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**Promotion and protection of all human rights, civil,
Political, economic, social and cultural rights,
including the right to development****Visit to Argentina****Report of the Special Rapporteur on extrajudicial, summary or
arbitrary executions, Morris Tidball-Binz*¹, *****Summary*

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, on his visit to Argentina from 14 to 25 November 2022. In the report, the Special Rapporteur examines instances of institutional violence, particularly the unlawful deprivation of life resulting from the excessive use of force within the context of law enforcement; the phenomenon of deaths in custody and gender-based killings. The Special Rapporteur formulates recommendations to strengthen investigation and prosecution of such cases, improve accountability and reinforce the protection of the right to life in Argentina.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission Spanish only.

** The present report was submitted after the deadline in order to reflect the most recent developments.

Annex

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, on his visit to Argentina

I. Introduction

1. At the invitation of the Government, the Special Rapporteur on extrajudicial, summary or arbitrary executions conducted an official visit to Argentina from 14 to 25 November 2022. The purpose of the visit was to examine measures to investigate and prevent potentially unlawful deaths, particularly as a result of the excessive use of force in the context of law enforcement; the phenomenon of deaths in custody; and gender-based violence, specifically femicide.
2. The Special Rapporteur expresses his deepest gratitude to the Government of Argentina for the invitation to visit the country. He commends the exemplary cooperation extended to him during the visit.
3. The Special Rapporteur had the honour to meet with representatives of Argentinian authorities at the federal level, including: the Ministry of Foreign Affairs, International Trade and Worship; the Ministry of Justice and Human Rights; the Ministry of Security and its security forces; the Ministry of Women, Gender and Diversity; both Chambers of the National Congress; the Argentinian Public Prosecution Office; the Public General Defender's Office; the Forensic Medical Corp of the Supreme Court of Justice of the Argentine Nation; the National Committee for the Prevention of Torture; the Prison Ombudsman's Office and the Federal Penitentiary Service. The Special Rapporteur visited the cities of Buenos Aires, La Plata, Cordoba, Corrientes and Resistencia where he met with representatives of provincial authorities, including from the executive, legislative and judiciary branches, as well as with authorities of the Autonomous City of Buenos Aires.
4. The Special Rapporteur also met with representatives of the United Nations system. He thanks the United Nations Resident Coordinator and the Human Rights Adviser of her office in Argentina and of the United Nations High Commissioner for Human Rights (OHCHR) for their support; as well as the United Nations Country Team for the assistance provided during the visit.
5. The Special Rapporteur is especially grateful to all non-governmental organisations, human rights defenders and civil society representatives, in particular families of victims of human rights violations, as well as academic institutions who met with him and shared their testimonies, experiences and knowledge.
6. Being the first in forty years following the establishment of the Special Rapporteur's mandate in 1982 and taking place just before the fortieth anniversary of uninterrupted democratic institutions in Argentina celebrated in 2023, this visit was an historical one.
7. The Special Rapporteur reiterates his profound gratitude to all those whom he met, for their hospitality and kindness, the candid conversations held, their openness and trust. He believes that the visit offered an invaluable opportunity to discuss achievements, good practices, as well as challenges and concrete steps to strengthen the protection of the right to life in Argentina, ensure victims' protection and access to justice, and enhance efforts to end impunity.
8. The Special Rapporteur looks forward to continuing the constructive dialogue with the Government and other stakeholders.

II. Political and legal framework

9. The Republic of Argentina is a federal State with a complex structure and a division of competencies among the federal Government, 23 provinces and the autonomous city of

Buenos Aires, which have their own constitutions, laws and executive, legislative and judicial powers and authorities¹. Powers not delegated to the national government reside with governments of the respective provinces and the autonomous city of Buenos Aires.²

10. The federal legal system comprises the National Constitution, several human rights international treaties, national laws passed by the Congress, and decrees of executive branch. A similar legal framework exists at provincial levels and the autonomous city of Buenos Aires. The enforcement of national legislation, including federal laws, takes precedence over local legislation. Legislation at every level is subject to a diffuse system of judicial review.

11. Argentina is party to the most important international human rights instruments: the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of the Child and its three Optional Protocols, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol³.

12. A number of these instruments have constitutional hierarchy. Among these is the International Covenant on Civil and Political Rights which, in Article 6 establishes that “every human being has the inherent right to life” and that “no one shall be arbitrarily deprived of his life”.

13. Argentina is a member of the Organization of American States. In 1984, it ratified the American Convention on Human Rights, and it has accepted the jurisdiction of the Inter-American Court of Human Rights.

III. The legacy of the past

14. Argentina is a country which suffered a history of illegal military rule and systematic human rights violations.

15. Democracy was reinstated in 1983, ending a dictatorship imposed by a military coup in March 1976.

16. With the recovery of democracy the new government set up one of the world’s first Truth Commissions: The National Commission on the Disappearance of Persons (CONADEP), which in September 1984 published the *Nunca Más* (Never Again), its groundbreaking report of its findings on the atrocities of the military regime⁴. A landmark trial against the commanders of the former military juntas, including three former military presidents, followed in 1985, sealing the country’s transition to democracy and Argentina’s longest uninterrupted period of democratic rule.

17. Between 2003 and 2005, Argentina’s Congress and Supreme Court repealed amnesty laws which had been granted for officials responsible for past grave human rights violations, paving the way for prosecutions and convictions which have followed since. As of September 2022, 3,631 persons, including former military, police officers, and secret service officials,

¹ OEA: Argentina, Breve descripción del sistema jurídico-institucional, available in: http://www.oas.org/juridico/spanish/arg_res1.htm Last visited don 29 March 2023.

² *Id.*

³ See <https://indicators.ohchr.org/>.

⁴ See: <https://www.usip.org/publications/1983/12/truth-commission-argentina> Last visited on 15 March 2023.

have stood trials for crimes against humanity, of whom 1,088 were convicted and 166 acquitted.⁵

18. Over the past four decades Argentina strived to address its tragic legacy by developing a solid legal and institutional framework founded on the respect of human rights, with a vibrant representative democracy having a very active civil society sector and unfettered public debate⁶.

19. Civil society in Argentina plays a leading role in building up the rule of law and respect for human rights. Examples include the Mothers of Plaza de Mayo, Nobel-Peace award winner Adolfo Perez Esquivel, the Grandmothers of Plaza de Mayo, who pioneered the use of forensic science to investigate human rights violations, and the Argentine Forensic Anthropology Team (EAAF), which has recovered the remains and shed light into the whereabouts and fate of thousands of victims, in Argentina and abroad. Their work also contributed to the development of universal standards, such as the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the Manual which followed (the Minnesota Protocol⁷). A number of civil society organizations are active in documenting cases and assisting victims of institutional violence, including CELS, CORREPI, APDH, Amnesty International and CODESEDH. The Argentine women's and gender rights movements stand as references for advancing these rights in the country and the region.

