Nearly all of these detentions are arbitrary. The police beat and disperse protesters, and during the subsequent pursuit, they detain people at random. They then fabricate accusations, which are not scrutinized or investigated but rather validated by the Public Prosecutor's Office. Since December 2023, at least 80 people have been subjected to such detentions in the cities of Buenos Aires, Córdoba, and Rosario. The beatings during detentions have been corroborated by various organizations monitoring the demonstrations and the situation of detainees.

criminalization

The decision to detain a person accused of committing a flagrant offense, such as resisting authority, and transfer them to a facility is always made by the police on the ground or by order of the monitoring center. However, it is the prosecutors who prolong the detention, extending it for hours or even days. Prosecutors do not control police actions but use unverifiable information provided by the police as the basis for constructing conspiratorial hypotheses, such as that detainees belong to political organizations engaging in premeditated violence to destabilize the government. They aim to frame the actions of protesters as serious crimes, such as illicit association or sedition. This pseudo-evidence, amplified by the mass media, supports the statements of officials who, during each protest, accuse the demonstrators of being criminals and the organizations or unions of being destabilizers, terrorists, or coup plotters.

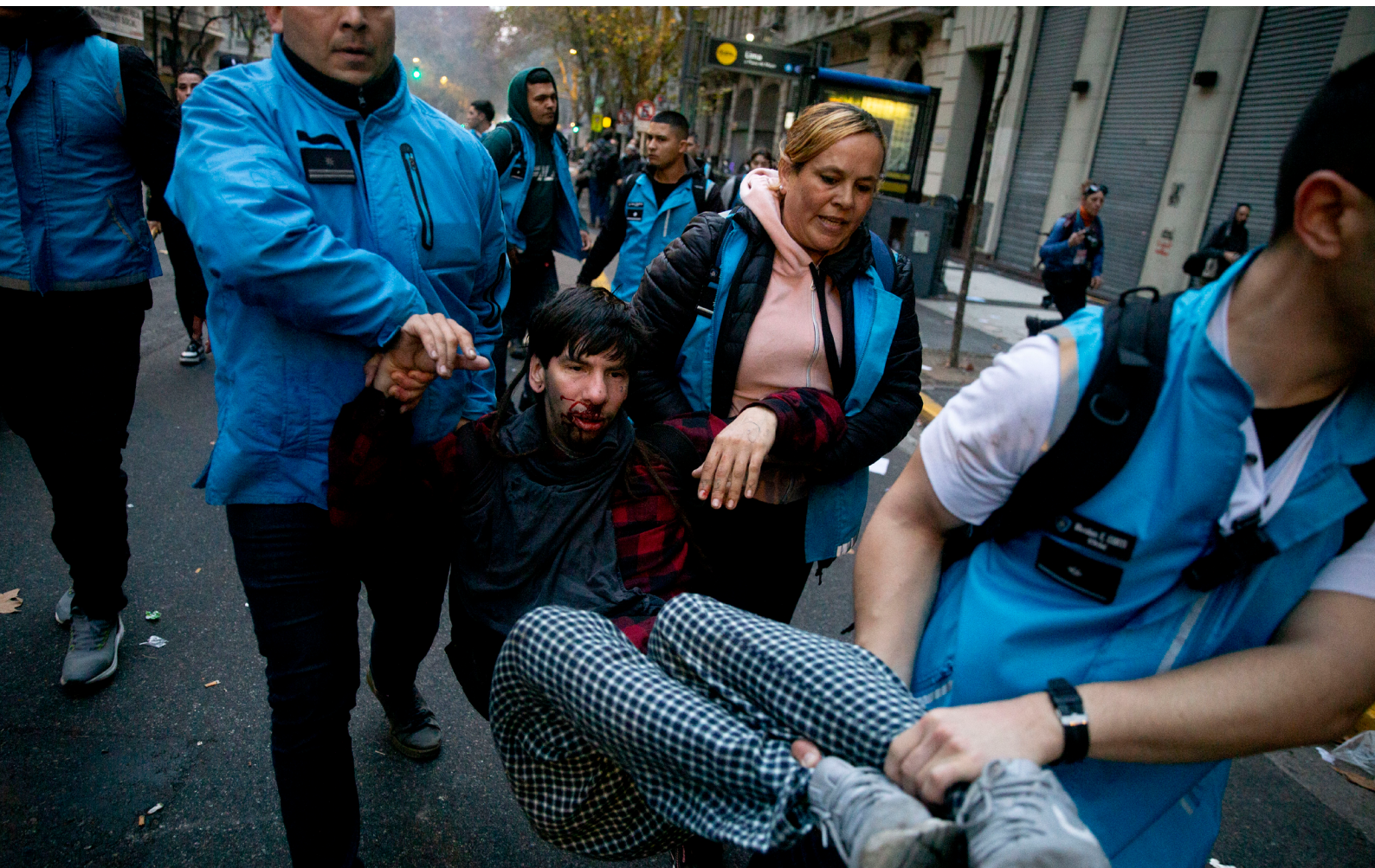
The other side of arbitrary detentions, imprisonment, and the baseless charging of crimes is the absence of judicial investigations into police violence.

escalation of criminalization on june 12

The detentions during the repression on June 12 in Buenos Aires illustrate these patterns and suggest an escalation in the severity of state violence. Thirty-three people were detained and accused of numerous crimes: assault, damage, arson, attacking and resisting authority, crimes against public safety, incitement to commit crimes, public intimidation, belonging to groups aiming to impose their ideas by force, disrupting legislative sessions, among others. Among the detainees were students, street vendors, and passersby.

