CRIME AND HUMAN RIGHTS IN ARGENTINA

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TRANSFORMATIONS IN HUMAN RIGHTS NGOs CONCERNS ABOUT INSTITUTIONAL VIOLENCE

1. There exist a wide variety of issues that human rights organisations in Argentina consider relevant security problems and, as a result, address. However, the subjects identified as problematic have suffered considerable changes since Argentina returned to a democratic regime in 1983 and particularly since the beginning of the 1990s.

2. Following the breakdown of the last military dictatorship, human rights organisations concentrated their efforts around two main objectives. On the one hand, taking to court and sentencing all the militaries and members of the security forces that had participated in human rights violations among which were massive illegal detentions and disappearance of people, kidnappings, tortures and appropriation of babies that were born in captivity. On the other hand, they tried to find out what had been the destiny of the thousands of people that 'disappeared' during that period. In other words, human rights organisations' most important concerns by the middle 1980s were keeping memory alive and fighting against impunity of state terrorism.

3. Although they shared these common goals, human rights organisations' actions and strategies varied according to their specific objectives and profiles. While, for example, Abuelas de Plaza de Mayo concentrated their efforts — and still do — on trying to find their grandchildren and giving them back their identities, Madres de Plaza de Mayo focused mainly on locating the corpses of their sons and daughters and keeping memory alive. Both these institutions presented theirs as a moral fight while other organisations such as the Centre for Legal and Social Studies (CELS) deepened the legal work and the social analysis of state terrorism.

1 Madres de Plaza de Mayo separated into two different groups in January 1986. The two groups were known, after that year, as Asociación Madres de Plaza de Mayo, led by Hebe de Bonafini, and Madres de Plaza de Mayo Línea Fundadora. Although the break up was the result of conflictive political and ideological positions and demands, two of the most relevant issues were the enactment of reparations legislation and the acceptance of violence.
4. It is interesting to remark that, many times, members of human rights organisations participated in more than one institution, working, in each of them, in different dimensions of human rights’ violations.2

5. The most prominent military officials were taken to court and judged in 1985 for some of the crimes they had committed. However, impunity laws — passed in 1986 and 1987 — impeded judging many of those implicated in human rights violations during the last military dictatorship.3 The pardon, in 1989 and 1990, of those criminals who had been sentenced,4 ignited anew the battle of human rights organisations and their claims for justice.

6. Although the original demands for justice did not end, different human rights concerns started worrying the organisations as the decade turned and the re-democratisation process advanced. Police brutality and abuses, ill-treatment and torture, ‘quick trigger’, detention conditions, corruption, extra-judicial executions, social violence and arbitrary detentions were some of the issues considered as problematic.

7. As mentioned, the creation and specific interventions of the historical human rights organisations in Argentina during the 1970s and 1980s — and even of those that were formed in the beginning of the twentieth century, like the Liga por los Derechos del Hombre — were associated to the claims for justice for those popular fighters that, as a result of trying to change the political and social conditions that oppressed the Argentine people, became victims of state terrorism. However, the institutional violence identified at the early 1990s victimised, among others, some sectors of the society that were in conflict with the law and, in different manners, particularly vulnerable. Under these circumstances, defending the rights of people suspected of having committed some sort of crime could indirectly entail — to some human rights organisations — associating their sons, daughters or relatives, who thought differently and fought for a better society, with delinquents. According to María del Carmen Verdú and Sergio Di Gioia, this possibility created, at least in a first moment, tensions and conflicts within the existing organisations, and even among them.

8. Notwithstanding that conflict, various human rights organisations started to work on these issues. CELS, Asamblea Permanente por los Derechos Humanos (APDH) and SERPAJ decided to widen the scope of their actions so as to embrace forms of institutional violence other than massive detentions and disappearance of people and even social, economic and cultural rights. These two organisations started working on some of these issues already in 1985.5 Besides this process of transformation, new human rights organisations were created since the early 1990s, and even in the late 1980s, to tackle these concerns. The Coordinadora contra la Represión Policial e Institucional (CORREPI), the Centro de Estudios e Investigación sobre Derechos

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2 See Mignone, Emilio F; Derechos Humanos y Sociedad: El caso Argentino, Ediciones del Pensamiento Nacional and Centro de Estudios Legales y Sociales; Buenos Aires, 1991; and Verdad y Justicia. Homenaje a Emilio F. Mignone, Instituto Interamericano de Derechos Humanos and Centro de Estudios Legales y Sociales/CELS; San José, October 2001. Two examples can be given to support the latter. Abuelas were originally members of Madres that ended up forming an independent association with its own resources, objectives and offices while CELS’ founding members were the fathers and mothers of ‘disappeared’ persons that decided to fight for their relatives using legal resources. In either case, their members abandoned the participation in Madres.


4 Decrees Nº1002 and Nº1004, issued October 7, 1989 and Decrees Nº2741 and Nº2743, issued December 30, 1990.

Humanos (CEIDH) and the Comisión de Familiares de Víctimas Indefensas de la Violencia Social (COFAVI) could be mentioned among them.⁶

9. Thus, by the early- and, more clearly, mid-1990s, it seemed possible to identify three different types of human rights organisations in Argentina regarding the subject matter. A first group was integrated by the historic organisations that decided to focus their demands on issues related to memory and fight against impunity of state terrorism. Madres and Abuelas de Plaza de Mayo, among them. A second group included the historic organisations, such as CELS, SERPAJ and APDH, that, after solving the internal tensions the issue created, decided to widen the scope of their claims to struggle against the forms institutional violence was adopting in democracy⁷. Finally, a third group resulted from the conformation of new human rights organisations — such as CORREPI, COFAVI, FAVIM, CTC⁸, and CEIDH — that, although from different perspectives and with diverse profiles, tackled the issue of human rights violations in democracy. The fact that some of CORREPI’s lawyers are also part of the Liga por los Derechos del Hombre and that CORREEPI holds its institutional meetings in the offices of the latter show there is a relationship between some of the new organisations and the historic ones.