20. Despite the significant progress made in recent years to investigate cases of unlawful killings and other human rights violations, the task remains incomplete⁸. The most high-profile case demonstrating this reality was the 1994 bombing of the [Asociación Mutual Israelita Argentina](#) (AMIA), which killed 85 and injured more than 300 people. Nearly three decades later those responsible for the attacks remain at large.

21. The Special Rapporteur believes it is imperative that Argentina urgently and effectively ensures truth, justice and reparations in all cases of unlawful killings, past and present.

IV. Deaths resulting from the illegal use of force by law enforcement officials

22. During the visit the Special Rapporteur noted the troubling persistence of deaths from institutional violence resulting from the excessive and illegal use of force in law enforcement. This often affects the most disadvantaged and marginalized sections of the population in Argentina, including rural and indigenous communities, which contributes to the invisibility of the phenomenon, impunity for those responsible and the perpetuation of practices contrary to the rule of law and human rights obligations. This phenomenon was exacerbated during the 2020-2021 lockdown measures imposed to contain the spread of the COVID-19 in the country.

23. The Special Rapporteur received numerous allegations of unlawful killings by police resulting from the excessive use of force, including firearms ("trigger-happy") and torture and other cruel, inhuman or degrading treatment or punishment. Violence by law enforcement officials is often attributed to a lack of adequate training, as well as to a culture of impunity which prevails among some sectors of the security forces, coupled with the

⁵ See Freedom House, Freedom in the World, 2022 Argentina Country Report: <https://freedomhouse.org/country/argentina/freedom-world/2022>.

⁶ See Freedom House, Freedom in the World, 2022 Argentina Country Report: <https://freedomhouse.org/country/argentina/freedom-world/2022>.

⁷ <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

⁸ See Visit to Argentina, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/40/59/Add.2): <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F40%2F59%2FAdd.2&Language=E&DeviceType=Desktop&LangRequested=False>, paragraphs 11-13.

country's history of authoritarianism, with security forces historically used to suppress political opposition and dissent.

24. Other structural issues, such as the practice of allowing law enforcement officials to carry and use their firearms while off-duty or to arrest individuals for reasons not linked to criminal conduct, for instance for the purpose of verification of identity⁹, were also mentioned as a concern.

25. The Special Rapporteur heard that unlawful deprivations of life in the context of law enforcement occur under different circumstances, for instance during roadside checks and inspections, house searches or other public order operations. Victims of police violence may be individuals perceived to be just "troublemakers", threatening order, or believed to be petty criminals. Among them, the Special Rapporteur found that there is a disproportionate number of young men¹⁰, as well as boys and adolescents from low-income neighbourhoods and marginalized sectors of the society, such as members of indigenous peoples and other groups in vulnerable situations, which contributes to the invisibilisation of the phenomenon.

26. The authorities with whom the Special Rapporteur met with during the visit were well aware of the extent and seriousness of such phenomenon in the country. However, no precise and complete official nationwide data was available.

27. The Special Rapporteur considers that the persistence of high rates of police violence, including many instances of excessive and illegal use of force resulting in death, as well as the lack of accurate data thereon, stand in stark contrast with the democratic institutions that Argentina has been so painstakingly building during the years. This can no longer have a place in a State supposed to be truly committed to building a society based on democracy and the protection of human rights and fundamental freedoms, in law and in practice.

28. The Special Rapporteur recalls that guaranteeing law and order is a central responsibility of the State which must be discharged in a manner that upholds the rule of law, respects human rights and prevents abuses and combats impunity¹¹.

Cases of death due to the excessive and illegal use of force in the context of law enforcement, including "trigger-happy" cases, and death from torture or ill-treatment:

- Joaquín Paredes (15), died on 25 October 2020 in Paso Viejo, his hometown, in the province of Córdoba, as a result of a shooting by the police of the province when they violently dispersed a peaceful gathering of young people from the village who were outside the local community radio station celebrating a birthday. The police action took place in the context of the imposition of restrictions due to the COVID-19 pandemic. Along with Joaquín, two other local youths were shot and wounded by the police, but they survived. Despite the outcry of the neighbours, the police failed to assist the wounded and Joaquín died while being transferred by a relative to a hospital in the neighbouring town of Soto. The case is in progress, although without a date for the trial. Two police officers have been detained but the other accused are free, and Joaquín's family has received threats. The National Direction of Policies Against Institutional Violence of the Ministry of Justice and Human Rights intervened in the case in support of the family.

- Arnaldo Ramírez González (17), died on 15 August 2020, in the Butteler neighbourhood of the Autonomous City of Buenos Aires, as a result of a shooting by an off-duty policeman with his service weapon. Arnaldo was unarmed and defenceless when he received the two shots at close range that ended his life. The incident was first classified as a "confrontation" then as an "accident" and the perpetrator has not yet been arrested.

⁹ See Report of the Special Rapporteur on torture, cited above.

¹⁰ See data published by the Provincial Commission for Memory for the Province of Buenos Aires only: <https://www.comisionporlamemoria.org/datosabiertos/violencia-policia/victimas/>.

¹¹ See Human Rights Committee, General comment No. 36, Article 6: right to life (CCPR/C/GC/36) <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life> visited on 31 March 2023.

