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**REPRESSION, CIVIL CONFLICT, AND LEADERSHIP TENURE: A
CASE STUDY OF ARGENTINA**

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REPRESSION, CIVIL CONFLICT, AND LEADERSHIP TENURE: A CASE STUDY OF ARGENTINA¹



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Executive Summary

Argentina has been a vibrant democracy for over thirty years, but the country continues to grapple with the legacy of violent repression. Government officials have worked to foster reconciliation between the security forces (the military and police) and those citizens affected by civil conflict (called the “Dirty War”) from 1976-1982. Yet Argentina has not resolved many of the problems, which led to civil unrest followed by violent repression. As in the 1970s, Argentina has high levels of economic distress, income-inequality, inadequate governance, and police violence (Laza: 2013; Rodgers: 2016; and Cleary and Stokes: 2006). Many Argentines feel insecure and resent the country’s long mismanagement and corruption. As Table 1 shows, many Argentines lack confidence in and even distrust their leadership.

Table 1: Argentina: How much confidence do you have in the National Government?

	1994-1998	1999-2004	2005-2009	2010-2014
'A great deal'	5%	5%	3%	7%
'Quite a lot'	21%	14%	34%	24%
'Not very much'	41%	42%	42%	38%
'None at all'	31%	37%	19%	28%
'No answer'	0%	0%	1%	1%
'Don't know'	3%	3%	2%	1%
Number of respondents	1,079	1,280	1,002	1,030

Source: World Value Survey.

Today, violent repression is rare. Nonetheless, like other democracies, senior leaders have at times used violence in response to both violent and peaceful protests. Unlike other democracies, however, these government officials often act with impunity. For example, many Argentines fear that senior officials murdered and are covering up the murder of public prosecutor Alberto Nisman, who was researching whether the state hid its involvement in the cover-up of a bombing of a Jewish community center (Goni: 2016). In addition, citizens have little trust in the police who also act with impunity and are often corrupt.

Q1. Do citizens respond differently when confronted with political repression, violent repression, or a mix of repressive tactics?

Argentines have a long tradition of using peaceful protests (e.g. marching or gathering in roadblocks) to address economic and political concerns. Although many protestors were violent prior to and during the “Dirty War,” in the past thirty years citizens have rarely turned to violence unless the state initiated the violent confrontation. Instead, they seem to be working to reform institutions and improve governance. The Congress also seems increasingly responsive to the public and more willing to check the power of the executive.

However, Argentines remain frustrated with their quality of government and have high levels of distrust in their government. Both the Kirchner Administrations and thus far Macri have done little to improve these institutions and build public trust. Until they do, local police may continue to act with impunity and in a repressive manner, and some citizens are likely to respond to violent repression with violence. Moreover, many Argentines are suffering economically. These individuals are likely to take to the streets if their concerns are ignored.

Q2. Do officials use different types of repression in response to different types of civil conflict?

Argentina is not a repressive state, although at times officials do use violence in response to both peaceful and violent protests. We could not determine if such violent acts by the police was due to inadequate training, impunity, or unclear guidance. At the local level, the police frequently use violent means to subdue indigenous or poorer sectors of the population. They often act with impunity. In general, the federal police are better trained and they follow the law; they are also probably trained better and monitored more closely by the press, NGOs, and the public.

The state has at times used state resources to punish those who disagree with the President. During the Kirchner Administrations, the government used advertising dollars and other public policies to favor those who were pro-government and to punish those who challenged or spoke out against the government. The government also threatened economists who sought to produce and publish more accurate inflation figures, but Congress supported and published the economists' work. Here again, the executive branch was acting with impunity to suppress free speech. The Macri Administration informed thousands of workers that they would be laid off for financial reasons. In contrast, many of these workers argued that they were laid off because they were allied with or appointed by Kirchner. We don't know if Macri acted to punish them and or to reduce the size of the state.

Finally, if Nisman was killed to prevent him from asserting his findings regarding a Kirchner cover-up of the bombing, the government was using violence to repress free speech. In the 16 months since his killing, the government has made little progress in ascertaining why he was killed, leading to even more distrust.

Q3. Does the use and type of repression (whether political, violent, or some combination) increase the likelihood that rulers retain power?

During the "Dirty War", the junta kept power through violent repression. However, the government overreached as the economy slipped into recession. The military was unable to take over the Falklands and showed it was equally inept on the battlefield as at economic and political governance. The democratic governments that followed used repressive tactics selectively against some of their enemies. Limited repression did not help nor hinder the Kirchners from maintaining power (Weisbrot et al: 2011). During the final years of the Kirchner administration, Argentina faced severe economic and financial problems, including the July 2014 default and inflation.

Christina Kirchner was unpopular; yet, Daniel Scioli, the candidate she chose to follow her, received more votes than Mauricio Macri in the 2015 first round, and, in the runoff, he received 48.6 percent of the vote (CIA: 2015).

Macri has been president for only 6 months. He has authorized new rules for the police in demonstrations and decreed a state of emergency. Macri may also be using the resources of the state to punish those who disagree with his economic and political strategies. Nevertheless, he has also worked with the Congress to advance reforms. As Kirchner, he is unlikely to rely significantly on violent repression. Moreover, he has promised to improve the rule of law and the quality of governance. Macri clearly understands that building trust in governance and among Argentines is more likely to help him retain power and influence than repression.²

I. Argentina Case Study

A. Overview and Recent History

Argentina gained independence from Spain in 1816, and became a federal constitutional republic led by a president. Under the Constitution, the President has strong powers that are not adequately checked by other institutions. The legislative and judicial branches in Argentina are relatively weak. Some scholars have argued that because the Constitution does not provide for such checks, the strong presidency has facilitated gross abuses of authority, ranging from corruption to violent repression of political opponents (Alston and Gallo: 2005 and Mugambi: 2008).

The legislative branch of Argentina, Congreso de la Nación Argentina, is a bicameral congress consisting of a Senate and a House of Deputies, both of which are directly elected. The country is divided into 23 provinces and one autonomous city, the capital, Buenos Aires. The Argentinian political system is extremely centralized. The federal government has always dominated provincial and municipal governments, and Buenos Aires has dominated the interior provinces (CIA: 2005 and CIA: 2015).

In the 19th century, Argentinian democracy was stable, and exports of agricultural commodities fueled rapid growth. However, after World War I, as other countries industrialized, Argentina became increasingly unstable. Argentina had six coups in the 20th century - in 1930, 1943, 1955, 1962, 1966, and 1976. Argentina had active poor and middle classes, who argued that state resources served the rich and export interests. Many Argentinians also believed that their state was captured by these rich landowners who exported beef and soybeans. In these coups, the military claimed it took control to maintain stability.³

² "A Fast Start," *The Economist*. 01/02/2016. <http://www.economist.com/news/americas/21684823-mauricio-macris-early-decisions-are-bringing-benefits-and-making-waves-fast-start>.

³ "History of Argentina, and The World Factbook: South America: Argentina." Central Intelligence Agency. 10/28/2015.

In 1983, Argentina returned to democracy; in 1989, a civilian president handed over power to an elected successor. However, democratic management did not always yield effective governance; Argentines suffered through recession in the 1970s and 1980s, followed by hyperinflation and rising levels of unemployment. Argentina's leaders were unable to resolve these problems. As a result, many Argentines believe they are fated to suffer an economic crisis every ten years.⁴

Mauricio Macri, the current president, began his first term on December 10, 2015. Macri's presidency marks the end of a 12-year period of rule by the Kirchners, which began in 2003 with Néstor Kirchner and followed with two consecutive terms of his wife, Cristina Kirchner, who took office in 2007.⁵ Cristina Kirchner was from a left-wing sector of the Peronist party called the *Frente para la Victoria* (Front for Victory). Macri is a supporter of a more free market approach. His Front for Victory allied with the Radical Civic Union (UCR), the country's oldest political party. Capitalizing on public frustrations with the Kirchner administration, they asserted Cambiemos, or "Let's Change" (CIA: 2015 and Rogers: 2016).