10. Facing the continuation in democracy of human rights violations by members of the security forces, some organisations — such as APDH, COFAVI, CORREPI and CELS — felt compelled to give visibility to the phenomenon. In other words, they tried to demonstrate that the high number of people killed in armed confrontations with the security forces, the application of torture and ill-treatment as a means to obtain information from the suspects and the detention of people in inhuman conditions, among others, were not ‘natural’ but situations that should be denounced and stopped. These situations seemed to be unknown not only for the society as a whole, but also for the public officials that were responsible for security institutions’ performance and those in charge of the administration of justice.

11. Putting the performance of security forces on the spot resulted from a process that by the mid-1990s could already be thought of as a success. In the beginning of the 1990s, the so-called ‘quick trigger’ — extra-judicial executions, brutality and abusive use of force —, the use of arbitrary detentions as a means of social control and torture were considered as the most relevant problems society should be warned against. All human rights organisation denounced the violations committed by the security forces — in the beginning mainly focusing on police —, by different means though. Human rights groups within universities, groups of students, labour unions as well as workers that systematically suffer the violation of their basic rights (such as prostitutes) denounced this phenomenon too.

12. The adoption of diverse tactics to denounce and limit these violations was a reflection of different approaches to the question of institutional violence and, ultimately, resulted from different conceptualisations of issues such as violence, the state, the mass media and civil society. As it will presented below, in time, the latter had an impact on the responses given to the alleged tension between human rights and public safety.

13. One of the strategies adopted, among others, to transform police brutality into an issue was registering (on the basis of various criteria and using different sources) the number of civilians

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⁶ In this context, most of the so-called historical human rights organisations — such as Asociación Madres de Plaza de Mayo, Madres de Plaza de Mayo Línea Fundadora and Abuelas de Plaza de Mayo — supported other organisations in the denunciation of the human rights violations they had started working on.

⁷ Both CELS and APDH’s conformation and characteristics differentiated them from the rest of the historic organisations, making them more likely to become professional. Besides some relatives of the victims, in APDH participated representatives of different social and political sectors committed to the defence and promotion of human rights such as congressmen, politicians, lawyers, members of religious congregations while CELS was mainly integrated by relatives of the victims, lawyers and some social scientists.

⁸ FAVIM stands for Familiares de Víctimas Indefensas de Mendoza.
killed as a result of getting in contact with security officers. CORREPI, the Foro Memoria y Sociedad, CEIDH and CELS, for example, prepare and give publicity to their reports at least once a year. By means of these systematic registrations, episodes that seem to be isolated acquire a different status as they start to be seen as the results of a widespread practice. Another strategy adopted was to arrange meetings with governmental officials to acquaint them with the violations committed by members of the security institutions within their jurisdiction. A third strategy was to take advantage of the broad repercussion of a particular episode to show it as a paradigmatic example of something else. A distinction could be introduced at this point. Organisations such as Amnesty Argentina make use of a highly visible case to say there are many more like that, in other words, employ a particular incident to talk about the extent of a violation. On the other hand, CELS uses a particular case to describe patterns of institutional behaviour and to show practices as a result of certain institutional conditions.

14. The adoption of these strategies had differentiated results. The systematic registration of human rights violations has resulted in the production of valuable records that allow organisations to talk about widespread abuses that demand official attention and discard the idea of unusual crimes committed by discrete officers. The use of individual cases as examples of a repeated situation has also played a role in ascertaining the dimension of the problem. Describing patterns by means of analysing one case has also contributed to show the institutional support given to criminal behaviour. Although human rights organisations did not use the same strategies and their individual results were, most of the times, only partially successful, their actions could be thought of as complementary. By the mid 1990s, civil society had become aware that even in a democratic institutional context, security forces were implicated in serious human rights violations. However, in terms of the capacity to discontinue human rights violations, the results were extremely limited.

15. While ‘quick trigger,’ police brutality, torture and corruption expanded and criminality rates started to grow, a different kind of institutional violence emerged. The resistance to the imposition of a neo-liberal socio-economic model derived in the first symptoms of social unrest and the incipient organisation of groups that play a marginal role in this model, mainly the unemployed. In northern Argentine provinces, a new way of protest surged by the mid-1990s: the so-called piquetes. This type of protest entailed blocking provincial or national roads, impeding the circulation of cars and trucks and obstructing the mobility of goods and people. In this way, groups that were becoming redundant for the socio-economic model caught the attention of the media and the national government. The answers given by the state to the massive use of this novel form of protest along the following years — particularly since 1997 —, not only in remote regions of Argentina but even in the City of Buenos Aires, were institutional repression and judicial investigations against participants. The attempt to use security institutions for social control became, thus, another concern for human rights organisations.

TENSIONS AND CHALLENGES ARISING FOR HUMAN RIGHTS ORGANISATIONS

16. The direct victims of institutional violence are mainly those sectors of society that are, in one way or another, vulnerable; teenagers, immigrants and the poor. Many of the victims get in contact with the police because of their conflicts with the law. As a result, it is usually thought that human rights organisations’ work consists of “defending criminals”. This poses a serious challenge for human rights organisations in the sense that they represent victims of state violence, which, at the same time, infringe the law. It is interesting to note, however, that the cases of institutional violence with greater repercussion were those in which the victims belonged to the middle class, e.g. the cases of José Luis Cabezas, Walter Bulacio, Sebastián Bordón and Sergio Schiavini. Even though this challenge is always present, the apparent tension between
human rights and security is exacerbated when crime levels increase. That is currently the case in Argentina.

17. The number of people deprived of their freedom in federal prisons went up from 4,856 in 1983 to 4,473 in 1990, 6,112 in 1996 and 8,836 in 2002. According to the Human Rights Secretary of the Province of Buenos Aires, by April 2002 there were 16,126 persons deprived of their freedom in provincial prisons despite the fact that the prisons maximum capacity is of 14,275. In contravention of the law, another 7,196 persons were detained in police stations by that time. However, security levels did not improve. The total number of offences registered by the police in the city of Buenos Aires increased from 51,203, in 1990, to 126,920, in 1996, and up to 202,083, in 2001. In the Province of Buenos Aires, crimes went from 123,537, in 1990, to 170,726, in 1996, and up to 300,470 in 2001. Intentional homicides committed in the Province of Buenos Aires varied from 1,114, in 1990, to 1,160, in 1996, and to 1,632 in 2001. In the City of Buenos Aires, in turn, there were 47 intentional homicides in 1990, 177 in 1996 and 152 in 2001. In this context, the number of police officers killed or injured in armed confrontations in the Buenos Aires Metropolitan Area (AMBA) went up from 66 in 1996 to 138 in 2001 while the civilian killed — in the same jurisdiction and circumstances — increased from 152 in 1996 to 261 in 2001.