- Ariel Villarroel (18) and Juan Sebastián Mamani (21), died on 31 October 2018 in the Rafael Castilla neighbourhood of La Matanza, Buenos Aires province, as a result of a shooting by an off-duty federal police officer with his service weapon during an altercation. The incident was initially labelled as a "confrontation", despite multiple testimonies to the contrary and pointing instead to the perpetrator as the instigator of the attack, who has not yet been arrested. The expert's report noted that no firearms were fired at the victims. The families of the victims have been threatened for reporting the incident.
- Lucas Verón (18), died on 20 July 2020 while celebrating his birthday outside his home in La Matanza, Buenos Aires Province, as a result of a shooting by a couple of policemen from Buenos Aires Province who then fled. A friend of the victim was also injured in the incident as a result of the shooting but survived. Both policemen who were arrested after the incident had a history of complaints of abuse of authority including torture but were still on active duty. In August 2022, the perpetrators were sentenced to prison for "excess in the performance of their duties". The victims' families maintain that this was an aggravated homicide.
- Lito Costilla (28), died on 7 July 2020 near his home in the city of La Plata, Buenos Aires province, after being run over by motorised police officers, who did not assist the victim and fled. The attack was recorded by security cameras. The alleged perpetrators have reportedly been removed from their posts, but the family hopes that justice will be delivered in the case.
- Norberto Corbo, Claudio Mendoza, Héctor Bielsa, and Edgardo Cicutín, died on 10 January 1994 in the town of Wilde in the Province of Buenos Aires as a result of a shooting by members of the police of the Province of Buenos Aires, who claimed that it was a "confrontation", despite testimonies to the contrary. The false official version, endorsed by rigged police investigations, prevailed for years, despite the extraordinary persistence of the victims' families in demanding justice. Thanks to these efforts, in December 2022 seven of the officers who participated in what is known as the "Wilde massacre" were found guilty.
- Exequiel Guillermo Castro (21) was arrested on 8 June 2022 near his home in the city of Córdoba by police officers of that province, allegedly while exhibiting signs of mental confusion. According to the information received, he was violently restrained and taken to a psychological assistance centre (PSA), where he remained detained despite a release order from a prosecutor. On 12 June he was taken by the police to a public hospital where he was admitted in a severe state and with signs of torture. He remained there in intensive care, in a coma, until his death on 14 June 2022. The medical findings, including bruises in the body and rhabdomyolysis are consistent with the torture reported by the family who are demanding justice for Ezequiel's death.
- Jonathan Romo (36), was arrested on 8 June 2022 near his home in the city of La Falda, Córdoba Province by police officers of that province, allegedly while exhibiting signs of mental confusion. According to testimonies Jonathan did not resist arrest but was nevertheless severely beaten during the arrest as shown in images of the arrest. He was later taken to the police station where he died on the same day. The police claimed that his death was due to cardiac decompensation. Jonathan suffered from substance abuse problems and had suffered previous arrests followed by beatings by the same police. The outcry from the family and the community led the provincial Institute of Forensic Medicine to intervene to perform an autopsy which followed the Minnesota Protocol guidelines and found that the death was due to trauma, noting multiple injuries, abrasions, bruises, ecchymosis and other internal injuries that are consistent with torture. In December 2022, the prosecutor's office involved in the case released six police officers accused of the murder who are still being prosecuted in the case.
- Rubén Orlando Suárez (18), died on 18 October 2007 as a result of torture suffered after his arrest the previous day in Cruz del Eje, Córdoba Province by the police of the same province. Rubén was arrested together with his father, Rubén Oscar Suárez. Both were beaten, arrested, and taken to the city police station. Other detainees witnessed the brutal beating of Ruben who lost consciousness as a result. A police doctor who examined him found that he had no injuries and ordered him to be returned to his cell where he died shortly afterwards. The first autopsy determined a natural death. However, a second autopsy carried

out after demands by the family and conducted by the provincial Institute of Forensic Medicine, following the Minnesota Protocol standards, determined that the death was the result of polytrauma, including cranial encephalic trauma, consistent with torture. A police officer and the police doctor who examined Ruben during his detention were charged in the case. However, to date no one has been convicted.

- Alexis Hernán Benítez (18), died on 2 March 2018 at the police station in Riachuelo, Province of Corrientes following his arrest without a warrant by the provincial police in the neighbouring town of San Cayetano, where he was from, allegedly for background checks. The family was informed that Alexis "committed suicide" although they suspect on the basis of testimonies that his death was due to torture in the place of detention and demand that the facts be investigated and justice be granted in this case.

- Carlos Germán Franco (24), died on 12 January 2018 after being shot by police officers of the Province of Corrientes while he was riding a motorbike to visit his son who was hospitalised in the city of Corrientes. Initially the police claimed that it was an "accident" and then a death "due to confrontation." However, the autopsy report carried out by the director of the Forensic Medical Service of the province showed that he was shot in the back. Those responsible for the death have not been brought to justice to date.

- Lautaro Rosé (18), died on 8 November 2021 in the waters of the Paraná River on the banks of the city of Corrientes after police officers of the province used excessive force, including beatings and shootings with rubber bullets to disperse bystanders gathered on the riverbank. During this incident Lautaro jumped in to the river where he drowned despite calls for help that went unheeded by the police. His body was found downstream on 11 November. Only five of the 11 police officers accused of the incident are in detention pending trial.

- Sebastián Ponce de León (35), died on 10 February 2019 in the city of Barranqueras in the Chaco Province as a result of multiple beatings suffered after his arrest on 31 January of the same year by members of the police of that province. The serious injuries caused required hospitalisation where the victim died as a result of acute renal insufficiency due to rhabdomyolysis caused by the torture. Before his death he managed to identify some of his assailants and to give his testimony about the torture he suffered. Two autopsies were carried out, the second one requested by the family which confirmed injuries consistent with forms of torture, including the so-called "pata-pata" (i.e.: falanga: blunt blows causing severe pain in the soles of the feet). The defendants are free and some of them were still in office in November 2022.

- Josué Lagos (23), died on 11 June 2021 outside his home in the neighbourhood of his native Qom community, in the town of San Martín in the Chaco Province as a result of an indiscriminate shooting by police officers of that province in response to a brawl between neighbours. The police initially claimed that it was a death in a "confrontation", a version later denied by multiple testimonies as well as evidence collected at the scene. The police have been accused of responsibility and have so far benefited from impunity for the death of Josué. Paradoxically, in this case the Special Prosecutor for Human Rights of the province has dismissed the charges against the alleged perpetrators despite the accumulated evidence and a consistent pattern of discrimination and violence suffered by the Quom community by the hands of the local police.

- Facundo Astudillo Castro (22), died after being detained on 30 April 2020 in Mayor Buratovich in the Province of Buenos Aires, for failure to comply with COVID-19 restrictions. He was last seen during this detention and was later reported missing. The case was widely reported in the national and international media and came to be considered an enforced disappearance. His body was found on 15 August of the same year in the vicinity of the place where he was last seen, a flooded area with high tides. Due to pressure from the family and the media an autopsy was carried out by the Forensic Medical Corps of the Supreme Court of Justice in the city of Buenos Aires in compliance with the guidelines of the Minnesota Protocol. The autopsy lasted 10 hours and involved fifteen experts from different specialties who concluded that the death was caused by drowning. Although the autopsy complied with the family's demands, the investigation remains open as does the question of the exact circumstances of Facundo's death.

- Facundo Scalzo (20), died on 17 June 2020 after being shot four times in the back by members of the Gendarmeria Nacional in the neighbourhood of Bajo Flores in Buenos Aires. According to witnesses, not only did the officers deny the young man first aid while he was in agony, but also after an hour waiting for medical assistance the officers did not allow Scalzo's mother to accompany him to the hospital, where he died of his wounds. The officers were dismissed from their duties but have not been convicted.

