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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\* \*\*

#### *Summary*

In the present report, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, provides an overview of his visit to Argentina from 14 to 25 November 2022. In the report, the Special Rapporteur examines cases of institutional violence, in particular 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 the investigation into and prosecution of such cases, improve accountability and reinforce the protection of the right to life in Argentina.

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\* 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 and Spanish only.

\*\* The present report was submitted after the deadline so as to include the most recent information.



## **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 of Argentina, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, conducted a 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, in particular as a result of the excessive use of force in the context of law enforcement; to examine the phenomenon of deaths in custody; and to investigate gender-based violence, specifically femicide.
2. The Special Rapporteur expresses his deepest gratitude to the Government for its 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 representatives of the Ministry of Foreign Affairs, International Trade and Worship, the Ministry of Justice and Human Rights, the Ministry of Security and its security forces and the Ministry of Women, Gender and Diversity; members of both chambers of the National Congress; and representatives of the Office of the Attorney General (Public Prosecutor), the Office of the Federal Public Defender, the Forensic Medical Corps 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, Córdoba, Corrientes and Resistencia, where he met with representatives of provincial authorities, including from the executive, legislative and judiciary branches. He also met with authorities of the Autonomous City of Buenos Aires.
4. The Special Rapporteur also met with representatives of the United Nations system. He expresses his appreciation to the Resident Coordinator in Argentina, the Human Rights Adviser to the Resident Coordinator and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for their support, as well as to the United Nations country team for the assistance that it provided during the visit.
5. The Special Rapporteur is especially grateful to all the non-governmental organizations, human rights defenders and civil society representatives, including in particular families of victims of human rights violations, as well as academics, who met with him and shared their testimonies, experiences and knowledge.
6. As the first visit of the Special Rapporteur to Argentina in the 40 years since the establishment of the mandate, in 1982, and in view of the fact that it took place just before the fortieth anniversary of uninterrupted democratic institutions in Argentina, to be celebrated in 2023, the visit was a 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, and their openness and trust. He believes that the visit offered an invaluable opportunity to discuss achievements and good practices, as well as challenges and steps to strengthen the protection of the right to life in Argentina, to ensure victims' protection and access to justice and to enhance efforts to end impunity.
8. The Special Rapporteur looks forward to continuing his constructive dialogue with the Government and other stakeholders.

## II. Political and legal framework

9. Argentina is a federal State with a complex structure and a division of jurisdiction among the federal Government, the 23 provinces and the Autonomous City of Buenos Aires, each of which has its own constitution, laws and executive, legislative and judicial powers and authorities. Powers not delegated to the national Government reside with the governments of the respective provinces and the Autonomous City of Buenos Aires.<sup>1</sup>

10. The federal legal system comprises the National Constitution, several human rights international treaties, national laws passed by the National Congress and decrees of the executive branch. A similar legal framework exists at the provincial level and in 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 a 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 Convention relating to the Status of Refugees and the 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 Protocol.<sup>2</sup>

12. A number of the human rights instruments have been granted a status equivalent to that of the Constitution. Among them is the International Covenant on Civil and Political Rights, which, in its 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. Legacy of the past

14. Argentina has suffered a history of illegal military rule and systematic human rights violations. Democracy was reinstated in 1983, ending a dictatorship that had been imposed by a military coup in March 1976. 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, which in September 1984 published *Nunca Más* (Never Again), the groundbreaking report of its findings on the atrocities of the military regime.<sup>3</sup> A landmark trial against the commanders of the military juntas, including three former military presidents, followed in 1985, sealing the country's transition to democracy and initiating the country's longest uninterrupted period of democratic rule.

15. Between 2003 and 2005, the National Congress and the Supreme Court of Justice repealed amnesty laws that had been granted for officials responsible for past grave human rights violations, paving the way for the prosecutions and convictions that have followed since. As of September 2022, a total of 3,631 persons, including former military and police

<sup>1</sup> See [www.oas.org/juridico/spanish/arg\\_res1.htm](http://www.oas.org/juridico/spanish/arg_res1.htm) for a summary of judicial institutions in Argentina (in Spanish).

<sup>2</sup> See <https://indicators.ohchr.org/>.