18. The increase in crime rates was accompanied by a dramatic change in the social perception of insecurity and the legitimacy of the state. A public opinion research carried out by Gallup in Argentina in November 2001 shows that 32% of the Argentine population trusts the police and 26% have confidence in the judiciary. One of the consequences of this distrust is exemplified in another research, which shows that only 47% of those who had been robbed or had been victims of an attempt along the previous year notified the offence to the police.

19. It is remarkable that, according to the first research, confidence in television news broadcasts goes up to 62%. A third public opinion research carried out in July 2002 shows that 50% of the people consider security levels in their neighbourhoods are worsening. The percentage was around 34% between August 1990 and February 2001 increasing to 39% in June 2001 and rising to the already mentioned 50% one year later. The same research also found out that 69% of the people consider police vigilance in their neighbourhoods is insufficient.

20. Security was one of the main topics under discussion during 1999 electoral campaign. In that context, the former vice-president and then candidate for governor of the Province of Buenos

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10 Source: “Overpopulation in prisons and police stations in the Province of Buenos Aires”, Secretary of Human Rights, Government of the Province of Buenos Aires (Secretaría de Derechos Humanos, Gobierno de la Provincia de Buenos Aires), on the basis of data provided by the Provincial Penitentiary System and the General Superintendence of the Provincial Police.
13 Source: Centro de Estudios Legales y Sociales/CELS on the basis of media reports.
Aires, Carlos Ruckauf, proposed to “kill the killers.” Even though law and order policies had been promoted by the previous administration, ruckauf’s discourse was decisive for his election as governor, which can be considered a reflection of citizens’ concern for insecurity and disregard for human rights and basic guarantees. These circumstances represented a challenge for human rights organisations whose position was at risk of becoming marginal in the discussion of security issues and loosing legitimacy in the eyes of society. How to impede human rights defence from losing ground was something — as it will be described below — various organisations dealt with.

PERCEPTION OF THE TENSION BETWEEN DEFENCE OF HUMAN RIGHTS, PUBLIC SAFETY, AND THE INCREASE IN CRIME LEVELS

21. The dimension of the atrocities committed during the last military dictatorship entailed an almost insurmountable loss of prestige for the armed forces after they left power in 1983. As a result, human rights organisations had little difficulties in demonstrating the legitimacy of their claims.

22. The situation was different when the time to denounce human rights violations by security forces in democracy came. As these claims became louder, human rights organisations were again accused of defending only the rights of ‘delinquents.’ Various concrete actions intended to reinforce that idea. An example of the latter is the public meeting convoked in 1994 by a famous journalist — Bernardo Neustad — in a sports stadium in the City of Buenos Aires in favour of police officers’ human rights.

23. Partly as a consequence of the latter, human rights organisations began to consider the need to take into account social demands for security and counteract the attempts to undermine human rights concerns already by the late 1980s and the early 1990s when security was not a top concern for the citizenry and, as seen, crime levels were low in comparison to the rest of Latin America.

24. In addition to the tensions described above, this situation seems to have resulted in different conceptualisations of the problem. Two opposite cases could be mentioned to exemplify the latter. When CELS formalised its concern for human rights violations committed by security forces in democracy it created a programme specifically called Institutional Violence and Public Safety. In the context of this program, CELS began gathering data regarding not only civilians but also police officers killed and injured in armed confrontations. COFAVI, in turn, decided to support only the cases of ‘innocent’ victims, that is, those who are not suspected of being in conflict with the law.

25. It seems, thus, the increase in crime levels during the second half of the 1990s resulted in the exacerbation and transformation of a tension that was not only previous but also at least partially independent from the variation in crime rates.

26. Participation in the security debate entailed potential opportunities and risks for human rights organisations. Even though they did not adopt an unanimous position, all of the organisations faced this challenge. Redirecting human rights organisations claims to include security demands and taking part in a debate whose terms of reference are decided by others (the sectors that demand harsher law and order policies) entail the chance of dissolving human rights organisations’ main concern — protecting civil society from state’s abuses- in a wider rhetoric. However, not

17 And even by former President Carlos S. Menem who, in July 1990, sent an initiative to the National Congress fostering the enactment of death penalty for the authors of kidnapping followed by murder, rape of minors followed by murder and drug traffickers. However, the negative reaction of the legislators and of many sectors of society, including the Catholic Church, forced Menem to withdraw the initiative. See Mignone, Emilio; op. cit. p.21.
taking part in the security debate could imply resigning to give an alternative answer to the problem, distant from the more repressive and authoritarian positions supported by the conservative sectors. No matter which possibilities are chosen tensions will arise among human rights organisations.

Participating in the security debate entails dealing with what all human rights organisations identify as part of the problem: security institutions. In other words, the discourse of urban security considers the police a key actor in improving public safety, an actor society should rely on. Accepting this assumption implies, at the most, considering police corrupt and illegal activities just one of the problems to be faced to improve security levels. According to Sofía Tiscornia, human rights organisations must not fall into this trap and should keep focusing on security forces as the source of human rights violations. Although Tiscornia remarks the links between security and police brutality can be pointed out by means of demonstrating that part of the insecurity Argentine society is undergoing is caused by the police itself, security should not become the core of human rights organisations’ concerns. Sergio Di Gioia agrees on this point.

According to CELS, the tension between human rights and security has presented in different forms and with dissimilar intensity in various moments. The rise in criminality is a challenge and, in this sense, what might result from it is not clear. In fact, in some cases the increase in crime levels could entail questioning security institutions what, in time, could lead to a reform process. Other times, the surge in criminality could promote support to the security institutions and the denunciation of the protection of guarantees as the source of society’s vulnerability to crime. In this context, it can be said that neither discourses nor security policies are based on crime levels. On the contrary, they are many times used as symbolic answers to the claims for integration and unity, which are not achieved through social or employment policies. In this sense, this disarticulated state, that provides its citizens neither social security nor a stable job, tries to congregate people around the ‘fight against delinquency.’