V. Deaths in custody

29. The problem of deaths in custody in Argentina has been noted by other Special Procedures. After his 2018 official visit to Argentina, the Special Rapporteur on torture observed that, “the frequency of deaths in custody is alleged to be even higher in provincial prisons, but could not be evaluated reliably by the Special Rapporteur due to the lack of official data on the subject”.¹² He also took note of a “dramatic increase in suicides” in custody and recommended, in cases of deaths in custody, that the State ensure the independence of investigations and the protection of witnesses, in keeping with the Minnesota Protocol and the Istanbul Protocol revised in 2022).¹³

30. The IACHR ruled twice against Argentina in the cases of Bulacio, in 2003¹⁴ and of Acosta Martínez and others in 2020¹⁵, both in relation to deaths in custody.

31. The Special Rapporteur recalls that, by depriving persons of their liberty, States assume responsibility to care for their lives and physical integrity¹⁶. Due to this heightened duty of care, States must take all necessary measures to protect the lives of individuals deprived of their liberty, including by ensuring a proper investigation of every death in custody¹⁷.

32. He recalls that, when a death in custody occurs, the collection of data contributes to ensuring institutional accountability and to evaluating the factors that contributed to its occurrence¹⁸. The importance of properly recording and examining all instances of death in custody is recognized in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)¹⁹.

33. The Special Rapporteur is concerned that the precise number of deaths occurred in custody at national level, which should include all those happening in prisons and detention centres of all provinces and the City of Buenos Aires, is likely higher but remains unknown due to the lack of reliable data available²⁰.

34. For example, during 2021 the *Sistema Nacional de Estadísticas sobre Ejecución de la Pena* (SNEEP) of the Ministry of Justice and Human Rights, which compiles statistical data on prisons and detention centres nationwide reported a total of 358 deaths in all prisons and detention centres it had received information from. However, according to officials interviewed during the visit, not all provinces adhere to their duty to report data to the SNEEP and data on deaths in custody submitted by the different provinces often suffer from inaccuracies, under-recording, and under-reporting. As a result, there are no complete and

¹² Visit to Argentina: Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment. A/HRC/40/59/Add.2.

¹³ *Ibid.*

¹⁴ See: https://www.corteidh.or.cr/docs/casos/articulos/seriec_100_esp.pdf Last visited on 15 March 2023.

¹⁵ See: https://www.corteidh.or.cr/docs/casos/articulos/seriec_410_esp.pdf visited on 30 March 2023.

¹⁶ See Human Rights Committee, GC 36, cited above.

¹⁷ See Human Rights in the Administration of Justice, Report of the United Nations High Commissioner for Human Rights (A/HRC/42/20): https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/20.

¹⁸ *Ibid.*

¹⁹ Rule 71.

²⁰ See Report of the Special Rapporteur on torture, Visit to Argentina, cited above, footnote 17, paragraph 55.

precise statistics on all deaths in custody in Argentina and the exact extent of this phenomenon remains unknown²¹.

35. The Special Rapporteur is aware of Argentina's complex government structure and division of competencies due to the federal system of the country. Nonetheless, he reiterates that adequate and accurate data-gathering is essential to help authorities in identifying trends, improving oversight, ensuring that investigations are effective and perpetrators are held accountable²².

36. Accordingly, he calls on the Government of Argentina to strengthen existing data collection efforts regarding deaths in custody and to make comprehensive, accurate data publicly available in the interests of greater transparency and justice. Data should be disaggregated by year, place of detention, sex, age group (minor/adult) and ethnic origin or nationality of the deceased and cause of death, specifying the number of deaths attributed to assaults committed by or with the consent of public officials.

37. The Special Rapporteur recalls that international law requires that all deaths in custody be investigated promptly, effectively and thoroughly, independently and impartially and in a transparent manner, according to standards such as the Minnesota Protocol.

38. At least three jurisdictions in Argentina have incorporated into their procedures the obligation to investigate all deaths in custody and represent best practices. The Federal Prison System requires that every death in custody be investigated no matter what the apparent cause of death might be. Similarly, in the Province of Córdoba law requires that every death in custody be investigated, including with a full autopsy based on the Minnesota Protocol by at least two forensic doctors. In April 2023 the Attorney General's Office (Ministerio Público Fiscal) of the Province of Neuquén issued a General Instruction requiring that all deaths related to institutional violence, including deaths in custody, be investigated according to international standards, including the Minnesota Protocol²³. However, in the majority of provinces the investigation of a death in custody remains discretionary. The Special Rapporteur urges the Government of Argentina and all the Provinces to ensure that all deaths in custody, including police custody, are fully investigated in accordance with international standards.

Cases of death in custody:

- Claudio Flores (14), died on 22 February 2022 in the Centro Rincón de Luz María de Nazareth, Virasoro in the province of Corrientes. His death was due to suicide by hanging. The Centre is accused of repeated torture and ill-treatment of minors, and previous complaints in this regard had been ignored. The provincial police initially dismissed the need to investigate the death, even ruling that an autopsy was not necessary, and recommended closing the case. A second investigation, requested by the child's relatives included an alleged autopsy by a local medical examiner who endorsed the official version. Faced with renewed demands for truth and justice from relatives and the community, a third investigation ordered by the Supreme Court of Justice of the Province, included an autopsy carried out on 20 April 2022 by the director of the provincial Forensic Medical Institute, who found that no previous autopsy had been carried out. This investigation revealed the torture and ill-treatment of children in the centre and the lack of protection that led to Claudio's death. The director and a caretaker of the centre have been prosecuted and the doctor who falsified an autopsy has been dismissed from his duties. However, no one has been prosecuted for the torture and death in custody suffered by Claudio.

- José María Kevin Candía (23), died on 21 April 2020 in Penal Unit No. 1 of the penitentiary service of Corrientes as a result of a shooting by members of the penitentiary

²¹ Reply from the Argentine Ombudsman Office to the Special Rapporteur's 2023 Call for Input on Deaths in Custody. Available at: http://www.dpn.gov.ar/documentos/INDH_2023013.pdf Last visited: 2 April 2023.

²² See A/HRC/42/20 cited above.

²³ Instrucción General N° 21 del Ministerio Público Fiscal de la Provincia de Neuquén, 10 de abril de 2023.

service in response to a riot by prisoners demanding better sanitary conditions in the context of the COVID-19 pandemic. The officers claimed that it was a "confrontation between inmates", but security cameras and expert evidence showed that the shots were fired from an official weapon. Nine other inmates were also shot and wounded in the incident. Although an investigation has been opened, to date no officials have been prosecuted for the incident.

- Exequiel García (20), died on 13 January 2021 in Penal Unit No. 6 of the penitentiary service of Corrientes as a result of ill-treatment and beatings by members of the penitentiary service in response to demands from inmates for better sanitary conditions in the context of the COVID-19 pandemic. Exequiel alerted his relatives shortly before his death about the beatings. He had been arrested on 21 September 2020 in Corrientes while celebrating Spring Day with friends and was detained in the prison. The first autopsy did not document any injuries but a second autopsy, requested by the family, certified multiple trauma consistent with the beatings reported as the cause of his death. Prison officials have been charged but not arrested in connection with the incident.