Although Macri is clearly supportive of free speech and democracy, some Argentines and outside observers are worried about the Macri Administration's commitment to human rights. In January, the highest court in Buenos Aires ruled that police officers could demand identification from citizens there without probable cause, a ruling that could allow police to harass those they see as threatening stability. The next month, the Macri Administration declared a 'Public Security Emergency' supposedly to combat crime and drug trafficking. The emergency is for one year, unless extended. Under that umbrella, police forces can criminalize demonstrations, and, if they decree its need, use violent tactics (Chillier and Semain: 2016).⁶

II. Brief History of Repression and Civil Conflict in Argentina: 1948-2011

A. The "Dirty War"

In the 20th century, Argentina vacillated from authoritarianism and military control to democracy. Strong presidents used repression and weak presidents often inspired military coups that also relied upon repression. From 1948-1952, Juan Peron served as president. He was unable to effectively encourage growth and went into exile from 1952-1972. In the years that followed, a mix of military juntas and democratically elected presidents governed Argentina. Advocates of government intervention jockeyed with free market advocates for control of the economy. Peron

⁴ "The tragedy of Argentina: A century of decline," *The Economist* 2/15/2014, <http://www.economist.com/news/briefing/21596582-one-hundred-years-ago-argentina-was-future-what-went-wrong-century-decline>; History of Argentina, Radicals and Reactionaries, 1916-1946, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?ParagraphID=ntw>, and <http://www.argentinaindependent.com/currentaffairs/analysis/argentinas-ten-yearly-crisis/>

⁵ "Timeline: Argentina." *BBC News*, 07/10/2012. <http://news.bbc.co.uk/2/hi/americas/1196005.stm>.

⁶ Gaston Chillier and Ernesto Semán, "What Obama Should Know About Macri's Argentina," *The New York Times*, 03/23/2016 http://www.nytimes.com/2016/03/24/opinion/what-obama-should-know-about-macris-argentina.html?_r=0

returned from exile to become president again in 1973. During this period, Argentines were engaged in an undeclared civil war between leftist guerillas and the military. However, Peron died shortly after his return, leaving his new wife Isabel as president. Because she was inexperienced and not seen as legitimate, on March 24, 1976, a military junta took control (Wright: 2007).

The junta committed gross human rights violations including arrests, murders, and forced disappearances, which they argued were necessary to stabilize the country (Osario: 2003). From 1976-1982, some 10,000-30,000 people were “disappeared”—allegedly junta murdered them and their bodies were never found.⁷ However, the junta claimed those who “disappeared” were “subversive terrorists.” Many of the disappeared were apolitical, according to friends and relatives (Goldman: 2012). The junta also gave extra punishment to pregnant women who gave birth in custody. The junta took these children and placed them with families connected to the military that wanted children (Goldman: 2012).

The junta was able to get away with this behavior because many influential Argentines, including the Catholic Church hierarchy and important business leaders, were either supportive or complicit with the military dictatorship. For example, Francisco Goldman reported, “Archbishop Juan Carlos Aramburu openly sided with the military’s stated need for a purge” (Goldman: 2012). Jon Lee Anderson extensively examined Church documents and interviewed Argentine victims for The New Yorker. His analysis suggests that the Church was quietly complicit. For example, he notes that some priests gave final blessings to political prisoners shortly before their repressors killed them. However, there were also certain members of the Church, such as “freethinking priests and nuns,” that the government disappeared (Anderson: 2013; Dowd: 2013; and Watts and Goni: 2013).

Some US and European multinational enterprises as well as Argentinian firms were also complicit in the “Dirty war”. Many of these firms had experienced bombings or strike actions by leftist groups in Argentina. These groups wanted the government to guarantee and prioritize the safety of their investments. The Business and Human Rights Resource Center, a repository of information on business human rights’ practice⁸ reported that in October 2002 a federal prosecutor in Argentina filed a criminal complaint against the executives of Ford Motor Argentina, alleging that the company collaborated with the 1976-83 military dictatorship. The complaint accused Ford of helping the regime in political repression, abductions, and mistreatment of Ford’s workers and union organizers. These abuses allegedly took place on the company’s premises. Argentina’s Third Federal Court initiated a criminal investigation in November 2002. In December 2006, the public prosecutor charged that the military operated a detention center within Ford’s factory complex, and that company officials helped Argentinian officials to kidnap 25 company employees and trade union leaders who were later illegally detained and tortured. Ford’s spokesman said that the company asked for army protection because guerillas targeted it, but denied that this led to the establishment of a “detention center.” In February 2006, a similar lawsuit was filed on behalf of the

⁷ “Timeline: Argentina.” BBC News, 07/10/2012. <http://news.bbc.co.uk/2/hi/americas/1196005.stm> and Hernandez, Vladimir, “Painful Search for Argentina’s Disappeared,” BBC News, 03/24/2013., <http://www.bbc.com/news/world-latin-america-21884147>

⁸ Aaronson is on the Advisory Board of the Business and Human Rights Resource Center

former workers and union organizers against Ford Argentina in Argentina's 35th Civil Court. The plaintiffs accused Ford of using violence to get rid of trade union activity at its factory in Buenos Aires. In May 2013, three former Ford executives were indicted for crimes against humanity. The three men were accused of giving names, ID numbers, pictures, and home addresses to security forces who hauled two dozen union workers off the floor of Ford's factory in suburban Buenos Aires to be tortured, interrogated, and then sent to military prisons.⁹ Daimler Chrysler was also implicated.¹⁰

Declassified US documents reveal that the US Government was also indirectly complicit in the "Dirty War." In 2000, during a visit to Argentina, Secretary of State Madeleine Albright, the Secretary of State, promised to declassify and release State Department documents about the "Dirty War" (Massimo: 2016). The released documents show that although State Department officials based in Argentina urged the US to protest against the coup and human rights abuses in Argentina, Secretary of State Henry Kissinger gave the coup leaders *carte blanche* to act as needed to restore stability. In the declassified documents, Kissinger urged the Argentinian military regime to act before the US Congress resumed session (and Argentine human rights violations became more visible to members of Congress) (Campbell: 2003 and Kornbluh and Osario: 2016). Nevertheless, many US documents remained classified. In March 2016, a group of prominent Argentinian human rights activists asked the US Government to advance the "process of memory, truth, and justice relating to the crimes against humanity committed in our country" during the military dictatorship by further declassifying other documents. When President Obama came to visit Argentina in March 2016, he admitted that the United States "has to examine its own policies as well, and its own past," adding, "We've been slow to speak out for human rights, and that was the case here." The US agreed to declassify documents from the DOD, CIA, and other agencies to help researchers further identify the victims of the "Dirty War" (Hirshfield Davis: 2016a; 2016b; and Kornbluh and Osario: 2016).

The junta did not only act repressively within its own borders, it cooperated with other nearby repressive states during the "Dirty War". Operation Condor was an effort by the governments of Argentina, Chile, Uruguay, Paraguay, Bolivia, and Brazil to track down and eliminate critics (mainly leftists) around the world (Kornbluh and Osario: 2016). According to leaked US documents, the US was also complicit in Operation Condor, facilitating communications among South American intelligence chiefs who were working together to eliminate left-wing opposition ("Operation Condor: Cable Suggests US Role": 2001).

While some countries were complicit and others passive in response to Argentina's use of repression in the 1970s, they paid attention when Argentinian officials used violence in their territories. In 1982, the junta was increasingly unpopular and unable to facilitate economic growth. In an attempt to restore its authority and popularity, the junta attacked the British-owned Falkland Islands (known to the Argentines as the Malvinas). The junta's leader, General President Bignone,

⁹ Business and Human Rights Resource Center, "Ford lawsuit re. Argentina," <http://business-humanrights.org/en/ford-lawsuit-re-argentina>

¹⁰ Ibid.

hoped the war would bolster nationalist sentiment, but instead it revealed that the military was as inept at waging war as it was at governance. The Falklands, a small island off the coast, had been captured by the British and was mainly inhabited by British sheep herders who voted to remain under British control. British troops came to defend the island and Argentina lost its only cruiser and 750 soldiers. In 1983, military president Reynaldo Bignone allowed democratic elections in 1983. Raúl Alfonsín of the Radical Civic Union was elected and Argentina transitioned out of military rule in December of that year (“This Day in History”: ND; “Dirty War”: ND, and Ronghi: 2012).