CELS considers human rights’ movement should not advance in the field of security more than it does it in other areas. According to CELS, what human rights organisations should do, many times, is to increase the political costs of promoting harsher law and order policies while, in other occasions, they should support reform proposals. It must not be forgotten there are topics that are more accessible than others in the vast field of public security. Getting involved in the reform or strengthening process of control and monitoring agencies as well as in the generation of devices to evaluate security institutions’ performance is possible. Having a say in the anti-narcotics policy is much more difficult.

Even CORREPI, which openly claims its opposition to presenting alternative security policies, has adopted a position regarding public security. This organisation argues that repression is not an undesired consequence of public security policies but a vehicle to achieve its economic, political and social objectives. On this basis, María del Carmen Verdú states that ‘quick trigger’ is an instrument used to frighten and deter the popular sectors from resisting state policies. When these mechanisms of control fail and people begin to organise the state focuses its repressive policies. From this argument follows that there is no possible debate on the question of security as all security policies victimise those who oppose the socio-economic model that pretends to be imposed and benefits only a few.

Specifically María del Carmen Verdú argues that the discourse of public safety, which intends to acknowledge the surge of criminality (openly hard answers as well as others disguised as democratic) is part of the problem. These discourses deplete the concept of ‘security,’ restricting the idea of security to ‘not being killed, not being robbed, not being kidnapped.’ The discourse of public safety hides the fact that the increase in crime has been much smaller than it could be inferred from its visibility in the mass media. Besides, crimes committed by the security forces
raised more than those associated to the increase in poverty (property crimes). The discourse of public safety intends to legitimate state repression and the violations of human rights its institutions commit. Verdú states human rights organisations must prevent that consensus from being reached. With that aim she suggests breaking the alleged dichotomy between security and human rights by means of remarking, on the one hand, security institutions are deeply involved in crime and, on the other hand, petty criminals are victims of powerful sectors and should be differentiated from organised crime.

32. Enrique Font also supports the adoption of strategies aimed at preventing the authoritarian sectors from monopolising the discourse of security. According to him, the lack of conceptual clearness, theoretical knowledge and empirical experience has derived in many human rights organisations supporting “conspiratorial theories,” what leaves them in a very weak position. To avoid this, CEIDH has decided to participate in the security debate in the terms proposed by those who promote the implementation of harsher law and order policies. CEIDH considers that fighting the repressive discourse with moral arguments is a mistake. Thus, it tries to demonstrate the ineffectiveness of the courses of action proposed by means of presenting comparative experiences and investigations and analysing data. With the same understanding, CELS has also adopted the strategy of backing its arguments up with technical knowledge. In this sense, not only does it present and analyse relevant data, but also uses all the legal arguments available to demonstrate the impossibility of implementing most of the policies proposed to improve the levels of security.

33. Alicia Pierini also agrees on this issue, and urges human rights organisations to “rationalise” their discourse to avoid a fruitless argument over security issues using moral and ethical arguments. According to Pierini, human rights organisations should not accept the trade off between security and human rights. On the contrary, they have to end with the ‘narrow’ concept of security by demonstrating security does not only entail not being murdered in the street but also respect for everybody’s rights and guarantees, that is, the enforcement of the rule of law. What underlies this argument is the idea that weakening democracy and its institutions will not contribute to solving security problems but will produce the opposite results.

STRATEGIES ADOPTED

34. This section describes different strategies developed by human rights organisations to solve the tension between public safety and the defence of human rights. As it has been already mentioned, many of them predated the increase in crime levels, while others were specifically designed as responses to the challenges arising in a context of increasing criminality rates and popular support for law and order policies.

35. The actions and answers given by human rights organisations can be divided into three groups:

- basic incremental actions aimed at increasing the capacity available to answer greater demands from civil society;
- answers that result from processing the criticism expressed by those in favour of law and order but without modifying human rights’ core objectives or modes of work; and
- reflex actions; answers to the accusation of worrying only about criminals by means of widening the scope of human rights’ claims to include other actors or developing specific actions to demonstrate a new concern for security issues and present institutional violence as a component of social violence.
36. A deeper analysis could certainly establish a link between the adoption of certain strategies and the way in which each organisation conceptualised the tension. The incremental logic entails widening the scope of the actions developed by human rights organisations in a context of increasing crime levels. Facing louder claims for harsher law and order policies, these actions intend to give more visibility to increasing denounces of human rights violations committed by security institutions.

37. Both Amnesty Argentina and CTC remark that they are currently facing increasing demands from civil society as a result of the augmented social conflict the Argentine society is undergoing. To enlarge their capacity, both institutions promote consensus and co-ordinated actions among human rights organisations in order to reinforce their actions and strengthen the human rights movement.

38. Another strategy Amnesty Argentina adopted was to transfer capacity to civil society through education. As an example of the latter, Sergio Sorín recalled what happened after Natalia Melmann’s murder, remarking her family was able to call — appropriately and on its own — for an Urgent Action, one of the tools Amnesty employs to call the attention of civil society and, through them, of public officials and the judiciary. Facing increasing cases of human rights violations in the Province of Buenos Aires, CORREPI tries to transfer know-how with the objective of allowing non-professionals to carry out actions generally performed by lawyers. Paraphrasing social or health programs, CORREPI tries to form what María del Carmen Verdú calls “anti-repressive multipliers.” In this sense, she remarks that even though working with intermediate institutions does not necessarily imply a smaller effort it does produce better results.

39. CELS, CORREPI, Amnesty and APDH remark they have augmented the actions tending to point at the fallacies of law and order proposals, trying to unify human rights organisations’ answer but also looking for the support other actors. Example of the latter are the documents and public presentations made against broadening police attributions and preventive detention or the weakening of controls over judges.