- Diego Fernández (18), died on 14 November 2017 while in detention at a police station in the Buenos Aires province in the town of Isidro Casanova. The family was informed of his death by the authorities the day after the death, claiming that it was a "suicide" by hanging. However, an independent expert examination which the family arranged with the support of a human rights organisation, found signs of torture and beatings but no signs of hanging. The family still awaits justice in the case.

- Argentino Pelozo Iturri (38), died on 8 April 2008 as a result of torture inflicted by guards during his detention in a federal penitentiary in Neuquén where he was serving a sentence for murder. Three days before his death he had been tortured during his transfer from another prison. The case was initially reported as a sudden natural death. However, the family, with the support of the National Penitentiary Prosecutor's Office (Procuración Penitenciaria de la Nación), demanded an investigation based on testimony and other evidence to the contrary. As a result, in 2020, the Court of Cassation confirmed sentences against 14 officials of the federal penitentiary service, including a prison doctor, as responsible for torture followed by death and cover-up.

- Ernesto Romero (59) died on 12 July 2020 in a police station in Esquina, Corrientes, to which he had been taken to eleven days earlier. On the day of his death the family was informed that Ernesto was ill and then announced that he had "committed suicide", allegedly by hanging. However, according to witnesses Ernesto was the victim of a severe beating by the police, resulting in his death. The family had found it difficult to pursue this case due to their lack of resources for legal assistance, yet they continue to demand justice in the case.

- Javier Armando Almirón (32) died on 6 August 2022 in the same police station, allegedly by hanging. He had been arrested a year earlier and on the day of his death was awaiting transfer to a prison to serve a custodial sentence. During his detention he and two other detainees reported having suffered torture at the hands of the police, including beatings and "dry waterboarding" (i.e. suffocation with a plastic bag).

- At the same police station on 8 July 2022, a 31-year-old inmate named Núñez, who had been detained the previous night, died. As in the previous cases the police claimed that he "committed suicide" although, as in the previous cases, it is suspected that he may have been a victim of torture. An investigation has been opened in these cases, with no results at the time of writing.

VI. Gender-based violence resulting in death

39. The Special Rapporteur recalls that gender-based killings, including femicide and trans-femicide are particularly grave and egregious violations of the right to life²⁴.

40. He stresses that deaths of women, girls and LGBTQIA+ people resulting from gender-based violence are preventable. The phenomenon of gender-based killings must therefore be

²⁴ See Human Rights Committee, GC 36, cited above; see also Special Rapporteur's report A/76/264, para. 42.

addressed through effective policies of prevention, attention, investigation, sanction and reparation, including guarantees of non-repetition²⁵.

41. He acknowledges the efforts of the Argentine Government to address femicide and gender-based violence. These include, for instance, the adoption of National Action Plans for Combating Gender-based Violence for the period 2020–2022 and 2022-2024, respectively in 2020 and in September 2022. The Plans provide a framework for addressing femicide and gender-based violence with short, medium and long-term measures, including the establishment of the Integrated System for Cases of Gender-based Violence, a national tool for information management of cases of gender-based violence, in force since November 2020. The Special Rapporteur considers that the approval and entry into force of Law 27,452, the so-called “Brisa’s Law,” was also a positive measure; as was the establishment of a Unique Registry of Cases of Violence against Women (URGE); and the creation of a femicide observatory within the Office of the National Ombudsman²⁶.

42. The Argentine Government also established dedicated resources for victims of gender-based violence, including: a national hotline 137, for urgent complaints about gender-violence; a national hotline 144, for support, information, and advice on available resources for preventing gender-violence; and the Public Defence Attorneys and specialized support centres (Defensorías Públicas and Centros Integrales de la Mujer), which provide free legal advice.²⁷ Finally, unlike with institutional violence and deaths in custody, Argentina effectively compiles precise and detailed national data on femicide and gender-based violence through the National Registry of Femicides (Registro Nacional de Femicidios) de la Justicia Argentina²⁸, launched in 2015 by the Supreme Court of Justice.

43. However, the Special Rapporteur is of the view that the Government’s efforts have so far been insufficient and shares the concerns expressed by the Special Rapporteur on violence against women following her visit to Argentina in 2016

44. He calls on the Government to step up their efforts to ensure that all investigations, and subsequent prosecution and conviction of perpetrators of such crimes, are carried out with a gender-perspective and in accordance with international standards, including the Latin American Model Protocol for the Investigation of Gender-Related Killings of Women²⁹.

45. The Special Rapporteur calls on the Government of Argentina to design and implement such policies in collaboration with civil society and other relevant stakeholders.

²⁵ See <https://www.oas.org/es/mesecvi/docs/CEVI-ComunicadoFemicidio-2020-EN.pdf>.

²⁶ On this, also see initiatives listed in the Report of the Special Rapporteur on violence against women (A/76/132): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/187/50/PDF/N2118750.pdf?OpenElement>.

²⁷ <https://www.mumala.ar/wp-content/uploads/2020/08/cuadernillo-violencia.pdf>.

²⁸ See <https://www.csjn.gov.ar/omrecopilacion/omfemicidio/homefemicidio.html> visited on 2 April 2023.

²⁹ See <https://lac.unwomen.org/en/digiteca/publicaciones/2014/10/modelo-de-protocolo> visited on 3 April 2023.

Cases of death due to gender-based violence:

- Daiana Soledad Abregú (26), died on 5 June 2022 while in detention at a police station in the province of Buenos Aires in the town of Laprida. The family was informed of her death by the authorities the day after her death, claiming that it was a "suicide" by hanging. A second autopsy requested by the family and ordered by the province's Supreme Court of Justice, carried out by experts from the Court's Forensic Services (Asesoría Pericial de la Corte) and in accordance with the Minnesota Protocol, determined instead that the death was caused by mechanical asphyxia and suffocation and found blows and defensive injuries on the victim's body, consistent with testimonies that Daiana was a victim of gender based violence and subjected to torture, including "dry waterboarding". The case is currently under investigation with 5 police officers charged.
- Sasha Barrionuevo (38), a transgender woman, died on 20 July 2022 at the Hospital Dr. Oscar Alende in the Province of Buenos Aires where she had been urgently admitted as a detainee of the Batán prison. According to the provincial Commission for Memory (Comisión Provincial por la Memoria, the province's torture prevention mechanism) her death was due to health problems that were not properly attended to by the Penitentiary Service despite repeated complaints filed by the Commission. The Commission argued that this death which it described as gender-based violence and discrimination against an LGBTIQ+ person was due to a "systematic and arbitrary denial of access to health care".
- Florencia Magalí Morales (39), died on 5 April 2020 in a police station in Santa Rosa de Conlara, San Luis Province, after her arrest that same day by the police when she was on her way to buy food for her children, for alleged non-compliance with the quarantine regulations imposed due to the COVID-19 pandemic. The police reported that her death was a suicide, a version supported by an initial autopsy. The outcry from the family and the community led the Human Rights Secretariat of the National Ministry of Justice and Human Rights to become a complainant in the case and demand a new autopsy which determined that Florencia was a victim of gender-based violence and died by strangulation and suffered injuries compatible with torture. This led to the prosecution of the police officers involved and also of the doctor who performed the first autopsy.
- Úrsula Bahillo (18), died between 6 and 7 February 2021 in the vicinity of Rojas, Buenos Aires Province, stabbed to death by an ex-boyfriend who was a police officer, despite repeated complaints of gender-based violence against her and requests for protection filed with the authorities. While the perpetrator has been prosecuted and sentenced to life imprisonment for femicide, Ursula's death could have been prevented had the authorities acted with due diligence to ensure her protection.

VII. Medico-legal and forensic institutions

46. The Forensic Medical Corps (*Cuerpo Médico Forense*³⁰) of the national Supreme Court (*Corte Suprema de Justicia de la Nación*) and its Judiciary Mortuary (*Morgue Judicial*³¹) in the city of Buenos Aires are the country's highest medico-legal and forensic service for both federal and other national jurisdictions. Medico-legal and forensic services also exist at provincial levels, usually in the form of provincial Medico-Legal and Forensic Institutes.

47. The Special Rapporteur considers that forensic capacity throughout the country needs to be substantially reinforced not only by improving professional expertise and strengthening existing infrastructure, but also by promoting a more uniform vision on forensic matters and a coordinated approach between the different institutional actors and across different jurisdictions of the Argentine forensic community. This is also necessary for ensuring the promotion and coordinated implementation nationwide of standards of forensic best practice such as the Minnesota Protocol, as well as quality assurance and control processes to guarantee the reliability of forensic investigations in all provinces' jurisdictions.

³⁰ See <https://www.csjn.gov.ar/cmfc/> visited on 2 April 2023.

³¹ *Ibid.*

48. The Special Rapporteur therefore calls on the Government of Argentina to establish a national mechanism in the form of a National Council of Forensic Medicine and Sciences, to serve on a consultative and non-binding capacity, including to promote, coordinate and support quality assurance and quality control processes for all medico-legal and forensic services in the country and to promote and support the effective implementation of forensic best practices and standards.

49. The Special Rapporteur recalls that officials and other professionals met during the visit, including forensics specialists, lawyers, and policymakers welcomed this recommendation and stated that a mechanism of this kind, would be an important reform to substantially improve the organisation and quality of medico-legal and services in the country.

VIII. Police forces

50. The police forces in Argentina are organised on a federal and provincial basis. Lethal use of force by police is regulated by the 1984 criminal code (as amended). Under Articles 79 and 80, the crime of homicide is aggravated when it is committed by a member of the security forces (police or prison officer), in abuse of the function or position. The 1979 United Nations Code of Conduct for Law Enforcement Officials³² was incorporated as an Annex to the national Public Security Law (24059), which binds all the provinces of the country³³.

51. However, many of the cases of deaths from police violence heard by the Special Rapporteur during the visit contrast with existing legal obligations and directives on the use of force and firearms by the security forces, the full and effective implementation of which is urgently required nationwide. The Special Rapporteur urges authorities to guarantee that in all cases of institutional violence resulting in death, those responsible are investigated and punished, that adequate legal assistance and necessary protection is provided to victims and their families; and that training for law enforcement officials and independent monitoring of their actions are effectively implemented.

IX. Duty to investigate

52. The Special Rapporteur received numerous accounts of families who reported serious delays and irregularities in investigations and faced difficulties, including in accessing autopsy reports, death certificates and other relevant documentation. He also heard of autopsy reports being conducted after an unnecessarily long time following the death of the person concerned and concluding that the cause of death was a natural one or suicide, while the relatives of the person deceased and their legal representatives and independent experts reportedly observed injuries and bruises on the body of the latter which would be inconsistent with such findings.

53. The Special Rapporteur emphasizes that a central element in the protection of the right to life is the States' obligation to investigate and, where appropriate, prosecute the perpetrators of such incidents, including those involving allegations of excessive use of force with lethal consequences.

54. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with international standards, including the Minnesota Protocol³⁴, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity³⁵. Failure to carry out a prompt and effective investigation, may constitute a violation of the right to life³⁶.

³² <https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>.

³³ See The law on police use of force worldwide, Argentina: <https://www.policinglaw.info/>.

³⁴ <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

³⁵ *Ibid.*

³⁶ See Human Rights Committee, GC 36, cited above.

55. He believes that the first step to overcome impunity is to ensure independent, impartial, prompt, thorough, effective, credible and transparent investigations into all potentially unlawful deaths; that all the perpetrators, subordinate officials and their superiors, are brought to justice; and that victims have access to adequate reparation.

56. He also calls on all relevant authorities to ensure that all members of security forces receive training on the general principles governing the use of force, including the United Nations Basic Principles on the Use of Force & Firearms (1990) and the United Nations Code of Conduct for Law Enforcement Officials (1979), as well as on the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

57. The Special Rapporteur is also concerned about the testimonies of many victims' families of victims who had to face, and in some cases are still facing, considerable obstacles and challenges to obtain truth, justice, and reparation, including attempted cover-up, blackmail, harassment, and intimidation by members of the police forces themselves, often reinforced and exacerbated by discrimination based on income level and/or origin and ethnicity.

58. Furthermore, some of the families of the victims that he met with were also not always aware of which channels to follow to assert their rights with regards to an investigation into the death of their relative. They often described themselves as being confused by the multitude of actors and organisations, which characterizes Argentina's complex institutional architecture and civil society, without really knowing whom to address themselves to, further hampering their access to justice.

59. In these circumstances, and bearing in mind also the slow pace of investigations and legal proceedings, making any progress towards achieving truth, justice and reparation would be frustratingly complex, difficult and ultimately demoralising for anyone.

60. The Special Rapporteur wishes to pay tribute to all the families of the victims he met with during the visit. Their quest for truth and justice, sometimes led by women alone, is an extraordinary example of perseverance, resilience, and hope. He recalls that victims should be treated with compassion and respect for their dignity. They are entitled to safe access to the mechanisms of justice and to prompt redress for the harm they have suffered³⁷.