<sup>3</sup> See [www.usip.org/publications/1983/12/truth-commission-argentina](http://www.usip.org/publications/1983/12/truth-commission-argentina).

officers and secret service officials, had stood trial for crimes against humanity, of whom 1,088 had been convicted and 166 acquitted.<sup>4</sup>

16. Over the past four decades, the Government of Argentina has strived to address its tragic legacy by developing a solid legal and institutional framework founded on respect for human rights. It is a vibrant, representative democracy with an active civil society sector and unfettered public debate.<sup>5</sup>

17. 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 the Plaza de Mayo, Nobel Peace Prize winner Adolfo Pérez Esquivel, the Grandmothers of the Plaza de Mayo, who pioneered the use of forensic science to investigate human rights violations, and the Argentine Forensic Anthropology Team, which has recovered remains and brought to light information on the whereabouts and fate of thousands of victims, in Argentina and abroad. The work of such groups has also contributed to the development of universal standards such as the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the Minnesota Protocol on the Investigation of Potentially Unlawful Death. A number of civil society organizations are active in documenting cases and assisting victims of institutional violence, including the Centro de Estudios Legales y Sociales (Centre for Legal and Social Studies), the Coordinating Committee against Political and Institutional Repression (CORREPI), the Permanent Assembly for Human Rights, Amnesty International and the Committee for the Protection of Ethics, Health and Human Rights (CODESEDH). The women's and gender rights' movements in Argentina are models for advancing those rights in the country and the region.

18. Despite significant progress made in recent years in investigating cases of unlawful killings and other human rights violations, the task remains incomplete.<sup>6</sup> The most high-profile case demonstrating this fact is the 1994 bombing of the Argentine Jewish Mutual Association, which killed 85 persons and injured more than 300. Nearly three decades later, those responsible for the attacks remain at large.

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

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

20. During the visit, the Special Rapporteur noted the troubling persistence of deaths from institutional violence, resulting from the excessive and illegal use of force by law enforcement officials. Such incidents often affect the most disadvantaged and marginalized sections of the population in Argentina, including rural and Indigenous communities, which contributes to the invisibility of the phenomenon, as well as to impunity for those responsible and the perpetuation of practices contrary to the rule of law and human rights obligations. The phenomenon was exacerbated during the lockdown measures imposed during the period 2020–2021 to contain the spread of coronavirus disease (COVID-19) in the country.

21. The Special Rapporteur received numerous allegations of unlawful killings by police officers resulting from the excessive use of force, including firearms, 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 the culture of impunity that prevails among some sectors of the security forces, coupled with the country's history of authoritarianism, with security forces historically used to suppress political opposition and dissent.

22. 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

<sup>4</sup> See <https://freedomhouse.org/country/argentina/freedom-world/2022>.

<sup>5</sup> Ibid.

<sup>6</sup> A/HRC/40/59/Add.2, paras. 11–13.

criminal conduct, for instance for the purpose of verification of identity,<sup>7</sup> were also mentioned as a concern.

23. The Special Rapporteur learned that unlawful deprivation of life in the context of law enforcement occurred under a variety of circumstances, for instance during roadside checks and inspections, house searches and other public order operations. Victims of police violence may be individuals perceived as “troublemakers” or as threatening order, or believed to be petty criminals. The Special Rapporteur found that a disproportionate number of victims of police violence were young men,<sup>8</sup> including boys and adolescents from low-income neighbourhoods and marginalized sectors of society, such as members of communities of Indigenous Peoples and other groups in vulnerable situations, which contributes to rendering the phenomenon invisible.

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

25. 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, and the lack of accurate data thereon, stand in stark contrast with the democratic institutions that Argentina has been so painstakingly building over the years. Such violence 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.

26. 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, prevents abuses and combats impunity.<sup>9</sup>

### **Cases of death due to excessive and illegal use of force in the context of law enforcement, including cases of “trigger-happy” law enforcement officials, and deaths from torture or ill-treatment**

27. The Special Rapporteur learned of the following cases of death as a result of excessive and illegal use of force in the context of law enforcement:

(a) Joaquín Paredes (15 years of age) died on 25 October 2020 in Paso Viejo, his hometown, in the Province of Córdoba, as a result of a shooting by the provincial police 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 Mr. Paredes, 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 Mr. Paredes 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 Mr. Paredes’ family has received threats. The National Directorate for Policies against Institutional Violence of the Ministry of Justice and Human Rights has intervened in the case in support of the family;

(b) Arnaldo Ramírez González (17 year of age) 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. Mr. Ramírez González was unarmed and defenceless when he was fatally shot twice, at close range. The incident was first classified as a “confrontation”, then as an “accident”; the perpetrator has not yet been arrested;

(c) Ariel Villarroel (18 years of age) and Juan Sebastián Mamani (21 years of age) died on 31 October 2018 in the Rafael Castilla neighbourhood of La Matanza, Province of

<sup>7</sup> See [A/HRC/40/59/Add.2](#).

<sup>8</sup> Provincial Commission for Memory, “Deaths from police violence: victims”, available at <https://www.comisionporlamemoria.org/datosabiertos/violencia-policial/victimas> (in Spanish).