40. In general terms, most of these actions undermine the legitimacy of the public safety discourse but do not entail the presentation of alternative proposal to face the problem of insecurity. In this sense, this strategy gives support to the idea of chaos and social disorder which, in time, fosters demands for law and order. According to CELS, here lies the most important limitation of this strategy. On this basis, CELS understands the incremental strategy must be accompanied by the presentation of democratic proposals to modify those practices.

41. A second group of answers resulted from incorporating and processing the security demands, expressed by those in favour of law and order policies, and the criticism received by human rights organisations but without losing sight of human rights specific perspective.

42. One of the most common actions carried out in this line has been trying to break the association of defending human rights to protecting criminals by means of widening human rights organisations specific concerns to the support of the families of victims of common delinquency. The Fundación José Luis Cabezas is an example of the latter. The delay in effective justice and the impunity are the common variables that cut across these cases. Other organisations, such as COFAVI, took a step further and avoided this tension by means of conceptualising the idea of “innocent victims.” Even though it broadened the scope of its actions, COFAVI does not accept cases of people that were killed in prisons or police stations, locations where, presumably, law-abiding citizens are not taken. In general, human rights organisations do not share the strategy of supporting different types of victims.
Another strategy consists in describing the lives of those who are victims of institutional violence. Since its creation, Foro Memoria y Sociedad presents offenders’ criminal behaviour as a consequence of adverse socio-economic and cultural conditions and a result of their lack of possibilities of improving those condition. In order to demonstrate the latter, Foro gives publicity to the lives, sufferings and limitations of those who were victims of institutional violence. By this mean, the institution establishes a link between delinquency and structural conditions, trying to improve understanding and finish with the idea of the poor as enemies of the middle class. It could be thought that, in a way, Foro makes the whole society indirectly responsible for the victims’ criminal behaviour. Similarly, CORREPI tries to introduce a distinction between criminality associated to poverty and organised crime. In this sense, it promotes solidarity with and sympathy for offenders stressing that they are victims both of the socio-economic context and the powerful groups — most of the times related to the police — they are forced to work for. The ultimate objective of this strategy is to show that criminality will not lower unless the structural conditions that underlay it improve. Catalina Smulovitz, also supports the strategy of presenting security problems as correlation of the violation of other social and economic rights. In the same line, CTC suggests presenting criminality and social conflict as different forms of the violence unfolded by the state over the most vulnerable sectors which, ultimately, has an impact on the whole society.

Although in a different way, CELS has also processed the alleged tension between having security and defending human rights. In this sense, it has tried to demonstrate the increase in the levels of violence unfolded by state agencies and human right violations affect those who supposedly are in conflict with the law as well as law-abiding citizens and even policemen. Four examples could be given to probe the latter. In 1997, CELS represented judicially a member of the Federal Police that was being administratively harassed for resisting to become involved in illegal activities. This case allowed CELS to show the problem of insecurity is partly caused by the police and, in this sense, human rights organisations are not against the institution but in favour of its reform. At the same time, different investigations analyse how police performance foster the creation of illegal networks formed by police officers and common delinquents.

In September 2000, a bank robber and his hostage were extra-judicially executed by a police officer in the Province of Buenos Aires. As a result of CELS’ work, the families of both victims understood their relatives had been killed by institutional violence and decided to claim together for justice. In November 2001, CELS presented a collective habeas corpus in favour of the nearly 7,000 people deprived of their freedom in inhuman conditions in police stations in the Province of Buenos Aires. In this legal presentation CELS stated that, besides overpopulation illegally aggravates detention conditions, the fact that police officers — who are not professionally prepared — must take care of prisoners is worsening public security as it does not allow those agents to patrol the streets. Even when it was not CELS central preoccupation, this argument was successfully used with the idea of promoting community support to the legal presentation.

As mentioned above, another strategy CELS uses to demonstrate how institutional violence affects all sectors of society is to collect data regarding both civilians and police officers killed in armed confrontations, one of the subjects the organisation has been working on for years. This information enables CELS to show how the increase in the number of people killed by the police has a reflection on the amount of officers that lose their lives.

Finally, a third group of strategies could be thought of as ‘reflex’ as they incorporate actions directly linked to the problem of insecurity that do not abandon the defence of human rights but are not focused on it. These reflex actions answer the accusation of worrying only about criminals by means of widening the scope of human rights concerns to include other actors and present institutional violence as a component of social violence.
48. In 1998, APDH arranged a series of meetings with governmental officials that started on occasion of the brutal killing of a police officer and included conversations with the highest officials of the Argentine Federal Police, the Federal Criminal Court of Appeals and the National Attorney General. The meetings continued in the following years on occasion of different particular episodes. Representatives of APDH have also been present in the funeral of various police officers killed. The argument APDH publicly used to support these actions was that although, by definition, human rights are only violated by the state, human right organisations care about everybody’s right to life.18

49. CEIDH is carrying out a project in two poor neighbourhoods in the city of Rosario. It develops alternative forms of conflict resolution by the community, many of which could ultimately derive in security problems or are commonly dealt with from a law and order perspective. The idea that underlies the project is the police is not prepared to solve this kind of problems and even generated many of the most serious difficulties solved in the frame of the project.

50. There are some issues human rights organisations are unable to propose given the risk of undermining its legitimacy. On the other hand, CELS is concerned about the limited number of groups prepared to present democratic security policies alternative to those promoted by the most authoritarian sectors. As a result, CELS has recently become engaged in the formation of research groups with the idea of working jointly on security proposals that are democratic and respectful of human rights.

51. Finally, there is another group of actions aimed at participating in the security debate from a different perspective. It is hard to determine whether they correspond to one of the three groups described above or they could be considered of a different kind. The promotion of access to information is an example of the latter. CELS’ activities in this regard started in 1997 when it sued the police for denying statistic information and in 1998 for denying a victim of police abuse access to the claim it had presented. After these initial actions, CELS developed various activities tending to improve security institutions’ capacity to produce information and foster access to it.

RELATIONS WITH THE STATE, THE MEDIA AND OTHER ACTORS

52. Relations among human rights organisations are conflictive as neither do they agree on their conceptual approach to human rights nor on the strategies that should be carried out to promote and enforce them. In particular, the use of violence in social protests and the relations with the state and the media are issues over which organisations collide.