61. He calls on the Government of Argentina to implement adequate measures to ensure victims' families are provided with necessary assistance and support and to effectively protect their safety in practice³⁸.

62. He also stresses that whenever a life has been lost in circumstances potentially engaging the responsibility of the State, data collection and analysis is essential to support effective policy research and formulation, and to promote transparency in the operations of public institutions.

63. Accordingly, he calls on Argentinian authorities to ensure that adequate information on deaths occurring within the context of law enforcement, including statistical and research data, is systematically collected, and made public, with a view to formulating and implementing legal and policy responses that can effectively contribute to combat and eradicate police violence in the country.

64. In few instances, the Special Rapporteur also heard of cases of unlawful deprivations of life resulting from law enforcement, when the justice system functioned properly. He found that this was the case when there was a clear political will and commitment on the part of the authorities to clarify the circumstances of such deaths, which helped creating the necessary conditions for effective investigations and to ensure accountability. Regrettably, these few examples remain an exception when they should be the rule.

³⁷ See Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse#:~:text=Access%20to%20justice%20and%20fair%20treatment&text=Victims%20should%20be%20treated%20with,harm%20that%20they%20have%20suffered.>

³⁸ *Ibid.*

X. Efforts to tackle impunity

65. The Special Rapporteur acknowledges the declared commitment of the Government of Argentina to address and tackle the issue of institutional violence and the efforts made so far to this effect. For example, the Public Defence Ministry has a dedicated Program Against Institutional Violence, tasked with investigating and documenting cases of institutional violence at federal level and offering legal and psychosocial assistance to victims. It also coordinates capacity building for the Ministry's staff.

66. The Special Rapporteur noted with appreciation that the Secretariat for Human Rights under the Ministry of Justice and Human Rights has a National Direction of Policies Against Institutional Violence, which also acts a plaintiff in emblematic cases at the request of victims. It provides legal advice and psychosocial support to victims through a free 24-hour telephone hotline; and, in 2020, it launched a plan to install commemorating plaques in public places in memory of victims of institutional violence. The Special Rapporteur was also made aware of various training courses organized for security forces, as well as prison officers, to prevent and combat institutional violence.

67. At the time of the visit, a Comprehensive Bill against Institutional Violence was pending before the Congress³⁹. The Bill is intended to establish a broad framework to document, register, combat and prevent institutional violence in the country, including through the establishment of mechanisms for complaints' submission and examination; the creation of a national register of cases of institutional violence; the implementation of protocols on the provision of support and reparation to victims; the development of basic principles on the use of lethal and non-lethal weapons in accordance with international standards as well as the provision of human rights training programmes to members of the security forces.

68. The Special Rapporteur calls on the Government and the honourable Congress of Argentina to expedite consideration and approval of this important Bill, which could stand as model legislation, for the region and elsewhere, for combating institutional violence, including unlawful deaths.

XI. Impunity does not have to be the rule

69. As illustrated by the many cases of unlawful killings described in the relevant sessions of this report, impunity for perpetrators including deficiencies in investigations, cover-ups and collusion of perpetrators and the extreme slowness of justice appears to be commonplace. This however cannot be the norm in a State governed by the rule of law. The following cases demonstrate that it is possible to establish the truth and eradicate impunity when there is a willingness and firm commitment on the part of the authorities to do so, including through an investigation in accordance with standards such as the Minnesota Protocol:

- Luis Espinoza (31), was mortally wounded by firearms and then disappeared on 15 May 2020 by agents of the Monteagudo police station in the Tucumán Province. Some of these officers had a history of torture but were still on duty. Luis Espinoza and his brother Juan Antonio Espinoza were riding horses near Rodeo Grande where a horse race was taking place, in violation of the Preventive and Compulsory Social Isolation (ASPO) measures. A group of police officers struggled with Juan and when his brother Luis tried to defend him, he fell off his horse and ran away. At this moment the officers shot him in the back. He was detained while being badly wounded and he later died. The perpetrators disposed his body by dumping it in an open field in the neighbouring province of Catamarca where the victim was found a week later by locals. The perpetrators were sentenced in March 2023.

- Leandro Bravo (37), died on 26 February 2021 outside his home in Charata in the Chaco Province as a result of beatings after his arrest by police officers. Leandro had denounced the local police for torture in 2017 and was being harassed as a result. On the day of his death witnesses saw him being chased by a police car, arrested and brutally beaten in

³⁹ <https://www.argentina.gob.ar/sites/default/files/2022/05/1010-d-2022.pdf>.

the street before being taken to the local hospital where he arrived lifeless. It is believed that he suffered further torture on the way. The first investigation, including an autopsy, carried out by the local prosecutor's office concluded that he had died of non-traumatic cardio-respiratory arrest. However, a second autopsy, requested by the family with the support of the provincial Commission for the Prevention of Torture, was carried out by the director of the provincial Institute of Legal and Forensic Medicine in accordance with the Minnesota Protocol, determined the cause of death as polytrauma, as well as various burns and ruptured viscera, consistent with torture. As a result, four police officers were prosecuted and are awaiting sentencing.

- Diego Emanuel Barreto (25), died on 13 February 2021 in front of his home in Resistencia in the Chaco Province, after being beaten by police officers. Despite the assault on Diego being witnessed by several witnesses, the police claimed that it was a "suicide". At the request of the family and the provincial Commission for the Prevention of Torture, an autopsy was carried out by the director of the Institute of Legal Medicine and Forensic Sciences of the province in accordance with the Minnesota Protocol, showing mechanical asphyxia by extrinsic compression of the neck. As a result, this was classified as a death in custody and three officers were found guilty of the crime and are awaiting sentencing.

- Valentino Blas Correas (17), died on 6 August 2020 in Córdoba, after the car in which he was travelling with friends did not stop in time at a supposedly routine police checkpoint during the COVID-19 pandemic and the police fired on the vehicle, with one of the bullets hitting the victim. The police attempted to "plant" a gun at the scene to claim that it was a "confrontation". However, this and other deceptions were exposed by security camera footage, wiretaps of those responsible and other evidence that showed a pattern of complicity within the police and security forces in the province. The public and media scandal that followed, thanks in large part to the determination of Soledad Laciari, Valentín's mother as well as the fact that the victim was from an influential middle-class background (as acknowledged by the local authorities themselves) led to those responsible now being prosecuted and facing heavy sentences, and to the dismissal and replacement of senior police officers. The province's new police chief apologised to Soledad Laciari, the victim's mother, stating that "what happened was shameful". The court sentenced the perpetrators in April 2023.