<sup>9</sup> Human Rights Committee, general comment No. 36 (2018) on the right to life.

Buenos Aires, 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, which pointed instead to the off-duty officer as the instigator of the attack, who has not yet been arrested. An expert’s report on file with the federal police stated that no firearms were fired at the victims. The families of the victims have been threatened for reporting the incident;

(d) Lucas Verón (18 years of age) died on 20 July 2020 while celebrating his birthday outside his home in La Matanza, Province of Buenos Aires, as a result of a shooting by a couple of police officers from the Province who then fled. A friend of the victim was also injured in the incident, but survived. Both police officers, who were arrested after the incident, had previously been accused 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 victim’s family maintains that it was an aggravated homicide;

(e) Lito Costilla (28 years of age) died on 7 July 2020 near his home in the city of La Plata, Province of Buenos Aires, after being run over by police officers in a motor vehicle, who fled, and did not assist the victim. The attack was recorded by security cameras. The alleged perpetrators have reportedly been removed from their posts, but the family is still waiting for justice to be delivered in the case;

(f) 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 provincial police, 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 their efforts, in December 2022, seven of the officers who participated in what is known as the “Wilde massacre” were found guilty;

(g) Exequiel Guillermo Castro (21 years of age) 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, 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 critical condition 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 on the body and rhabdomyolysis, were consistent with the torture reported by the family, who are demanding justice for his death;

(h) Jonathan Romo (36 years of age) was arrested on 8 June 2022 near his home in the city of La Falda, Province of Córdoba, by police officers of that province, allegedly while exhibiting signs of mental confusion. According to testimonies, Mr. Romo did not resist arrest but was nevertheless severely beaten during the arrest, as shown in images of the arrest. He was taken to the police station and he died on the same day. The police claimed that his death was a result of cardiac decompensation. Mr. Romo suffered from substance abuse problems and had previously been arrested and beaten by officers of the same police force. The outcry from his family and the community led the provincial Institute of Forensic Medicine to intervene and perform an autopsy that followed the standards set out in the Minnesota Protocol. The Institute found that the death had been caused by trauma, noting multiple injuries, abrasions, bruises and internal injuries 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;

(i) Rubén Orlando Suárez (18 years of age) died on 18 October 2007 as a result of torture suffered after his arrest the previous day in Cruz del Eje, Province of Córdoba, by the police of the same province. Mr. Suárez 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 the younger Mr. Suárez, who lost consciousness as a result. A police doctor who examined him determined that he had no injuries, and ordered him to be returned to his cell, where he died shortly afterwards. The finding of the first autopsy was 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 standards set out in the Minnesota Protocol, 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 Mr. Suárez during his detention have been charged in the case. However, to date, no one has been convicted;

(j) Alexis Hernán Benítez (18 years of age) 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 Mr. Benítez had committed suicide, although they suspect on the basis of testimonies that his death was caused by torture in the place of detention. They are demanding that the facts be investigated and justice be granted in this case;

(k) Carlos Germán Franco (24 years of age) 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 had been hospitalized 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 provincial Institute of Forensic Medicine showed that he had been shot in the back. To date, those responsible for the death have not been brought to justice;

(l) Lautaro Rosé (18 years of age) died on 8 November 2021 in the Paraná River after police officers of the province used excessive force, including beatings and shootings with rubber bullets, to disperse bystanders gathered on the riverbank in the city of Corrientes. During the incident, Mr. Rosé jumped into the river, where he drowned, despite calls for help that went unheeded by the police. His body was found downstream on 11 November. Only 5 of the 11 police officers accused of the incident are in detention pending trial;

(m) Sebastián Ponce de León (35 years of age) died on 10 February 2019 in the city of Barranqueras in 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. Owing to the serious injuries caused, the victim was taken to the hospital, where he died as a result of acute renal insufficiency due to rhabdomyolysis caused by torture. Before his death, he managed to identify some of his assailants and to give his testimony about the torture he had 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* or *falanga* (blunt blows causing severe pain in the soles of the feet). The accused remain free and some of them were still in office in November 2022;

(n) Josué Lagos (23 years of age) died on 11 June 2021 outside his home in the neighbourhood of his native Qom community, in the town of San Martín, 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 the victim had died in a confrontation, a version later countered by multiple witnesses in their testimonies and by evidence collected at the scene. The accused police officers have so far benefited from impunity for the death of Mr. Lagos. Paradoxically, in this case, the special prosecutor for human rights of the province dismissed the charges against the alleged perpetrators despite the evidence accumulated and a consistent pattern of discrimination and violence suffered by the Qom community at the hands of the local police;