Following the dictatorship, the new democratic leaders Raúl Alfonsín, Carlos Menem, and Néstor Kirchner took different strategies to settle the grievances between the victims of repression and their repressors. Under Alfonsín (1983-1989), military leaders were tried for their actions in the “Dirty War”. However, the military grew increasingly worried and put pressure on the Parliament to protect senior officials. The Argentine Parliament approved two laws that ended the government’s attempt to hold the military to account (Goldman: 2012 and Human Rights Watch: 2005). The ‘full stop law’ ended trials for those who committed violent acts of repression during the “Dirty War” by setting a final date after which no new trials could be initiated, and the ‘due obedience laws’ protected soldiers who were simply following the orders of others from prosecution. Peronist President Carlos Menem (1989-1999) pardoned many of the soldiers responsible for the military dictatorship’s crimes (Goldman: 2012; “Pardon of Argentine Officers Angers Critics of the Military”: 1989; and Human Rights Watch: 2005).

However, since 2003, Argentinian officials have again tried to bring the military to account. The Supreme Court declared that the amnesty laws protecting former officials were unconstitutional (Goldman: 2012; “A Full Stop Removed”: 2003; and Human Rights Watch: 2005). Some were tried; in 2016, Human Rights Watch reported some 592 individuals were convicted of crimes against humanity for these disappearances (Human Rights Watch: 2016). In May 2016, a four-judge panel convicted and sentenced 13 former Argentine military officers for their roles in Operation Condor (Del Carril: 2016 and Gilbert: 2016). The Macri Administration is supportive of these efforts (Interview with Bruno Binetti: 2016).

Nonetheless, the junta’s history of repression left deep scars, which manifest in frequent public protest and distrust of state motivations and actions. Moreover, democratic administrations have occasionally used repression to thwart public protests.

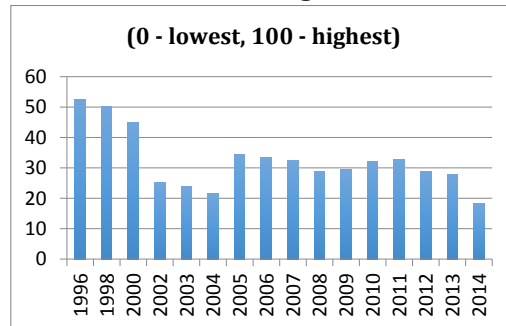
III. Types of Repression Used in Argentina from 2001 until 2016

A. Background on the Conditions That Facilitate Repression in Argentina

Argentina today is a lively democracy where individuals and civil society groups frequently assert their rights to free speech and to organize protests. Civic organizations are robust and play a major role in society. Like other middle-income nations, Argentina has problems of corruption and gender inequality. Moreover, according to the Department of State, Argentinian officials engage in

torture, use excessive force, rely on arbitrary arrest and detention, prolonged pretrial detention, and judicial inefficiency to keep protestors in line (Department of State: 2015). However, the quality of governance does not match the vibrancy of democracy in Argentina. As noted above, citizens do not trust the government or trust in institutions such as the police. Argentina's ranking on the rule of law index has declined significantly in the last 20 years despite some 30 years of democracy (see table 2 below).

Table 1. Rule of Law in Argentina 1996-2014



Source: World Bank.¹¹

Moreover, Argentina's police and military organizations do not always operate in a transparent and even-handed manner. According to the Department of State, the armed forces fall under the Ministry of Defense. As in many democracies, the military are not allowed to participate in internal security (Department of State: 2015). In our review of data from 2000-2015, we found no instances of repression by the Army, but we found several examples of violations by the police. The federal police generally have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. All federal police forces fall under the authority of the Ministry of Security. Federal security forces have authority to conduct internal investigations into alleged abuses and to dismiss individuals who allegedly committed a human rights violation. In addition, each province, including the city of Buenos Aires, also has its own police force that responds to a provincial (or municipal) security ministry or secretariat. However, according to the Department of State, individual forces vary in their effectiveness and respect for human rights (Department of State: 2015). Moreover, because the police are perceived as corrupt and occasionally perpetuating violence, some Argentines do not trust them or rely on the police to investigate crimes or protect citizens from violence (Interview with Bruno Binetti: 2016).

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¹¹ According to the World Bank, the rule of law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.
<http://info.worldbank.org/governance/wgi/index.aspx#doc>

B. Violent Police Tactics

The provincial police occasionally use violence to repress both peaceful and violent civil protests. In August 2015, individuals protested against alleged electoral fraud in the city of Tucumán. The provincial police allegedly used rubber bullets and tear gas to stop the protestors from forcing their way into a government building.¹² In October 2015, individuals protested against the environmental damage created by a mine in the city of Famatina. While the police asserted they only used force when the protestors tried to enter the mine, eyewitnesses at the scene said that the protest had been peaceful in nature until the police decided to disperse the demonstrators with rubber bullets and tear gas.¹³ In October 2015, local police forces also used repression during a large protest on women's issues held in the city of Mar del Plata, which is located in Buenos Aires Province. Some 65,000 people marched in the 30th *Encuentro Nacional de Mujeres (ENM* or National Women's Meeting). However, as these marchers moved towards a prominent cathedral in the city, they clashed with another group who feared the cathedral would come under attack. The provincial police used rubber bullets and tear gas to stop the marchers, which was not the proper protocol. Witness could not discern if the violence was caused by clashing protestors or instigated by police violence.¹⁴

Although the above incidents involved provincial forces committing repressive acts, in recent years the federal police have also acted in a repressive manner. For example, in December 2001, after months of economic turmoil, Argentines protested both peacefully and violently. President Fernando de la Rúa declared a state of siege, which meant that "armed forces" could now take action against protesters.¹⁵ As the Madres de la Plaza de Mayo gathered as they had for more than two decades for their weekly Thursday vigil in remembrance of those disappeared during the last military dictatorship, the police tried to remove the Madres. Some protestors threw rocks, while the police used rubber bullets and tear gas. Other police rode their horses into peaceful demonstrators. According to *CORREPI*, police killed over 30 people during these riots. However, observers could not ascertain whether the rock throwing led to violent repression or whether police violence led peaceful protestors to throw rocks.¹⁶

¹² "Tucumán: Top Cop Charged for Repression," *BuenosAiresHerald.com*, 08/26/2015.

<http://www.buenosairesherald.com/article/197268/tucumán-top-cop-charged-for-repression>.

¹³ "Anti-mining Protest in La Rioja Province Ends in Violence," *Buenos Aires Herald*, 10/16/2015.

<http://www.buenosairesherald.com/article/201026/antimining-protest-in-la-rioja-province-ends-in-violence> and

Lalani, Azzura, "Police Repress Anti-Mining Protest in Famatina," *The Argentina Independent*, 10/15/2015. <http://www.argentinaindependent.com/currentaffairs/newsfromargentina/police-repress-anti-mining-protest-in-famatina/>.

¹⁴ "Repression Mars National Women's Meeting Closing Rally," *BuenosAiresHerald.com*, 10/13/2015.

<http://www.buenosairesherald.com/article/200796/repression-mars-national-women-s-meeting-closing-rally>;

"Tras Dos Femicidios, La Marcha De 65 Mil Mujeres En Mar Del Plata Terminó Con Disturbios Entre Grupos Extremistas." *La Nación*. 10/12/2015. <http://www.lanacion.com.ar/1835816-tras-dos-femicidios-la-marcha-de-65-mil-mujeres-en-mar-del-plata-termino-con-disturbios-entre-grupos-extremistas>.