53. According to Catalina Smulovitz, the exacerbation of the social conflict the Argentine society is currently undergoing has given more visibility to the tensions among human rights organisations, which have limited their relations with the state in terms of their participation and ability to intervene in security issues. Organisations conceptualise social protests and its ultimate goals very differently.

54. In spite of this divergence, human rights organisations have been able to work jointly and collaboratively on specific subjects. Examples of the latter were opposing — unsuccessfully — the bill that awarded more attributions to the police, in June 2001, or the one that aggravated the punishment corresponding to the murderers of security officers. On occasion of the repression that followed protests on December 2001 and of the incidents that surrounded the blocking of

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18 At the same time, APDH tried to break the false dichotomy between security and human rights stating that there is no possible security without respect to basic human rights and guarantees. Besides, APDH expressed that human rights organisations support preventive, and even repressive, state actions when they are clearly framed by the National Constitution and the international treaties and covenants signed by the Argentine Republic.
one of the bridges that connect the City and the Province of Buenos Aires, a sort of ‘division of
labour’ was agreed on the basis of the expertise and resources of each organisation. Another
form of collaboration has been the joint presentation of cases before international courts.

55. Enrique Font considers working from different perspectives but on a common ground was
positive for historic human rights organisations’ claim for justice after the last military dictatorship.
It would be interesting to analyse if this is also the case in the field of security.

56. Intending to participate in reform processes and trying to present proposals to tackle with some
dimensions of the security issue is, many times, considered useless and sometimes severely
criticised by the most confrontational organisations. Alicia Pierini does not agree with this
position as she thinks human rights organisations should not support a strategy focused on
conflict or promote confrontation with the state. Instead of advocating the disintegration of
the state and its institutions, they should put the stress on their weakness and low credibility and, on
that basis, encourage their transformation as well as the enforcement of the rule of law. In other
words, democracy, the rule of law and peace should limit human rights organisations’ actions.

57. Given the alleged incapacity of the executive power to prevent and punish human rights
violations, one of the strategies adopted was to widen state responsibility over the performance
of security institutions to the judiciary. With that purpose, organisations such as CORREPI,
CELS, CEIDH, APDH and Amnesty Argentina have systematically denounced — and even analysed — judicial connivance with police brutality and corruption. Notwithstanding CELS
might, in some cases, recognise the impossibility of the state to solve immediately certain
situations — as is the case with overpopulation in prisons and police stations in the province of
Buenos Aires —, it demands the implementation of all the necessary policies required to give a
solution to the problem in the near future and prevent its repetition.

58. Another strategy adopted by CELS, CORREPI and COFAVI is to present cases and denounce
situations before supranational instances such as the Inter-American Commission of Human
Rights and United Nations Special Rapporteurs. Walter Bulacio and Sergio Schiavini’s murders
are two examples of the former, while CELS’ reports regarding torture and ill-treatment of
people under custody exemplify the latter. On the other hand, Amnesty Argentina suggests
moving in the opposite direction. That is, making the officers in charge of police stations and
local governments accountable.

59. Not even the most confrontational organisations can avoid establishing contacts with the state.
According to María del Carmen Verdú, CORREPI’s ultimate objective is not to discontinue
human rights violations but to destroy the state’s legitimacy. However, it is interesting to remark
one of the fields CORREPI uses to demonstrate the government’s fallacies and contradictions is
the judiciary. In this sense, Verdú describes CORREPI’s relation with the state as instrumental.

60. CEIDH is currently working on this very premise. Enrique Font pointed out that establishing
collaborative relations with the police in the frame of their work on conflicts’ resolution has
posed a challenge for the organisation regarding the issue of the appropriate extent the work with
the police should have and the principles that should guide it. To answer this challenge CEIDH
has adopted two opposite strategies. On the one hand, it tries to give the least possible visibility
to their relations with the police to reduce the likelihood of being questioned by other human
rights organisations. On the other hand, in cases in which collaboration with the police needs to
be stronger — as is the case with the project on conflict resolution funded by CIDA — CEIDH
opted to make the relation highly visible.

61. All of the organisations agree on the idea that the individual will of reform of public officials
with jurisdiction over security institutions is far from being enough to produce effective changes.
In other words, there always are structural limitations that make reform an extremely complex task even for those who supposedly have the power to promote it. It is obvious this incapacity of the officials reduces the possibility of co-operation. The practical consequences that derive from this consensus are not unanimous though. Organisations such as CORREPI deny the possibility of reforming an institution whose genesis and ultimate objective is to protect the interests of the powerful sectors of society. COFAVI, in turn, does not discard the idea of getting involved in a reform process if asked to even though it makes clear it would not accept to limit its participation to formally supporting policies agreed beforehand.

62. Even CORREPI, the most sceptical about reform, discriminate state officials on the basis of their political careers and personal histories. In this sense — and notwithstanding its almost null expectations — it recognises keeping conversations with some politicians is not always necessarily negative. *Foro Memoria y Sociedad* introduces another distinction as it differentiates political appointees from popularly elected officials. Foro considers that while Ministers of Government in the Province of Santa Fe ‘work for’ the police — and thus it is useless talking with them — legislators are have more power to propose and implement reforms within security institutions.

63. Even though they do not deny the great importance of political commitment to implement effective reforms of the security institutions, CTC and CELS consider by means of their denounces, surveillance and monitoring activities human rights organisations can make the need for reform evident and create a ‘favourable’ climate for change. Even when they may be incapable of leading the reform process, human rights organisations have a role to play in its promotion.

64. CELS has undergone the process of deciding which is the best way of dealing with the state and has been willing to co-operate in times of reform. At the beginning, CELS considered a co-operative strategy should entail a reduction in the levels of confrontation. However, it later reached the conclusion that curtailing its capacity to criticise the government reduced, at the same time, its power to influence the reform process.

65. CELS also understands that it is necessary to question the government’s actual capacity to receive co-operation and assistance from human rights organisations. Some reform processes present a dynamic that does not tolerate the levels of agreement, consensus and transparency the work between human rights organisations and the state require. Even though this obstructs some long term co-operation activities, it also shows that in certain occasions the state can be permeable and give any kind of information and even allow investigations over police offices of internal affairs, such as the one carried out jointly by CELS and the Universidad Nacional del Litoral of the Province of Santa Fe.