(o) Facundo Astudillo Castro (22 years of age) 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 his 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. Owing 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 Minnesota Protocol. The autopsy lasted 10 hours and involved 15 experts from a variety of specialties, who concluded that the death had been 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 Mr. Astudillo Castro's death;

(p) Facundo Scalzo (20 years of age) died on 17 June 2020 after being shot four times in the back by members of the Gendarmeria Nacional Argentina 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, after an hour waiting for medical assistance, the officers did not allow Mr. 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

28. The problem of deaths in custody in Argentina has been noted by other special procedure mandate holders. After his visit to Argentina in 2018, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment observed that the frequency of deaths in custody was alleged to be even higher in provincial prisons, but could not be evaluated reliably owing to the lack of official data on the subject.<sup>10</sup> He also took note of a dramatic increase in suicides in custody and recommended, in cases of death in custody, that the State ensure the independence of investigations and the protection of witnesses, in keeping with the Minnesota Protocol and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).<sup>11</sup>

29. The Inter-American Commission on Human Rights has ruled twice against Argentina, in *Bulacio v. Argentina*<sup>12</sup> and in *Acosta Martínez, et. al. v. Argentina*,<sup>13</sup> both in relation to deaths in custody.

30. The Special Rapporteur recalls that, by depriving persons of their liberty, States assume the responsibility for caring for the lives and physical integrity of those persons.<sup>14</sup> Owing to the 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 into every death in custody.<sup>15</sup>

31. He also 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 occurrence.<sup>16</sup> 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 Nelson Mandela Rules).

32. The Special Rapporteur is concerned that the precise number of deaths that have occurred in custody at the 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 owing to the lack of availability of reliable data.<sup>17</sup>

33. For example, for 2021, the National System for Statistics on the Execution of Sentences, in 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 from which it had received information. However, according to officials interviewed during the visit, not all provinces adhere to their duty to report data to the National System for Statistics and data on deaths in custody submitted by the various provinces often suffer from inaccuracies, underrecording and underreporting. As a result, there are no complete and precise statistics on all deaths in custody in Argentina, and the exact extent of the phenomenon remains unknown.<sup>18</sup>

<sup>10</sup> [A/HRC/40/59/Add.2](#), para. 55.

<sup>11</sup> *Ibid.*, paras. 55 and 85 (g).

<sup>12</sup> Judgment of 18 September 2003.

<sup>13</sup> Judgment of 31 August 2020.

<sup>14</sup> Human Rights Committee, general comment No. 36 (2018).

<sup>15</sup> See [A/HRC/42/20](#).

<sup>16</sup> *Ibid.*

<sup>17</sup> [A/HRC/40/59/Add.2](#), para. 55.

<sup>18</sup> See [www.dpn.gov.ar/documentos/INDH\\_2023013.pdf](http://www.dpn.gov.ar/documentos/INDH_2023013.pdf) (in Spanish).



34. The Special Rapporteur is aware of the complex structure of government in Argentina and the division of jurisdiction under the federal system of the country. Nonetheless, he reiterates that adequate and accurate data-gathering is essential to assist authorities in identifying trends, improving oversight and ensuring that investigations are effective and that perpetrators are held accountable.<sup>19</sup>

35. Accordingly, he calls upon 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 or adult), ethnic origin and nationality of the deceased and cause of death. The number of deaths attributed to assaults committed or as a result of inaction by public officials should be specified.

36. 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 such standards as the Minnesota Protocol.

37. At least three jurisdictions in Argentina have incorporated into their procedures the obligation to investigate all deaths in custody and apply best practices. The Federal Penitentiary Service requires that every death in custody be investigated no matter what the apparent cause of death might be. Similarly, in the Province of Córdoba, the law requires that every death in custody be investigated, including with a full autopsy by at least two forensic doctors, based on the Minnesota Protocol. In April 2023, the Public Prosecution Service 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 Protocol. 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**

38. The Special Rapporteur learned of the following cases of death in custody:

(a) Claudio Flores (14 years of age) 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 had been accused of repeated torture and ill-treatment of minors, and previous complaints in that 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, was alleged to have included an autopsy conducted 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. The investigation revealed the torture and ill-treatment of children in the Centre and the lack of protection that had led to Mr. Flores' 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 Mr. Flores;

(b) José María Kevin Candía (23 years of age) 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 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.

<sup>19</sup> See [A/HRC/42/20](#), para. 48.

