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Fourth UA: 74/23 Index: AMR 13/7361/2023 Argentina of October 30, 2023

ARGENTINA HUMAN RIGHTS DEFENDER CONVICTED FOR PROTESTING

Alberto Nallar is a human rights lawyer who played an active role in the protests in Jujuy Province that began on June 15. He has been placed under house arrest until his release on August 18. He has also been disbarred and can therefore not practice his profession. On October 24, 2023, Alberto Nallar was handed a 42-month sentence for the crime of "incitement to commit crimes, incitement to collective violence and uprising or mutiny". Alberto Nallar will appeal this resolution.

Write to the Attorney General urging him to:

- Given the international obligations of the Argentine State to respect, protect and guarantee the freedom of expression, assembly and demonstration, cease the criminalization of Alberto Nallar and other human rights defenders.

Write to:

General Prosecutor of the Public Prosecutor's Office of the Province of Jujuy

Dr. Sergio Lello Sánchez

Email: slello@mpajujuy.gob.ar

Salutation: *Dear Attorney General,*

And copy:

Her Excellency Maria Josefina MARTINEZ GRAMUGLIA

Ambassador

Embassy of the Argentine Republic

81 Metcalfe Street, 7th Floor

Ottawa, ON K1P 6K7

Tel: (613) 236-2351 Fax: (613) 235-2659

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ADDITIONAL INFORMATION

On June 16, 2023, the Constituent Convention of the Province of Jujuy, Argentina, carried out a constitutional reform that could threaten the collective rights and the cosmovision of the Indigenous Peoples.

As a result of the protests that followed the approval of the partial reform of the Provincial Constitution, violent police repression took place in the province of Jujuy, with serious irregularities, including arbitrary detentions and the excessive use of force by state agents. The response of the provincial security forces to the demonstrations generated significant violations of the rights to life, liberty, personal integrity, peaceful assembly, to defend human rights and freedom of expression, recognized and protected by international law.

Protests by communities and social and human rights organizations continue in the Province of Jujuy, as the new constitution has not been reversed. In September of this year, an Amnesty International delegation visited the city of San Salvador de Jujuy and the departments of Tumbaya, Cochinoca, Humahuaca, Susques in the Province of Jujuy. The organization interviewed at least 107 victims and witnesses, including members of more than 15 indigenous communities, lawyers, human rights organizations and local authorities.

Amnesty International found unnecessary and excessive use of force, including the use of tear gas and rubber bullets at protests, resulting in multiple cases of injuries to those participating in the protest. Amnesty International also heard various accounts of arrests of individuals for merely participating in demonstrations, which amounts to arbitrary deprivation of liberty. It was also reported that victims of state repression avoid filing complaints, fearing prosecution for their participation in the protests. At the same time, Amnesty International found a significant lack of proactivity on the part of the authorities in investigating possible abuses committed by the security forces during the demonstrations.

Alberto Nallar is a lawyer and human rights defender; he unfailingly supported the popular mobilization against constitutional reform and provided support and legal assistance to people detained during the demonstrations and their families. The crime of sedition for which he was convicted is a criminal provision frequently used in the country to criminalize people who exercise the right to social protest, along with obstructing public roads, incitement to commit crimes or resisting authority, among other actions. He was convicted on October 24 by the Oral Criminal Court No. 3 of Jujuy. He has not been detained again because the sentence is not definitive yet. Alberto Nallar will appeal the resolution of the Court.