¹⁵ "Remembering the Crisis in Argentina," *Telesur*, 10/21/2015.

<http://www.telesurvtv.net/english/news/Remembering-the-Crisis-in-Argentina-20151019-0041.html>.

¹⁶ One can watch a video of the protests and the police response at Marc Rogers. "Video: 2001-2011: The Day

In December 2010, some 3,000 mainly immigrant families began protesting and squatting in Indoamericano Park, a large park in Buenos Aires, to demand better housing conditions. Many of these families lived nearby in tents, trailers, or favelas without basic sewage or sanitation services. Neighborhood residents, fearing that a crime-ridden slum was springing up in their midst, got a federal judge to legalize their eviction. Although the squatters were generally peaceful, the police used violent tactics to remove them, and two protestors were killed. A judge called off the police on December 9 and ordered the government to provide food, water, and chemical toilets. The next evening, with no police around, protesters rushed the park with sticks and stones. Guns were fired and a third squatter died. Residents who led the protest said later that violent soccer hooligans, spoiling for a fight, had infiltrated their ranks. On December 11, 2010, the government sent the military and the police to remove any remaining residents in an orderly fashion, while the city and federal government agreed to create more housing for the poor (Barrionuevo: 2010).

In February 2014, protestors again took to the park to demand better housing and services. Then Buenos Aires mayor Mauricio Macri described the protest as a form of extortion. However, he also agreed to some of their demands, signing an agreement that would “further the process” of improving the villas. In return, protestors agreed to take down their tent and end the hunger strike on the 13th of June (Pol: 2013 and Reed: 2014).

The Macri administration seems to recognize it must set clear rules regarding police behavior at public protests. In February 2016, the Security Ministry released new rules on the use of non-lethal weapons, such as rubber bullets. However, the rules did not specify how and when police may use the non-lethal weapons and do not require police to be in uniform when they use these weapons (CELS: 2016).

Some have argued that the new guidance restricts freedom of speech and assembly because it states that protestors will not be allowed to block roads as a means of expressing their opinion (Bertoia: 2016c). However, Argentines have long picketed by blocking roads (Birss: 2005 and Fiorentini, 2012). They also stressed that the government was banning protest under the state of emergency declared by Macri until January 2017. The emergency gives the president broad powers to suspend constitutional guarantees, including freedom of travel, press, property, association, labor organizing, and even private property rights. He can also order arrests as he sees fit. While this directive maybe necessary for Macri to meet his tough on crime campaign promises, it raises concerns about handing more power to security forces long associated with brutality and repression (Robertson: 2011; Krauss: 2001; and Corb: 2016).

C. Forced Disappearances

That Changed Argentine History," *The Argentina Independent*. 12/20/2011.
<http://www.argentinaindependent.com/currentaffairs/analysis/2001-2011-chronicle-of-a-day-that-changed-argentine-history/>.

In its reports from 2003-2015, the Department of State finds no forced disappearances in recent years (US Department of State: 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016). However, the *Coordinadora Contra la Represión Policial e Institucional (CORREPI* or Coordinator Against Police and Institutional Repression), an Argentinian organization which releases data about disappearances and police violence, asserts some 70 people supposedly disappeared during the Kirchner administrations.¹⁷

D. Torture and Inhumane Treatment

Argentine law prohibits torture and other cruel, inhuman, or degrading treatment or punishment. However, according to the Department of State, various human rights organizations, the Prosecutor General's Office, the Penitentiary Authority (an independent government body that monitors prison conditions), and the Buenos Aires Provincial Memory Commission's Committee against Torture (an autonomous office established by the provincial government) reported complaints of torture perpetrated by provincial and federal prison officials. The Buenos Aires provincial Criminal Court of Cassation's Office of Public Defenders reported that from January to April there were 265 complaints of torture and mistreatment by law enforcement officers during arrest or institutional confinement, of which 25 percent involved minors. The Santa Fe provincial Office of Public Defenders reported 180 complaints from December 2014 to September 2015, of which 12 percent involved minors (Department of State: 2015). Recently, Argentines learned that a teenager who was involved in petty crime was tortured and killed in captivity. Luciano Arruga was reported missing in 2008 and an Argentinian Court found he had been tortured and killed by the police.¹⁸

E. Deaths by Police

The human rights NGO, *CORREPI*, reports that since the end of the junta in 1983, more than 4,600 people have been killed at the hands of the security forces (local and national), a high number for a democracy. Provincial police are responsible for more than 50 percent of these deaths. Tables 2 and 3 on the next page illustrate this problem.

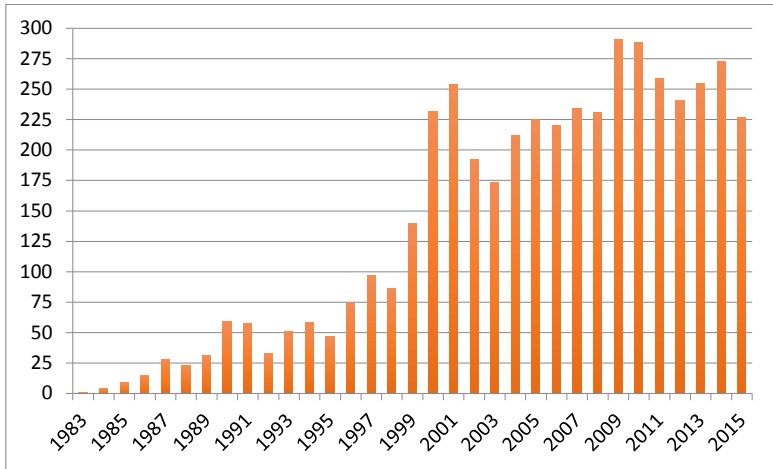
**Table 2. Deaths per Year at the Hands of the Police in Argentina
(1983-2015)**

¹⁷ Coordinadora Contra La Represión Policial E Institucional (CORREPI), "Archivo 2015," 11/28/2015. <http://correpi.lahaine.org/?p=1588> and

"El Kirchnerismo Deja El Gobierno Con Más De 3.000 Muertos En Manos De Fuerzas De Seguridad Y 70 Desaparecidos." [Análisisdigital.com.ar](http://analisisdigital.com.ar), 12/1/2015.

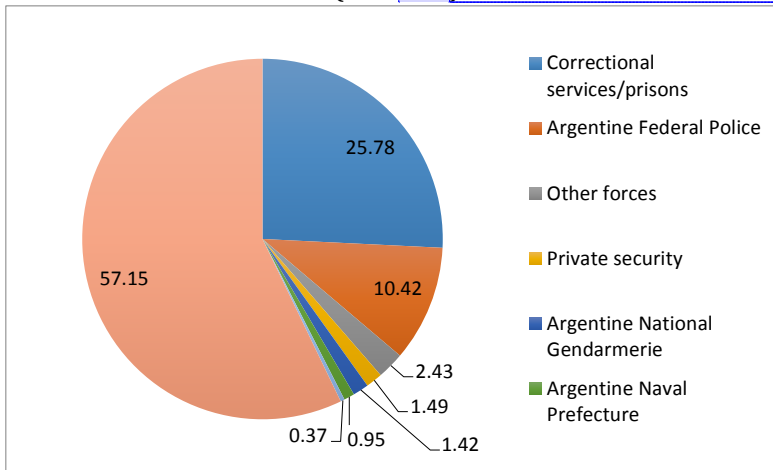
<http://www.revistaanalis.com.ar/noticias.php?ed=1&di=0&no=228468>

¹⁸ NA "Police Officer Sentenced to 10 Years in Prison for Torturing Luciano Arruga," Buenos Aires Herald, 05/16/2015. <http://www.buenosairesherald.com/article/189304/police-officer-sentenced-to-10-years--in-prison-for-torturing-luciano-arruga>.