Although an investigation has been opened, to date, no officials have been prosecuted for the incident;

(c) Exequiel García (20 years of age) 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. Mr. García alerted his relatives about the beatings shortly before his death. 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;

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

(e) Argentino Pelozo Iturri (38 years of age) 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 was 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 Office of the National Penitentiary Prosecutor, 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, who were found responsible for the torture of a prisoner, followed by his death and a cover-up;

(f) Ernesto Romero (59 years of age) died on 12 July 2020 in a police station in Esquina, Corrientes, to which he had been taken 11 days earlier. On the day of his death, the family was informed that Mr. Romero was ill and then was told that he had committed suicide, allegedly by hanging. However, according to witnesses, he was the victim of a severe beating by police officers, resulting in his death. Although the family has found it difficult to pursue the case owing to their lack of resources for legal assistance, they continue to demand justice;

(g) Javier Armando Almirón (32 years of age) 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” (suffocation with a plastic bag);

(h) At the same police station on 8 July 2022, a 31-year-old inmate, Mr. Núñez,<sup>20</sup> who had been detained the previous night, died. As in the above-mentioned cases, the police claimed that he had committed suicide although, as in those cases, it is suspected that he may have been a victim of torture. An investigation has been opened, but no results had been released at the time of writing the present report.

## VI. Gender-based violence resulting in death

39. The Special Rapporteur recalls that gender-based killings, in particular femicide, are particularly grave and egregious violations of the right to life.<sup>21</sup>

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

<sup>20</sup> Only the surname was provided.

<sup>21</sup> Human Rights Committee, general comment No. 36 (2018); and [A/76/264](#), para. 42.

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

41. He acknowledges the efforts of the Government of Argentina to address femicide and gender-based violence. They include, for instance, the adoption of national action plans for combating gender-based violence for the periods 2020–2022 and 2022–2024. 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, which is a national tool for information management of cases of gender-based violence that has been in force since November 2020. The Special Rapporteur considers that the approval and entry into force of Law No. 27452, on economic compensation for children and teens (the Brisa Law), was also a positive measure, as were the establishment of a unique registry of cases of violence against women and the creation of a femicide observatory within the Office of the National Ombudsman.<sup>22</sup>

42. The Government has established dedicated resources for victims of gender-based violence, including a national hotline (137) for urgent reporting of gender-based violence; a national hotline (144) for support, information and advice on available resources for preventing gender-based violence; and public defence attorneys and specialized support centres that provide free legal advice. Finally, contrary to the practice regarding institutional violence and deaths in custody, the Government of Argentina compiles precise and detailed national data on femicide and gender-based violence through the National Registry of Femicides,<sup>23</sup> 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, its causes and consequences, following her visit to Argentina in 2016.<sup>24</sup>

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

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

### **Cases of death due to gender-based violence**

46. The Special Rapporteur learned of the following cases of death due to gender-based violence:

(a) Daiana Soledad Abregú (26 years of age) died on 5 June 2022 while in detention at a police station in the Province of Buenos Aires, in the town of Laprida. Her family was informed of her death by the authorities, who claimed that it was a suicide by hanging. A second autopsy requested by the family and ordered by the Supreme Court of Justice of the Province of Buenos Aires, carried out by experts from the Court's forensic services in accordance with the Minnesota Protocol, determined instead that the death had been caused by mechanical asphyxia and suffocation and found blows and defensive injuries on the victim's body, consistent with testimonies that Daiana had been a victim of gender-based violence and subjected to torture, including dry waterboarding. The case is currently under investigation, and five police officers have been charged;

(b) Sasha Barrionuevo (38 years of age), a transgender woman, died on 20 July 2022 at Dr. Oscar E. Alende General Hospital in Mar de Plata, Province of Buenos Aires, where she had been admitted for urgent care as a detainee of the Batán prison. According to the Provincial Commission for Memory, the province's torture prevention mechanism, she died as a result of health problems that were not properly attended to by the provincial

<sup>22</sup> For additional information, see [A/76/132](#), paras. 36 and 37.

<sup>23</sup> See [www.csjn.gov.ar/omrecopilacion/omfemicidio/homefemicidio.html](http://www.csjn.gov.ar/omrecopilacion/omfemicidio/homefemicidio.html) (in Spanish).

<sup>24</sup> See [A/HRC/35/30/Add.3](#).

penitentiary service, despite repeated complaints filed by the Commission. The Commission argued that her death, which it described as a case of gender-based violence and discrimination against an LGBTIQ+ person, was the result of systematic and arbitrary denial of access to health care;

(c) Florencia Magalí Morales (39 years of age) 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 had been a victim of gender-based violence, dying by strangulation and suffering injuries compatible with torture. This led to the prosecution of the police officers involved and also of the doctor who performed the first autopsy;

(d) Úrsula Bahillo (18 years of age) died between 6 and 7 February 2021 in the vicinity of Rojas, Province of Buenos Aires. She was stabbed to death by an ex-boyfriend who was a police officer, despite repeated complaints of threats 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, Ms. Bahillo's death could have been prevented had the authorities acted with due diligence to ensure her protection.