66. Participation in a process of reform of the security institutions is a controversial issue for human rights organisations. According to Catalina Smulovitz, presenting proposals is something human rights organisations have to do if they intend to have a say in the security debate. Alicia Pierini also agrees with the idea that human rights organisations must generate ideas instead of assuming a reactive role, something only a few of them are currently doing. However, Sofía Tiscornia argues it is not worth developing projects aimed at reforming security institutions merely formally and exemplifies the latter with a case in the area of human resources. Tiscornia considers the participation of consultants, academics and human rights organisations in the reform of security institutions’ curricula is not useful to democratise them. On the contrary, a good way of changing security institutions’ repressive culture is by means of forcing security officers to attend classes of sociology, anthropology, political science and so forth at public universities jointly with the rest of the students an adapt to its rules.
67. As it should be clear so far, relations with the citizens are also a conflictive issue for human rights organisations. Public opinion support is central to sustain the organisations’ legitimacy. In this sense, it is hard to underestimate the relevance of the mass media as a tool to reach public opinion. Thus, the media play a central role in the security debate and, as a result, pose risks and opportunities.

68. It seems possible to distinguish two groups based on the answers human rights organisations found to this dilemma. One of the groups would be formed by those organisations that decided to reinforce the relation with those sectors of society that are most favourable to human rights discourse. The second group, in turn, gathers those organisations that try to widen the repercussion of their discourse and improve the receptivity to human rights concerns.

69. CELS is one of the institutions that has attempted to predispose public opinion against repressive answers to insecurity. In this sense, being interviewed by news journalists and receiving consultation on the issue are considered positive for massive promotion and defence of human rights. As a result, CELS tries to widen the audience by means of presenting its point of view regarding human rights and security in as many broadcasts as possible. CELS remarks, however, the difficulty of working with different audiences. On the one hand, it is necessary to present proposals to those sectors of society likely to accept human rights’ discourse while, on the other hand, it is also necessary to have a discourse directed to those sectors with more limited understanding of human rights. Consequently, CELS has attempted to establish relationships with journalists that work with these two different groups. Intensifying its work with data has been a great help for CELS to achieve the latter.

70. In a similar way, María Teresa Schiavini remarks the importance the media played in giving publicity to the circumstances of her sons’ death and her demand for justice which, in time, stimulated other people to denounce cases of police brutality and corruption. Explaining to people the reasons that make ineffective and inefficient most of the pretended solutions to the problem of insecurity was mentioned by Schiavini as one of the means through which support to authoritarian and repressive solutions can be undermined. Notwithstanding the positive appreciation of the role of the media, COFAVI has not implemented actions tending to increment its public presence.

71. Alicia Pierini, however, warns human rights organisations off working on the basis of the agenda set by the media. She argues the latter can mislead the discussion and exacerbate the alleged tension between human rights and security, distracting attention from the real security and human rights’ problems. Enrique Font, in turn, remarks one of the strategies the media use to achieve that result is to present exceptionally cruel crimes as the rule or overestimating certain situations such as the participation of minors in crimes.

72. On the other hand, organisations such as Foro Memoria y Sociedad and CORREPI are more sceptical about their transformational capacities. On that basis, they decided to strengthen their traditional social support and do not try to convince those that have more difficulties to accept human rights discourse. As a result, these organisations are always willing to attend meetings and take part in discussions when they are invited to. However, they are not interested in widening the scope of their messages to those sectors -both of the media and of the civil society- that are not willing to receive it.

**CONCLUDING REMARKS**

73. It is difficult to evaluate the success or failure of the strategies and actions described above. Human rights organisations are important referents, even though with variable degrees of
success, regarding the rights security policies, and the state, must respect. However, this relevance results not only from their intrinsic capacities but also from the scarcity of other actors competent enough to deal with the issue. An example of the latter are Argentine universities’ difficulties to work in security policies what has left a hollow human rights organisations have to deal with.

74. It must be taken into account human rights organisations’ support to proposals aimed at reforming security not only entails risks but may also put in evidence their limitations. In 1997, various human rights organisations demanded the derogation of police edicts and supported the implementation of a neighbourhood code. However, as a result of their own decision or due to their limited resources and capabilities, these organisations could not avoid the awful implementation of the proposal. This final result has had a negative impact on the acceptance of proposals that are respectful of human rights and basic guarantees.
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This paper was elaborated on the basis of the opinions expressed by representatives of the most relevant human rights organisations in Argentina, whose aid we would like to acknowledge. Interviews were held with Sergio Di Gioia, Asamblea Permanente por los Derechos Humanos/APDH; Rubén Naranjo, Foro Memoria y Sociedad-; Enrique Font, Centro de Estudios e Investigaciones sobre Derechos Humanos/CEIDH; Ana Chávez -Servicio Paz y Justicia/SERPAJ; Carmen Maidagan, Coordinadora de Trabajo Carcelario/CTC-; María Teresa Schiavini, Comisión de Familiares de Víctimas Indefensas de la Violencia Social/COFAVI; and María del Carmen Verdú, Coordinadora contra la Represión Policial e Institucional/CORREPI. About the latter, it must be noted that CORREPI does not think of itself as a human rights organisation, but rather as a network of lawyers, victims and people interested in the promotion and defence of basic rights. However, they periodically produce reports and a magazine and have an organic position regarding relevant political issues.

Comments on the institutional positions and strategies adopted by the Center for Legal and Social Studies/CELS came up as the result of discussions in which Víctor Abramovich, Gustavo Palmieri, and Cecilia Ales took part. Even though it cannot be strictly considered a local human rights organisation, an interview was held with a representative of Amnesty International, Sergio Sorín. This decision was made after taking into account not only that the local sections are allowed to work on local issues since 1997 but also for understanding their members are part of the local human rights movement and, in this sense, influence on it.

Three other people were consulted regarding the subject matter on the basis of their experience and knowledge: Sofía Tiscornia, Alicia Pierini and Catalina Smulovitz.