Source: Coordinadora Contra La Represión Policial E Institucional (CORREPI)

Table 3. Death by Force—Which security forces are responsible for the deaths of civilians in Argentina (% of total)



Source: Coordinadora Contra La Represión Policial E Institucional (CORREPI)

Argentina may have such high death rates because the police often shoot to kill – what they call “trigger happy police”-*gatillo fácil*.¹⁹ High numbers of Argentines die in custody (*muerte de personas detenidas*). Many of these people killed by police are 25 or younger.²⁰ In 2009, America’s

¹⁹ Coordinadora Contra La Represión Policial E Institucional (CORREPI), "Archivo 2015," 11/28/2015, <http://correpi.lahaine.org/?p=1588>.

²⁰ Ibid.

Comment [Val2]: Not sure about the translation for correctional services cause that's not the vocab I'm familiar with so just let me know what doesn't sound right in this diagram and I'll fix it

Comment [s3]: oerfecto

Barometer found that Argentina had the highest percentage of people in Latin America who claimed to have been abused by police in the preceding 12 months at 8.7 percent (Cruz: 2009).

F. Violence Against Indigenous Citizens

Argentina's indigenous peoples, including the Qom, the Wichi, the Pilagá, and the Nivaclé comprise about 1 million of Argentina's 41 million people (Goñi 2015). The federal government has not made significant efforts to integrate these tribes into Argentinian society and they often suffer from extreme poverty. Moreover, these people are not always treated with respect and the rule of law. Approximately 70 percent of the country's rural indigenous communities lack titles to their lands. The government and the tribes disagree as to who owns these lands. One study reports that some 60 percent of the land claimed by native communities is owned by the state and 40 percent by the private sector (Freedom House: 2015 and Valente: 2013).

The government is required to survey land occupied by indigenous communities by November 2017. Although government bodies are not supposed to evict any Indians until these surveys are completed, Human Rights Watch found that forced evictions still occur (Human Rights Watch: 2015). NGOs also reported the local police did not stop or prevent violence against indigenous people by landowners attempting to evict them or gain possession of the land.²¹ For example, Amnesty International reports that an indigenous man named Javier Chocobar "was shot dead while trying to stop the removal of his community by a local landowner" in October 2009. The three people charged with being responsible still had not been tried as of October 2015.²²

Meanwhile the indigenous communities have turned to the courts to defend their property rights. In 2014, Human Rights Watch reported that eight human rights organizations filed an amicus brief before the Supreme Court, arguing that a land survey in Formosa province had failed to guarantee the rights of indigenous people (Human Rights Watch: 2015).

G. Violent Tactics Against the Poor

Argentinian police (like police in the US) often use violent repressive tactics against people whom they associate with poverty and gang violence. Patricia Añez Saucedo of the University of Erfut explains that it has to do with *portación de cara*—how a person looks and dresses (Interview with Patricia Carolina Saucedo Añez: 2016). The Argentinian human rights group, Center of Legal and Social Studies (*CELS*), noted that Luciano Arruga, the teenager detained and then murdered by police, had been treated in a violent and discriminatory manner. "Luciano and his family suffered

²¹ Amnesty International, "Indigenous Peoples in Argentina: 'We Are Strangers in Our Own Country'," 08/09/2013. <https://www.amnesty.org/en/latest/news/2013/08/indigenous-peoples-argentina-we-are-strangers-our-own-country/>;

"A Seis Años Del Asesinato Del Cacique Chocobar, Exigen Que Haya Juicio." *La Gaceta*. 10/12/2015. <http://www.lagaceta.com.ar/nota/656988/policiales/a-seis-anos-asesinato-cacique-chocobar-exigen-haya-juicio.html>; and Norma Giarracca, "El Asesinato De Javier Chocobar," *Página/12*, 10/20/2009. <http://www.pagina12.com.ar/diario/sociedad/3-133771-2009-10-20.html>.

²² *Ibid.*

have been the expression of a State which sustains abusive police practices against youth from poor neighborhoods and a judicial system which consents to and legitimates [the practices]."²³

H. Violence Against Workers

The Department of State notes that Argentinian workers have relatively strong labor rights under domestic laws (Department of State: 2015). However, in recent years, workers and unions have lost political and economic clout. Workers have a long history of using peaceful and violent protests to ensure their grievances get attention.

The Kirchner Administrations, as well as the Macri Administration, have at times used violence to subdue worker protests. For example, in May 2014, 22 protestors were injured after police used rubber bullets and batons in Tucumán to stop a protest. In June 2014, provincial police in Chaco province again used rubber bullets to stop a workers protest.²⁴ The next month, after hundreds of employees of an auto parts maker were laid off, the *Gendarmería* (a militarized body that performs the functions of police and acts to maintain security in small towns) used rubber bullets, tear gas, and water cannons to stop a protest and roadblock.²⁵ Federal forces also used violent repression against workers who created a roadblock on the Pan-American Highway in July 2014. Workers for a bus line blocked a road in protest of layoffs. The local *Gendarmería* here also used rubber bullets and tear gas to dispel the workers, which (at least at the time) was prohibited by the guidelines for controlling protests. Close to 30 people were hurt in addition to several of the *Gendarmería*, according to *The Buenos Aires Herald*.²⁶

On December 22, 2015, less than two weeks after Macri assumed his office, government workers who had lost their jobs blocked a road in Buenos Aires Province. Police used rubber bullets and water cannons to dispel the workers. The Associated Press reported that the federal government ordered the border police to use these tactics because the protestors were blocking roads.²⁷ The

²³ "Caso Luciano Arruga: A Siete Años De Su Desaparición, Fue Recordado Con Una Jornada Cultural En Lomas Del Mirador," *La Nación*, 01/30/2016. <http://www.lanacion.com.ar/1866866-caso-luciano-arruga-a-siete-anos-de-su-desaparicion-fue-recordado-con-una-jornada-cultural-en-lomas-del-mirador>.

²⁴ Human Rights Watch, "World Report 2015: Argentina," 01/07/2015, <https://www.hrw.org/world-report/2015/country-chapters/argentina>

"Los Bancarios Pararon Dos Horas Mañana," *Página/12* 05/14/2014.

<http://www.pagina12.com.ar/diario/ultimas/20-246227-2014-05-14.html>.

"Represión En Chaco," *Página/12*, 06/05/2014. <http://www.pagina12.com.ar/diario/elpais/1-247893-2014-06-05.html>.

²⁵ "Several Injured in Clashes Over Panamericana Highway Protest," *The Argentina Independent*, 07/08/2014. <http://www.argentinaindependent.com/currentaffairs/newsfromargentina/several-injured-in-clashes-over-panamericana-highway-protest/>.

"Gendarmería Desalojó El Piquete De Panamericana Tras Una Refriega Con Manifestantes," *La Nación*, 07/08/2014. <http://www.lanacion.com.ar/1708136-panamericana-corte-altura-pacheco>.

²⁶ "Border Guards Violently Evict Protesters," *Buenos Aires Herald*, 07/29/2015.

<http://www.buenosairesherald.com/article/195116/border-guards-violently-evict-protesters>.

"Batalla Campal En Panamericana Entre Gendarmería Y Choferes De La Línea 60," *Infobae*, 07/28/2015.

<http://www.infobae.com/2015/07/28/1744505-batalla-campal-panamericana-gendarmeria-y-choferes-la-linea-60>.