## VII. Medico-legal and forensic institutions

47. The Forensic Medical Corps and Judicial Mortuary<sup>25</sup> of the Supreme Court of Justice in the Autonomous City of Buenos Aires are the country's highest medico-legal and forensic services for both federal and other national jurisdictions. Medico-legal and forensic services also exist at the provincial levels, usually in the form of provincial medico-legal and forensic institutes.

48. 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 of forensic matters and coordination between various institutional actors and across a variety of jurisdictions of the forensic community. Such measures are also necessary to ensure the nationwide promotion and coordinated implementation of such standards of forensic best practice as the Minnesota Protocol, and of quality assurance and control processes to guarantee the reliability of forensic investigations in all provincial jurisdictions.

49. The Special Rapporteur therefore calls upon the Government of Argentina to establish a national mechanism in the form of a national council of forensic medicine and sciences, to serve in a consultative and non-binding capacity, including promoting, coordinating and supporting quality assurance and quality control processes for all medico-legal and forensic services in the country and promoting and supporting the effective implementation of forensic best practices and standards.

50. The Special Rapporteur recalls that officials and other professionals with whom he met during the visit, including forensics specialists, lawyers and policymakers, welcomed that recommendation. They expressed the view that a mechanism of this kind would be an important reform to substantially improve the organization and quality of medico-legal and forensic services in the country.

## VIII. Police forces

51. The police forces in Argentina are organized on a federal and provincial basis. Lethal use of force by police is regulated by the Criminal Code Law No. 11179 of 1984 (as amended). Under articles 79 and 80, the crime of homicide is aggravated when it is

<sup>25</sup> See [www.csjn.gov.ar/cmfc](http://www.csjn.gov.ar/cmfc) (in Spanish).

committed by a member of the security forces (police or prison officer), in abuse of function or position. The Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 of 17 December 1979, was incorporated as an annex to Law No. 24059 on national public security, which is binding for all provinces in the country.<sup>26</sup>

52. Nevertheless, in many of the cases of deaths from police violence heard by the Special Rapporteur during the visit, the conduct reported is contrary to 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 the authorities to guarantee that, in all cases of institutional violence resulting in death, those responsible are investigated and punished; adequate legal assistance and protection are provided to victims and their families; and training for law enforcement officials and independent monitoring of their actions are effectively implemented.

## IX. Duty to investigate

53. The Special Rapporteur received numerous accounts of families who had reported serious delays and irregularities in investigations and had faced difficulties, including in accessing autopsy reports, death certificates and other relevant documentation. He was also informed of unnecessarily long delays in conducting autopsies following the death of the person or persons concerned, resulting in a determination that the cause of death was natural or by suicide, even though the relatives of the deceased person and their legal representatives and independent experts had reportedly observed injuries and bruises on the body of the deceased that would be inconsistent with such findings.

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

55. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with international standards, including the Minnesota Protocol, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and at preventing impunity. Failure to carry out a prompt and effective investigation may constitute a violation of the right to life.<sup>27</sup>

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

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

58. The Special Rapporteur is concerned about the testimonies of many victims' families who have had to face, and in some cases are still facing, considerable challenges to obtain truth, justice and reparations, including such obstacles as attempted cover-ups, blackmail, harassment and intimidation by members of the police forces, often exacerbated by discrimination on the basis of income level and/or origin and ethnicity.

59. In addition, some of the victims' families with whom he met were not always aware of the proper channels to follow to assert their rights with regard to an investigation into the death of their relative. They often described themselves as being confused by the multitude of actors and organizations that characterize the complex institutional architecture and civil

<sup>26</sup> See Law on Police Use of Force Worldwide: Argentina. Available at <http://www.policinglaw.info>.

<sup>27</sup> Human Rights Committee, general comment No. 36 (2018), para. 28.

society in Argentina, not really knowing to whom to address themselves, further hampering their access to justice.

60. In circumstances such as those described above, and bearing in mind also the slow pace of investigations and legal proceedings, making any progress towards achieving truth, justice and reparations would be frustratingly complex, difficult and, ultimately, demoralizing for anyone.

61. The Special Rapporteur wishes to pay tribute to all the victims' families with whom 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. In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, victims are entitled to safe access to the mechanisms of justice and to prompt redress for the harm they have suffered.

62. He calls upon the Government of Argentina to implement adequate measures to ensure that victims' families are provided with necessary assistance and support and to effectively protect their safety in practice.

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

64. Accordingly, he calls upon the authorities of Argentina 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 combating and eradicating police violence in the country.