- José Luis Antonio Ávila (35), died on 4 July 2020 at the door of a friend's house in Villa Libertador in the city of Córdoba as a result of a shooting by a policeman who had intercepted them moments before in a supposed traffic violation during the COVID-19 pandemic. The policeman fled and did not call the emergency services or notify superiors, claiming that the incident was due to a case of "urban violence". However, the subsequent investigation into the incident conformed to standards of good forensic practice. Based on this evidence, the police officer responsible for the murder was arrested and convicted in 2022 in the first instance and faces life imprisonment for aggravated intentional homicide.

- Lucas González (17) died on 17 November 2021 in Barracas, in the city of Buenos Aires, after being shot in the head by plainclothes police officers when he was leaving a football training session with three friends. Although the police initially claimed that it was a "confrontation", the testimonies and the evidence collected totally refuted this while the family and public opinion, shocked by the incident, mobilised to demand justice, demonstrating that it was instead a case of "trigger-happy behaviour". Fourteen police officers are currently on trial.

- Emilio Elías Blanco (16), died on 28 September 1997, as a result of torture suffered during his arrest in the police station of Chascomús, in the province of Buenos Aires. His body was found the following day next to the train tracks and the police labelled the death as a "train accident", a version endorsed by the autopsy carried out by a police doctor from the same Province. Thanks to the tireless activism of Emilio's parents in the years that followed they succeeded in opening an investigation which based on new evidence and testimonies confirmed that Elías died as a victim of torture the same night of his arbitrary detention by the local police. After 17 years of struggle for justice by his family, supported by the community, it was only in 2014 that the officer in charge of the police station was indicted for the murder, and 24 years after the event the Criminal Court sentenced the then police commissioner to six years in prison for the crime of wilful failure to prevent torture.

Gonzalo Domínguez (14), Camila López (13), Danilo Sansone (13) and Aníbal Suárez (22) died in the town of Monte in the province of Buenos Aires on 20 May 2019 due to a car accident caused by the local police when they tried to stop the vehicle in which the victims were travelling by using excessive and arbitrary force, including shooting. Rocio Guagliarello, a 13-year-old at the time of the accident was also in the vehicle and was seriously injured but managed to survive. The incident is known as the "Monte massacre". According to the families of the victims the subsequent investigations were irregular, including an initial investigation that ignored the gunshots to the vehicle. However, the mobilisation of the families and the community to demand justice led to the indictment of four policemen for aggravated homicide and 7 others for cover-up, abuse of authority and violation of the duties of a public official. On 17 May 2023 four of those charged were found guilty and received heavy imprisonment sentences for aggravated murder.

XII. Conclusions and recommendations

70. The Special Rapporteur calls on the Argentine State to eradicate prevailing practices contributing to deaths resulting from institutional violence, gender violence and deaths in custody.

71. He wishes to continue and strengthen the constructive dialogue that has characterized his exchanges with the Government during the visit and reiterates the mandate's availability to provide technical assistance and advice to all relevant authorities in the implementation of the recommendations formulated in the present report.

A. Recommendations

72. In order to make effective the State's duties to respect, protect and fulfil the right to life by effectively investigating and preventing all unlawful deaths from institutional violence, gender-violence and deaths in custody the Special Rapporteur calls on all relevant institutions at federal and provincial levels to duly implement the following recommendations:

- (a) In relation to the legal framework against institutional violence:
 - The Honourable Congress of the Argentine Nation should approve as a matter of priority the Comprehensive Bill Against Institutional Violence
 - While waiting for the Bill's approval the Government should establish a national observatory of institutional violence charged with collecting, compiling and systematizing information about the phenomenon.
- (b) In relation to the investigation and prevention of deaths resulting from institutional violence, deaths in custody and gender-based killings:
 - Ensure that all potentially unlawful deaths resulting from institutional violence, deaths in custody irrespective of their apparent cause and gender-based killings, are investigated in accordance with international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) and that this instrument is incorporated into law and practice as a matter of priority.
 - Ensure access to justice without discrimination and provide effective legal assistance free of charge and protection to families and representatives of victims of deaths from institutional violence, deaths in custody and gender-based killings
- (c) In relation to gender-based killings:
 - Ensure incorporation of a gender perspective to the investigation of potentially unlawful deaths and that all cases of gender-based killings are investigated in accordance with the Model Latin-American Protocol for the Investigation of Gender-Based Killings of Women

- Develop and adapt guidance on the investigation of gender-based killings for judges, prosecutors and investigators in all jurisdictions based on the Model Latin-American Protocol
 - Put in place measures to simplify and centralize procedures for reporting gender-based crimes and protect victims and raises public awareness about these procedures
- (d) In relation to deaths in custody:
- Ensure that deaths in custody, regardless of their apparent cause, are investigated in accordance with the Minnesota Protocol.
 - Ensure as a matter of priority that all provinces and jurisdictions effectively contribute reliable, accurate, and updated information on all cases of deaths in custody to a centralized national data-base and produces comprehensive, accurate and disaggregated data on deaths in custody
 - Ensure regular visits to all places of detention by preventive mechanisms, as required by OPCAT. Those provinces which have still not established visiting mechanisms should do so as a matter of priority and, in the meantime, allow monitoring by the national visiting mechanism.
- (e) In relation to medico-legal and forensic services:
- Create a National Council on Forensic Medicine to, inter alia:
- Promote and support effective implementation of standards of forensic best practice, including the Minnesota Protocol;
 - Help improve coordination and cooperation among medico-legal and forensic systems in the country;
 - Help coordinate and support quality assurance and control processes for medico-legal and forensic services in the country; and to assist medico-legal and forensic services in capacity building;
 - Incorporate a gender perspective and integrate human rights to medico legal and forensic practice and investigations countrywide;
 - Offer training and capacity building to medico-legal and forensic services across the country and promote research in forensic medicine and sciences to support investigations;
 - Offer a platform for international networking and cooperation between national and similar regional and international forensic platforms
- (f) In relation to law enforcement officials:
- All operations of law enforcement officials should comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and United Nations Human Rights Guidance on the Use of Less-Lethal Weapons. Furthermore, Law enforcement officials should undergo appropriate training to ensure, in all circumstances, the fullest respect for the right to life, particularly in instances of use of force against groups in vulnerable situations, including indigenous peoples.
 - Establish, as a matter of priority, independent and effective oversight mechanisms and implement adequate monitoring of police and security forces and their operations, including the use of surveillance cameras.
 - Limit the use of reglementary firearms by off-duty police.
 - The Special Rapporteur calls on civil society organizations, academia and other stakeholders to help promote, implement and monitor the effective implementation of international standards for the effective investigation and prevention of unlawful deaths, in particular the Minnesota Protocol and the

Model Latin-American Protocol for the Investigation of Gender-Based Killings of Women.

The Special Rapporteur also calls on the UN System to strengthen its valuable support to help Argentina effectively implement these recommendations.

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