²⁷ Associated Press, "Argentina: Violent Clashes during Protest by Poultry Workers," *DailyMail.com*, 12/22/2015. <http://www.dailymail.co.uk/wires/ap/article-3371001/Argentina-violent-clashes-protest->

Labor Minister defended the tactics because the workers did not heed the orders of a judge to unblock the road. According to a workers' delegate, government officials told protestors that they were allowed to protest on the road as long as they had left two lanes clear, but the next day, they were given only five minutes to evacuate.²⁸

In sum, police at times use violent means to subdue protesters whether workers, squatters, indigenous people, or individuals who may come from the lower classes. We could not determine if violent tactics stemmed from a lack of police training, unclear rules, or citizen violence. However, it is clear that Argentines distrust the police and see them facilitating crime and corruption. Many Argentines see their police as corrupt, colluding with local criminals, and untrustworthy.²⁹

IV. Political Repression

A. Limits on Free Speech

The constitution provides for freedom of speech and press, and according to the US Department of State, the government generally respected these rights. However under President Christina Kirchner, the government used its authority and funds to favor pro-government media.³⁰ Freedom House reported that in 2013, the Inter-American Press Association asserted that "96 percent of new media licenses granted since the law's introduction had gone to government or pro government entities."³¹ The State Department's Human Rights Report from 2015 explained that although the Supreme Court ruled that the government should not favor only pro-government entities, it did not alter Kirchner administration's behavior. State reported that in 2015, the two national newspapers with the largest circulation, both critical of the government, received approximately five percent of the public advertising budgeted by the government for print media between January and June (the latest available data). During the same period, the two major pro-government newspapers received

poultry-workers.html.

²⁸ "Argentine Poultry Workers Attacked After 5-Day Highway Takeover," [Telesur](http://www.telesur.net/english/news/Argentine-Poultry-Workers-Attacked-After-5-Day-Highway-Takeover-20151222-0018.html), 12/22/2015.
<http://www.telesur.net/english/news/Argentine-Poultry-Workers-Attacked-After-5-Day-Highway-Takeover-20151222-0018.html>.

²⁹ Cynthia Boruchowicz and Rodrigo Wagner, "Why do Argentines trust less their Police than Chileans do? Institutional decay over the 20th century," 3/28/2011,
<http://sites.tufts.edu/rodrigowagner/files/2012/04/ArgentinaChilePolice.pdf>; David Gagne, "Wave of Lynchings Suggests Rising Distrust in Argentine Police," [Insight Crime](http://www.insightcrime.org/news-briefs/wave-of-lynchings-suggests-rising-distrust-in-argentine-police), 7/15/2015,
<http://www.insightcrime.org/news-briefs/wave-of-lynchings-suggests-rising-distrust-in-argentine-police> and Interview with Bruno Binetti, 6/10/2016.

³⁰ Department of State, Human Rights Report 2015: Argentina," 02/21/2016,
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252985>;
Kopel, David, "Argentina's Free Press Is in Grave Danger. Book Review of "Tiempos Turbulentos"," [Washington Post](https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/02/09/argentinas-free-press-is-in-grave-danger-book-review-of-tiempos-turbulentos/), 02/09/2015. <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/02/09/argentinas-free-press-is-in-grave-danger-book-review-of-tiempos-turbulentos/>;

Constitution of the Argentine Nation, First Part, Chap. 1, Sec. 14.

³¹ Freedom House, "Freedom of the Press 2015: Argentina," April 2015.
<https://freedomhouse.org/report/freedom-press/2015/argentina>.

approximately 26 percent of public advertising, despite readership that was just five percent that of the two largest dailies.³²

The Macri Administration has also supported the arrest of peaceful protestors. In January 2016, Milagro Sala, a prominent Indian and antipoverty activist, was arrested for leading a sit-in demonstration in the province of Jujuy, northwest Argentina. *The Buenos Aires Herald* reported that she was arrested for “public disturbance and inciting crimes” prompted her imprisonment.³³ After she was put in jail, the provincial governor decided that he wanted her investigated for crimes including fraud and extortion.³⁴ A judge denied a request for her release, explaining that it could cause problems with the investigation. The Governor of Jujuy is part of the same coalition as President Macri. Macri denies any involvement in Sala’s imprisonment and says that the judges who jailed her did so independently of both him and the governor. However, he has not pushed to free her from jail as she awaits charges. Moreover, she has been unable to speak freely. Meanwhile, human rights organizations have expressed concerns that the Macri government will challenge activists for the poor and politicizing poverty reduction.³⁵ The Argentine Catholic Church has offered to mediate between Sala and the provincial government³⁶ and Pope Francis sent her a rosary.³⁷ In early March, the UN Working Group on Arbitrary Detention asked Macri to justify Sala’s imprisonment.³⁸ Germán Garavano, Justice Minister, responded by saying they would not respond to foreign entreaties and pressure.³⁹ As of June 2016, Sala is still in jail and is being investigated.⁴⁰ Macri’s unwillingness to address their concerns has led to fears inside and outside Argentina that Macri is also using state resources to punish those with whom he disagrees.

³² US Department of State, Human Rights Report 2015: Argentina,” 02/21/2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252985>.

³³ “Amnesty, CELS Seek IACHR Action on Sala,” *Buenos Aires Herald*, 01/20/2016. <http://www.buenosairesherald.com/article/207089/amnesty-cels-seek-iachr--action-on-sala>

³⁴ “Pope Francis Sends Jailed Argentine Activist a Blessed Rosary,” *Telesur*, 02/15/2016. <http://www.telesurvtv.net/english/news/Pope-Francis-Sends-Jailed-Argentine-Activist-a-Blessed-Rosary-20160215-0031.html>.

³⁵ “Amnesty, CELS Seek IACHR Action on Sala,” *Buenos Aires Herald*, 01/20/2016. <http://www.buenosairesherald.com/article/207089/amnesty-cels-seek-iachr--action-on-sala>; “The state of democracy in Jujuy,” *Buenos Aires Herald*, 6/12/2016, <http://www.buenosairesherald.com/article/216005/the-state-of-democracy-in-jujuy> and

“La Detención De Milagro Sala Genera Preocupación En La OEA Y Parlasur,” *Elancastí.com.ar*, 01/18/2016. <http://www.elancasti.com.ar/nacionales/2016/1/18/detencion-milagro-sala-genera-preocupacion-parlasur-285514.html>.

³⁶ Goñi, Uki, “Activist’s Arrest Sparks Tension between Pope Francis and Argentina’s President,” *The Guardian*, 02/10/2016. <http://www.theguardian.com/world/2016/feb/10/pope-francis-argentina-president-activist-milagro-sala-corruption-charges>.

³⁷ “Pope Francis Sends Jailed Argentine Activist a Blessed Rosary,” *Telesur*, 02/15/2016. <http://www.telesurvtv.net/english/news/Pope-Francis-Sends-Jailed-Argentine-Activist-a-Blessed-Rosary-20160215-0031.html>.

³⁸ “UN Demands Data about Sala’s Arrest,” *Buenos Aires Herald*, 03/04/2016. <http://www.buenosairesherald.com/article/210003/un-demands-data-about-sala-s-arrest>.

³⁹ “Pope Sends Rosary to Jailed Milagro Sala,” *Buenos Aires Herald*, 02/16/2016. <http://www.buenosairesherald.com/article/208861/pope-sends-rosary-to-jailed-milagro-sala>.

⁴⁰ “Jujuy Prosecutor Launches Flight Probes,” *Buenos Aires Herald*, 04/26/2016. <http://www.buenosairesherald.com/article/213283/jujuy-prosecutor-launches-flight-probes>.

B. Intimidation of Journalists

Journalists, especially those covering protests, drug trade or corruption, have also been occasionally threatened in Argentina. On January 24, Damian Pachter, the journalist who first reported the January 18 death of Special Prosecutor Alberto Nisman, fled to Israel after receiving messages warning that his life was at risk. Strangely enough, Kirchner Administration continued to put him in danger and to act with impunity. The official Twitter feed of the Casa Rosada (the president's office) posted an internal Aerolineas Argentinas screenshot of Pachter's flight itinerary.⁴¹ In another recent incident in April 2013, city police in Buenos Aires attacked members of the press at the Borda mental health hospital, where a union was holding a protest. CELS alleged that the police attacked the journalists to stop them from publishing about police violence.⁴² In one 2014 case, a journalist named Juan Pablo Suárez was accused of and charged for violating an anti-terrorism law for publishing information about police repression of a protest.⁴³ However, the Department of State reports that although the charges were dropped, the case continued.⁴⁴

C. The Internet as a Platform for Repression

The Argentinian government does not use the Internet as an instrument to limit speech or association. The government's posting of journalist Pachter's flight was a rare exception.⁴⁵ We could find no evidence that the government uses malware to monitor its citizens.