65. In a few instances, the Special Rapporteur also learned of cases of unlawful deprivation of life in the context of law enforcement in which the justice system had functioned properly. He found that this was the case when the authorities demonstrated a clear political will and commitment to clarifying the circumstances of such deaths, which helped to create the necessary conditions for effective investigations and ensure accountability. Regrettably, those few examples remain an exception, when they should be the rule.

## **X. Efforts to tackle impunity**

66. 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 that effect. For example, the Public Defence Service has a dedicated programme against institutional violence, which has been given the tasks of investigating and documenting cases of institutional violence at the federal level and of offering legal and psychosocial assistance to victims. It also coordinates capacity-building for the staff of the Service.

67. The Special Rapporteur notes with appreciation that the Secretariat for Human Rights of the Ministry of Justice and Human Rights has a national directorate for policies against institutional violence, which also acts a plaintiff in landmark cases at the request of victims. The Secretariat provides legal advice and psychosocial support to victims through a free 24-hour telephone hotline and, in 2020, it launched a plan to install commemorative plaques in public places in memory of victims of institutional violence. The Special Rapporteur was also made aware of various training courses organized for prison officers of the security forces on preventing and combating institutional violence.

68. At the time of the visit, a comprehensive bill against institutional violence was pending before the National Congress.<sup>28</sup> The bill is intended to establish a broad framework to document, register, combat and prevent institutional violence in the country, including

<sup>28</sup> See [www.argentina.gob.ar/sites/default/files/2022/05/1010-d-2022.pdf](http://www.argentina.gob.ar/sites/default/files/2022/05/1010-d-2022.pdf) (in Spanish).

through the establishment of mechanisms for the submission and examination of complaints; 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; and the provision of human rights training programmes to members of the security forces.

69. The Special Rapporteur calls upon the Government and the members of the National Congress of Argentina to expedite the 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. Eradicating impunity**

70. As illustrated by the many cases of unlawful killings described in the relevant sections of the present report, impunity for perpetrators, including deficiencies in investigations, cover-ups and collusion, exacerbated by 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 such standards as the Minnesota Protocol:

(a) Luis Espinoza (31 years of age) was fatally shot and then disappeared on 15 May 2020 by agents of the Monteagudo police station in Tucumán Province. Some of the officers had been previously accused of torture but were still on duty. Mr. 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 measures in effect owing to the COVID-19 pandemic. While a group of police officers struggled with his brother, Mr. Espinoza tried to defend him, but fell off his horse, and then ran away. At that moment, the officers shot him in the back. He was detained while badly wounded and he later died. The perpetrators disposed of 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;

(b) Leandro Bravo (37 years of age, died on 26 February 2021 outside his home in Charata in Chaco Province as a result of beatings after his arrest by police officers. Mr. Bravo 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 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 cardiorespiratory arrest. However, a second autopsy, requested by the family with the support of the provincial Commission for the Prevention of Torture and 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 have been prosecuted and are awaiting sentencing;

(c) Diego Emanuel Barreto (25 years of age) died on 13 February 2021 in front of his home in Resistencia in Chaco Province after being beaten by police officers. Despite the assault on Mr. Barreto being witnessed by several persons, 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 provincial Institute of Legal Medicine and Forensic Sciences in accordance with the Minnesota Protocol. The autopsy showed mechanical asphyxia by extrinsic compression of the neck. As a result, it was classified as a death in custody; three officers were found guilty of the crime and are awaiting sentencing;

(d) Valentino Blas Correas (17 years of age) 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 at 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, that 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, Mr. Blas Correas's mother, as well as the fact that the victim was from an influential middle-class family (as acknowledged by the local authorities themselves), led to those responsible being prosecuted and facing heavy sentences, and to the dismissal and replacement of senior police officers. The province's new police chief apologized to Ms. Laciari, stating that what happened was shameful. The court sentenced the perpetrators in April 2023;

(e) José Luis Antonio Ávila (35 years of age) 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 a case of urban violence. However, the subsequent investigation into the incident conformed to standards of good forensic practice. On the basis of that 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;

(f) Lucas González (17 years of age) died on 17 November 2021 in Barracas, in the Autonomous City of Buenos Aires, after being shot in the head by plain-clothes 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 refuted that claim. The family and the public, shocked by the incident, mobilized to demand justice, demonstrating that it was instead a case of trigger-happy behaviour. Fourteen police officers are currently on trial;

(g) Emilio Elías Blanco (16 years of age) 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 Mr. Blanco's parents in the years that followed, they succeeded in opening an investigation that, on the basis of new evidence and testimonies, confirmed that Mr. Blanco had died as a victim of torture on the same night as 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 at the time of the murder was indicted, and it was 24 years after the event that the Criminal Court sentenced the then police commissioner to six years in prison for the crime of wilful failure to prevent torture;

(h) Gonzalo Domínguez (14 years of age), Camila López (13 years of age), Danilo Sansone (13 years of age) and Aníbal Suárez (22 years of age) died in the town of Monte in the Province of Buenos Aires on 20 May 2019 as a result of 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, 13 years of age at the time of the accident, was also in the vehicle and was seriously injured but survived. The incident is known as the "Monte massacre". According to the families of the victims, the subsequent investigations were flawed, including an initial investigation that ignored the gunshots to the vehicle. However, the mobilization of the families and the community, who demanded justice, led to the indictment of four policemen for aggravated homicide and seven 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 prison sentences for aggravated murder.