The authors would like to thank all of these people for contributing to enrich this paper.
INTERVIEWEES

Institution: Comisión de Familiares de Víctimas Indefensas de la Violencia Social (Policial, Judicial, Institucional) COFAVI
Interviewee: María Teresa Schnack Schiavini
Position: President
Description: COFAVI is a non-governmental organization created in 1992. It regroups the mothers, fathers and relatives of “defenceless and innocent victims” of institutional, judicial and social violence who, with the support of lawyers, professionals, students, legislators and other citizens, fight against impunity with the objective of finding truth and justice. It has been recognised as a civil entity by Buenos Aires Provincial Agency of Legal Persons, Registration Number 17966- File Nº1/86558.
Web site: www.derechos.org/cofavi
Email: cofavi@derechos.org / teteiva@arnet.com.ar

Institution: Coordinadora contra la Represión Policial e Institucional/ CORREPI
Interviewee: María del Carmen Verdú
Position: lawyer
Description: CORREPI was formally created in May 1992. It gathers layers with penal experience, relatives of victims of ‘quick trigger’ and groups of human rights militants. Its most important activities are denunciation of incidents of institutional violence — mainly torture cases and homicides committed by police officers —, legal counselling and litigation of cases of institutional repression, representing the victims or its families. It also develops educational activities aimed at informing citizens of their rights facing a detention. CORREPI also fosters popular organization to fight against repression.
Web site: http://www.derechos.org/correpi/
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Institution: Coordinadora de Trabajo Carcelario/CTC
Interviewee: Carmen Maidagan
Position: lawyer
Description: CTC is a non-governmental organisation that works on the tutelary protection of the rights of the people deprived of their freedom in penitentiary units and police stations in the province of Santa Fe, and especially in the city of Rosario. It was created in 1995 with the intention of joining the efforts made by different human rights organisations working with social prisoners. It later become an independent organisation and widened the scope of their concerns to institutional repression in social protests and police brutality among other concerns. Lawyers, teachers and students take part in their activities.
Email: coordinadora@topmail.com.ar

Institution: Foro Memoria y Sociedad
Interviewee: Rubén Naranjo
Position: member
Description: Foro is a non-governmental organization that was created in 1996 by a small group of professionals committed to the defence and promotion of human rights. Its main activity the denunciation of human rights violations and the elaboration and publication of an annual report of homicides committed by members of the security institutions in the Province of Santa Fe, on the basis of journalistic information. Some of its members give legal counselling and litigate privately, representing the families of the victims.

Institution: Amnesty International Argentine Section
Interviewee: Sergio Sorín
Position: president
Description: Amnesty International has sections in over forty countries around the world that work on the basis of international solidarity. They carry out investigations on produce documents on ill treatment and torture, police brutality, disappearance of people, extra-judicial executions, discrimination, death penalty and detention conditions. They also carry out educational programs and campaigns to prevent human rights violations. Amnesty advocates the ratification of international legislation and the adoption of international standards. Amnesty comes into action if it receives a denunciation, discovers a violation, when a government or opposition group systematically violates human rights or when another organization demands it.

Web site: http://www.amnesty.org.ar
E-mail: miembros@amnesty.org.ar

Institution: Asamblea Permanente por los Derechos Humanos
Interviewee: Sergio Di Gioia
Position: Member of the Presidential Council- lawyer
Description: APDH is a civil organization created in 1975 — integrated by political, religious, social leaders and members of labour unions — whose main objective is the enforcement of the Universal Declaration of Human Rights as well as the defence of the rights to life, justice, peace and the consolidation of democracy. APDH denounces human rights violations, carries out and gives publicity to investigations, provides legal counselling, promotes educational activities and coordinates actions with other human rights organisations.

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Institution: Fundación Servicio Paz y Justicia/SERPAJ
Interviewee: Ana Chávez
Position: lawyer
Description: Serpaj is a social organization of Christian and Ecumenical inspiration whose main objective is the promotion of solidarity and non-violence. It was formally created in 1974 even though it started its activities in the 1960s. Adolfo Pérez Esquivel — awarded the Peace Nobel Price in 1980 — is SERPAJ’s current president and one of its founding members. SERPAJ has national secretariats in Bolivia, Brazil, Chile, Costa Rica, Ecuador, Mexico, Nicaragua, Panama, Paraguay and Uruguay.

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Institution: Centro de Estudios e Investigaciones en Derechos Humanos/CEIDH, Faculty of Law, Universidad Nacional de Rosario
Interviewee: Enrique A. Font
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Institution: Centro de Estudios Legales y Sociales/CELS
Description: The Center for Legal and Social Studies (CELS) is a non-governmental organisation founded in 1979 to foster and protect human rights and to strengthen the democratic system and the state of law in Argentina. CELS carries out primarily legal-technical activities. CELS is comprised of a multidisciplinary and pluralist staff that consider Human Rights as recognized in the Universal Declaration of the United Nations and in international law. CELS regards the State as responsible for the respect or violation of human rights. In this way, without mechanisms to enable civil society to know, oversee and check the policies and actions of the different State institutions, human rights remain an illusion. Based upon these principles, and essentially through the litigation of judicial cases, CELS aims to denounce violations of human rights, to affect the process of expression of public policies based on the respect of the fundamental rights and to promote the largest practice of these rights for the most vulnerable classes of society. CELS was founded during the military dictatorship in response to the urgent need to take quick and decisive action to stop serious and systematic
human rights violations. CELS began by documenting state terrorism and providing legal counselling and assistance to the victims’ relatives, especially in the case of the disappeared. CELS is affiliated to the International Commission of Jurists of Geneva and to the International League for Human Rights of New York. It is also a correspondent of the International Federation for Human Rights of Paris (FIDH) and is a member of the World Organisation against Torture of Geneva (OMCT).

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Interviewee: Alicia B. Pierini
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Interviewee: Catalina Smulovitz
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Interviewee: Sofía Tiscornia
Position: Director of Research Area - Office of the Ombudsman of the City of Buenos Aires
Relevant data: B.A. in Anthropology. Former Director of CELS’ Program on Institutional Violence and Public Safety. Director of the Team on Political and Juridical Anthropology of the Faculty of Philosophy (Equipo de Antropología Jurídica de la Facultad de Filosofía y Letras), University of Buenos Aires.
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