V. Impunity

According to the US Department of State, members of security forces convicted of a crime were subject to stiff penalties. Generally, authorities suspended officers accused of wrongdoing until their investigations were completed. Authorities investigated and in some cases detained, prosecuted, and convicted the officers involved. However, State Department observers concluded, "Impunity at the federal and provincial level remains a problem."⁴⁶

⁴¹ Ibid.

⁴² US Department of State, Human Rights Report 2013: Argentina," 04/17/2014, <http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dliid=220414#wrapper>.

⁴³ "Facing Anti-Terrorism Charges, Journalist Accuses Prosecution of Falsifying Evidence," [The Argentina Independent](http://www.argentinaindependent.com/currentaffairs/newsfromargentina/facing-anti-terrorism-charges-journalist-accuses-prosecution-of-falsifying-evidence/), 05/26/2014 <http://www.argentinaindependent.com/currentaffairs/newsfromargentina/facing-anti-terrorism-charges-journalist-accuses-prosecution-of-falsifying-evidence/> and US Department of State, Human Rights Report 2015: Argentina," 02/21/2016, p.9, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252985>.

⁴⁴ Human Rights Watch, "World Report 2015: Argentina," 01/07/2015. <https://www.hrw.org/world-report/2015/country-chapters/argentina>

⁴⁵ Human Rights Watch, "World Report 2015: Argentina," 01/07/2015. <https://www.hrw.org/world-report/2015/country-chapters/argentina> and Freedom House, "Freedom on the Net, 2015: Argentina," <https://freedomhouse.org/report/freedom-net/2015/argentina>

⁴⁶ US Department of State, Human Rights Report 2015: Argentina," 02/21/2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252985>

A. The Nisman Case

In 2015, Argentines witnessed impunity in action. First, they learned that a prosecutor tasked to investigate a major unsolved case (and international incident) died as he attempted to bring charges against senior Argentine officials. While many believed he was murdered, senior government officials including President Christina Kirchner asserted that he had not been murdered but instead he had committed suicide.

The Nisman case has a long history. In 1994, terrorists bombed in Buenos Aires against the Argentine Israelite Mutual Association (AMIA) Jewish center. Some 85 people were killed, making it the worst incidence of terrorism in Argentina's history. The police never found the perpetrators, and many individuals believed the state had engaged in a cover-up of its role in both the bombings and the bungled investigation as to who was responsible. President Néstor Kirchner appointed Alberto Nisman to examine the bombings and whether the government had hidden its role in preventing a full investigation. Nisman was a former federal prosecutor who was preparing to bring charges against possible perpetrators and individuals involved in misleading investigators. On August 6, 2014, a court commenced preliminary hearings regarding Nisman's findings. Nisman allegedly found evidence that Iran had carried out the bombings and the Christina Kirchner Administration covered up the evidence to maintain good relations with Iran, an important trade partner.⁴⁷

However, Nisman was found dead in his apartment in January 2015 with a gun near his body, leading President Cristina Kirchner and others to say his death was a suicide. Viviana Fein, the investigating prosecutor, said on February 3, 2015, that Nisman sought the arrest of Mrs. Kirchner and Héctor Timerman, the foreign minister (a document outlining this plan was found in the garbage outside Mr. Nisman's apartment).⁴⁸ In response to Nisman's suspicious death, state prosecutors organized a march in February 2015 to demand justice and a proper investigation into his death and the cover-up. According to the BBC, hundreds of thousands showed up to march against impunity in Buenos Aires, despite harsh rainfall.⁴⁹

⁴⁷ Human Rights Watch, "World Report: Argentina: Events of 2015," 01/05/2016.

<https://www.hrw.org/world-report/2016/country-chapters/argentina>;

Buncombe, Andrew, "Alberto Nisman Shooting: Journalist Damian Pachter Flees Argentina in Fear for His Life after Breaking the Story," *The Independent*, 01/26/2015. Accessed 11/19/2015,

<http://www.independent.co.uk/news/world/americas/alberto-nisman-shooting-journalist-damian-pachter-flees-argentina-in-fear-for-his-life-after-10001215.html>; and

Filkins, Dexter, "Death of a Prosecutor," *The New Yorker*, 07/20/2015.

<http://www.newyorker.com/magazine/2015/07/20/death-of-a-prosecutor>

⁴⁸ Zraik, Karen, "The Mysterious Death of Alberto Nisman," *The New York Times*, 02/20/2015,

<http://www.nytimes.com/interactive/2015/02/07/world/americas/argentina-alberto-nisman-case.html>

⁴⁹ "Argentina Nisman Death: Hundreds of Thousands Rally," *BBC News*, 02/19/2015.

<http://www.bbc.com/news/world-latin-america-31515822>

As of May 2016, the case remains under investigation. In February 2016, Judge Fabiana Palmaghini decided that the case would not go to federal courts.⁵⁰ However, Antonio Stiuso, the former Operations Chief of the Intelligence Secretariat of Argentina, testified at the end of February that groups related to the Kirchner administration were linked to Nisman's death, and Palmaghini reversed her decision. Nevertheless, in March, Palmaghini decided that she was unfit to adjudicate the case and sent the case to federal courts. Palmaghini also chastised Viviana Fein for overlooking a 2015 testimony by Stiuso in which he claimed Nisman was murdered.⁵¹ A judge later cleared her of the charges.⁵² As of April 12, the case had made it to federal courts and was to be heard by Judge Julián Ercolini.⁵³ Because the case has so many twists and turns involving senior government officials, the US Government offered to provide criminology, ballistics, and cybernetic specialists to help clarify what really happened to the prosecutor.⁵⁴

Many people have speculated as to who was responsible for Nisman's death.⁵⁵ President Cristina Kirchner first supported the theory that it was suicide, but later decided that it was a scheme to

⁵⁰ "Palmaghini Keeps Nisman Case," Buenos Aires Herald, 02/13/2016, <http://buenosairesherald.com/article/208690/palmaghini-keeps-nisman-case> and "Nisman's Relatives, Prosecutors Participate in Small Ceremony," Buenos Aires Herald, 02/19/2016, <http://buenosairesherald.com/article/209074/nisman's-relatives-prosecutors-participate-in-small-ceremony>

⁵¹ Luciana Bertoia, "Nisman Case Sent to Federal Court," Buenos Aires Herald, 03/02/2016, <http://www.buenosairesherald.com/article/209869/nisman-case-sent-to-federal-court>; Noga Tarnopolsky, "A Year On, Signs of Progress in Probe into Nisman's Death," The Times of Israel, 03/22/2016, <http://www.timesofisrael.com/a-year-on-signs-of-progress-in-probe-into-nismans-death/>; "Nisman Case to Be Probed by Federal Courts," Buenos Aires Herald, 03/23/2016, <http://www.buenosairesherald.com/article/211222/nisman-case-to-be-probed-by-federal-courts>; "La Justicia Argentina Decide Cambiar De Tribunal El Caso Nisman," ABC.es, 03/23/2016, http://www.abc.es/internacional/abci-justicia-argentina-decide-cambiar-tribunal-caso-nisman-201603230116_noticia.html; Daniel Santoro, "Duro Fallo De La Cámara Del Crimen Contra Fein," Clarín.com, 03/22/2016, http://www.clarin.com/politica/Duro-fallo-Camara-Crimen-Fein_0_1544845937.html; and Nick Miroff, "Where in the World Is This Argentinian Spymaster Hiding? In the US, Argentina Says," The Washington Post, 10/14/2015, <https://www.washingtonpost.com/news/worldviews/wp/2015/10/14/where-in-the-world-is-argentinas-fugitive-spy-master-in-the-u-s-some-say/>.