## **XII. Recommendations**

71. The Special Rapporteur calls upon the Government of Argentina to eradicate prevailing practices contributing to deaths resulting from institutional violence, gender violence and deaths in custody.

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

73. Recalling the State's obligation to respect, protect and fulfil the right to life, including the duty to investigate and prevent all unlawful deaths resulting from institutional violence, gender-based violence and deaths in custody, the Special Rapporteur calls upon all relevant institutions at the federal and provincial levels to duly implement the recommendations set out in the present section.

74. In relation to the legal framework against institutional violence the Special Rapporteur recommends that the National Congress approve, as a matter of priority, the comprehensive bill against institutional violence and that, while waiting for the bill to be approved, the Government should establish a national observatory of institutional violence charged with collecting, compiling and systematizing information about the phenomenon.

75. In relation to the investigation into and prevention of deaths resulting from institutional violence, deaths in custody and gender-based killings, the Special Rapporteur recommends that the Government:

(a) 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, in particular the Minnesota Protocol, and that the Minnesota Protocol is incorporated into law and practice as a matter of priority;

(b) Ensure access to justice without discrimination, provide effective legal assistance free of charge and provide protection to families and representatives of victims of deaths from institutional violence, deaths in custody and gender-based killings;

76. In relation to gender-based killings, the Special Rapporteur recommends that the Government:

(a) Ensure that a gender perspective is incorporated into investigations of potentially unlawful deaths and that all cases of gender-based killings are investigated in accordance with the Latin American Model Protocol for the Investigation of Gender-related Killings of Women;

(b) Develop and adapt guidance on the investigation of gender-related killings for judges, prosecutors and investigators in all jurisdictions, on the basis of the Latin-American Model Protocol for the Investigation of Gender-related Killings of Women;

(c) Put into place measures to simplify and centralize procedures for reporting gender-based crimes, to protect victims and to raise public awareness about those procedures.

77. In relation to deaths in custody, the Special Rapporteur recommends that the Government:

(a) Ensure that deaths in custody, regardless of their apparent cause, are investigated in accordance with the Minnesota Protocol;

(b) Ensure as a matter of priority that all provinces and jurisdictions contribute reliable, accurate and updated information on all cases of deaths in custody

to a centralized national database in order to produce comprehensive, accurate and disaggregated data on deaths in custody;

(c) Ensure regular visits to all places of detention by preventive mechanisms, as required by the Optional Protocol to the Convention against Torture. Provinces that have not yet established visiting mechanisms should do so as a matter of priority and, in the interim, allow monitoring by the national visiting mechanism.

78. In relation to medico-legal and forensic services, the Special Rapporteur recommends that the Government create a national council on forensic medicine, *inter alia*:

(a) To promote and support effective implementation of standards of forensic best practice, including the Minnesota Protocol;

(b) To help improve coordination and cooperation among medico-legal and forensic systems in the country;

(c) To help coordinate and support quality assurance and control processes for medico-legal and forensic services in the country;

(d) To incorporate a gender perspective and integrate human rights into medico-legal and forensic practice and investigations across the country;

(e) To 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;

(f) To offer a platform for networking and cooperation among national, regional and international forensic platforms.

79. In relation to law enforcement officials, the Special Rapporteur recommends that the Government:

(a) Ensure that all operations 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 the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and that law enforcement officials undergo appropriate training to ensure, in all circumstances, the fullest respect for the right to life, in particular in instances of the use of force against groups in vulnerable situations, including Indigenous Peoples;

(b) 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;

(c) Limit the use of official firearms by off-duty police.

80. The Special Rapporteur calls upon civil society organizations, academia and other stakeholders to help to promote and monitor the effective implementation of international standards for the effective investigation and prevention of unlawful deaths, in particular the Minnesota Protocol and the Latin American Model Protocol for the Investigation of Gender-related Killings of Women.

81. The Special Rapporteur calls upon the United Nations system to strengthen its valuable support to Argentina to help all relevant institutions at the federal and provincial levels to effectively implement the present recommendations.