Once detained, the national government referred to the detainees as terrorists and accused them of attempting a coup d'état via social media platform X. Prosecutor Stornelli used this extreme political expression as the basis for his accusation. The Federal Judiciary accepted these initial charges and took over the investigation. The prosecutor's office requested pre-trial detention for all detainees. However, in the following days, the majority had to be released (28 in total) due to lack of evidence justifying their detention and a ruling of lack of merit was issued; they remain under judicial investigation.

Nevertheless, the days between the detentions and the releases were enough to subject these individuals to a nightmare. Treated as highly dangerous prisoners, they were immediately transferred from police facilities to federal prisons, something that rarely happens. Many reported suffering abuse and torture there. At every stage they went through (police vehicles, facilities, federal prisons), they were violently interrogated by police about their political opinions and affiliations.



June 12

Arrest of Juan Pablo Colombo during the mobilization against the approval of the Ley Bases in the Senate. Photo: Francisco Loureiro

searches for political reasons

Before various demonstrations, hundreds of people were delayed on the streets and on public transportation by police officers who searched their belongings to determine if they were heading to the protest. They looked for flags or other signs of political affiliation. The Ministry of Security, which touts these persecution actions as security measures, reported that over 700 public transport searches were conducted during the December 20, 2023 demonstrations.

finances and penalties for social organizations

Among the measures against social protests announced in December 2023, the government included the creation of various registers or blacklists of organizations. The “Public Order” protocol allows the police to collect extensive information about individuals participating in protests, posing a real and current risk to the right to privacy and intimacy, and constituting a measure of political persecution. Following the December 20 demonstrations, the Ministry of Security announced that it had already included 14 social and political organizations on this blacklist.

These organizations were fined for protesting. In other cases, an unprecedented form of intimidation was used: organizations were sent a demand to cover the costs incurred by the State for large police deployments. In other words, the State decides to militarize the city during each demonstration and then sends the bill to those who called for the mobilization. This action renounces the State’s role in protecting the rights to assembly and free expression, as it views these operations as expenses caused by the protesters. For the repression on June 12 alone, the government reported operational costs of ARS 130,706,982 (USD 145,472) to Prosecutor Stornelli to be borne by the demonstrators. Of course, there is no transparency regarding how these costs are estimated.

keeping the poor from protesting

The government also modified the social assistance program “Volver al Trabajo” [Back to Work], imposing penalties on those who protest. This modification stipulates that anyone participating in demonstrations can be excluded from the program. This provision aims to discourage participation by economically vulnerable individuals. Measures like this are highly coercive, as they severely affect people’s ability to demand their rights from authorities. The Minister of Human Capital, who manages this program, also threatened organizations that organize or promote demonstrations, stating they will no longer be recognized as valid interlocutors by the ministry.

THE PROBLEM ISN'T PUBLIC ORDER, IT'S PROTESTING

Since December 2023, protesting in Argentina has been treated as a crime. Except for a few massive demonstrations, all mobilizations in the city of Buenos Aires have faced excessive police deployments, as if they posed a critical security threat.

The type of deployment, the number of officers and vehicles, the weapons carried by the police, and the level of violence and intimidation in public spaces do not aim to ensure vehicle traffic. Instead, the disproportionate police operations that paralyze the city during each demonstration pursue a different objective. For the government, public demonstrations are inherently linked to criminal behavior, and the goal is always to discourage, obstruct, and harass protesters to keep them off the streets and get them to go home.

This perspective, which views protests as crimes, permeates all aspects of the national government's policies, from public communication and food policy to the instructions given to the police and access to public information. The government's refusal to provide information about police operations during public demonstrations (requested by National Deputy Myriam Bregman) alleging security reasons is unprecedented. The government's justification that providing access to this information could "seriously compromise" the security forces' ability to prevent and respond makes it clear that protesters are seen as dangerous adversaries rather than subjects with rights to be protected. If protesters were seen as subjects with rights, there would be no problem informing about the characteristics of police deployments, as previous governments of different political affiliations did.

This perspective on protest as a crime, which allows the irrational use of force, arbitrary detentions, and the weakening or suppression of constitutional guarantees, is not new. In several provinces across the country, including Jujuy, Chubut, and Río Negro, many groups, especially indigenous communities, unions, and environ-



June 12

People sprayed at close range and in the face with irritating gases during the protest against Ley Bases. Photo: Susi Maresca

mental assemblies, have already experienced this policy. Today, it has become the national government's federal policy.

Deciding to attend a protest in Argentina today involves calculating the real possibility of being exposed to tear gas, rubber bullets, arbitrary detentions, and accusations of terrorism.

At the same time, demonstrations like those on March 8, March 24, and April 23 were so massive that they overwhelmed any police protocol to restrict the protest. While we highlight and denounce that repression and judicialization are shrinking the civic space in Argentina, we know that only people taking to the streets will prevent this state of affairs from becoming normalized.