⁵² "Prosecutor Viviana Fein Cleared of All Charges," Buenos Aires Herald, 03/17/2016, <http://www.buenosairesherald.com/article/210858/prosecutor-viviana-fein-cleared-of-all-charges>.

⁵³ "Nisman Case Reaches Federal Courts," Buenos Aires Herald, 04/12/2016, <http://www.buenosairesherald.com/article/212416/nisman-case-reaches-federal-courts>.

⁵⁴ "United States Offers Argentina Help Solving Nisman Death Case," Panama Post, 5/29/2016, <https://panamapost.com/thabata-molina/2016/05/29/us-offers-argentina-help-solving-nisman-murder-case/>

⁵⁵ Karen Zraik, "The Mysterious Death of Alberto Nisman," The New York Times, 02/20/2015, <http://www.nytimes.com/interactive/2015/02/07/world/americas/argentina-alberto-nisman-case.html>; Simon Romero, "Whodunit? In Obsessed Nation, Question Becomes Who Didn't," The New York Times, 02/07/2015, <http://www.nytimes.com/2015/02/08/world/whodunit-in-obsessed-nation-question-becomes-who-didnt.html?&contentId=&mediaId=&referrer=https%3A%2F%2Fwww.google.com%2F&priority=true&action=click&contentCollection=Americas®ion=Footer&module=WhatsNext&version=WhatsNext&contentID=WhatsNext&moduleDetail=undefined&pgtype=Multimedia>; and "Who Killed Alberto Nisman?" BBC News, 05/28/2015, <http://www.bbc.com/news/magazine-32887939>

tarnish the government's image.⁵⁶ Meanwhile, the public was divided. A February 2015 poll by Rouvier showed that about 48 percent of people polled in Argentina thought that Mrs. Kirchner's government was behind the prosecutor's death. Some 19 percent said he was killed to embarrass the Kirchner Administration, others because he was about to reveal government complicity in the case, while 33 percent acknowledged that they just did not know.⁵⁷

VI. Corruption and Impunity

In 2015, a whistleblower leaked more than 11.5 million financial and legal records of secretive offshore companies to an international NGO, the International Consortium of Investigative Journalists (ICIJ).⁵⁸ The ICIJ called the leak the so-called Panama Papers. These papers include revelations about offshore accounts held by senior Argentine officials Macri, Kirchner and their associates, among others.⁵⁹

The Panama Papers linked President Macri to offshore companies established by his father, which he did not include in his tax declarations.⁶⁰ In response, Macri said that he would cooperate with a federal judge who requested information on the companies from authorities in Panama and the Bahamas.⁶¹ Macri also announced that he would put his assets in a blind trust and send a new Access to Public Information Bill to Congress, measures aimed at increasing transparency in the wake of the scandal.⁶¹ On May 30, President Mauricio Macri said that he would repatriate \$1.3 million in savings from the accounts and buy Argentinian treasury bonds because he is confident the country's struggling economy will recover.⁶² With these actions, he tried to signal he was not above the law.

⁵⁶ Dexter Filkins, "Death of a Prosecutor," *The New Yorker*, 07/20/2015.

<http://www.newyorker.com/magazine/2015/07/20/death-of-a-prosecutor>.

⁵⁷ Simon Romero, "Whodunit? In Obsessed Nation, Question Becomes Who Didn't," *The New York Times*, 02/07/2015, [http://www.nytimes.com/2015/02/08/world/whodunit-in-obsessed-nation-question-becomes-who-](http://www.nytimes.com/2015/02/08/world/whodunit-in-obsessed-nation-question-becomes-who-didnt.html?&contentId=&mediaId=&referrer=https%3A%2F%2Fwww.google.com%2F&priority=true&action=click&contentCollection=Americas®ion=Footer&module=WhatsNext&version=WhatsNext&contentID=WhatsNext&moduleDetail=undefined&pgtype=Multimedia)

[didnt.html?&contentId=&mediaId=&referrer=https%3A%2F%2Fwww.google.com%2F&priority=true&action=click&contentCollection=Americas®ion=Footer&module=WhatsNext&version=WhatsNext&contentID=WhatsNext&moduleDetail=undefined&pgtype=Multimedia](http://www.nytimes.com/2015/02/08/world/whodunit-in-obsessed-nation-question-becomes-who-didnt.html?&contentId=&mediaId=&referrer=https%3A%2F%2Fwww.google.com%2F&priority=true&action=click&contentCollection=Americas®ion=Footer&module=WhatsNext&version=WhatsNext&contentID=WhatsNext&moduleDetail=undefined&pgtype=Multimedia)

⁵⁸ The Consortium is a global network of more than 190 investigative journalists in more than 65 countries who collaborate on in-depth investigative stories related to cross-border crime, corruption, and the accountability of power (https://www.icij.org/about#_ga=1.175909223.496524734.1462838656).

⁵⁹ For Argentina, see The International Consortium of Investigative Journalists (ICIJ) "Offshore Leaks Database." <https://offshoreleaks.icij.org/search?utf8=%E2%9C%93&q=argentina&e=&commit=Search>

⁶⁰ For Mauricio Macri, see The International Consortium of Investigative Journalists (ICIJ) "Offshore Leaks Database." <https://offshoreleaks.icij.org/nodes/15002701>

⁶¹ "Macri Welcomes Progress in 'Panama Papers' Probe," *Buenos Aires Herald*, 05/04/2016.

<http://www.buenosairesherald.com/article/213713/macri-welcomes-progress-in-panama-papers-pro> and Associated Press, "Argentina's Macri Agrees to Be Probed over Panama Papers," *CNBC*, 05/03/2016. <http://www.cnbc.com/2016/05/03/the-associated-press-argentinias-macri-agrees-to-be-probed-over-panama-papers.html>.

⁶² Associated Press, "Argentine President Mauricio Macri Will Repatriate Savings From Bahamas," *The New York Times*, 05/30/2016, http://www.nytimes.com/2016/05/31/world/americas/argentina-mauricio-macri.html?_r=0

Corruption allegations have also dogged Former President Christina Kirchner. The Panama Papers include account information on offshore accounts where Lazaro Baez, an Argentine construction tycoon, hid embezzled money for Christina Kirchner and Nestor Kirchner, her late husband and predecessor.⁶³

Mrs. Kirchner also appeared in an Argentinian court on April 13, 2016 regarding another corruption case. She allegedly authorized the sale of US dollar futures contracts at below-market rates, which in turn allegedly caused the central bank to lose about 5.2 billion dollars. However, she refused to answer questions and instead gave a speech alleging that there is a conspiracy against political leaders from Latin America's left-wing. She also presented a document demanding the presiding judge Bonadio's dismissal. Kirchner's defenders say that the issue cannot be taken to court as it concerns monetary policy.⁶⁴ On May 15, 2016, Kirchner was charged with fraud and the courts ordered one million of her assets to be held.⁶⁵

Mr. Kirchner is associated with another case involving impunity and corruption. Daniel Muñoz was the private secretary and confidant of former Argentinian president Néstor Kirchner. Muñoz later also served for two years as an aide to Néstor Kirchner's wife, Cristina Fernández de Kirchner, who was president of Argentina from 2007 to 2015. In 2009, Muñoz was investigated for illicit enrichment, a charge that was later dropped. In 2013, Argentinian media reported that Muñoz had helped transfer "bags of money" belonging to President Néstor Kirchner from Buenos Aires, the Argentinian capital, to Santa Cruz, the Kirchner's home state. Charges in relation to the matter were dismissed in July 2015 for lack of evidence and as of June 2016, he has not been recharged, although investigators are still doing research.⁶⁶

A. Bringing Repressive Leaders to Justice

The Argentinian polity has tried to hold government officials to account for state violence and impunity. President Fernando de la Rúa was charged with homicide in 2007, but in 2012, the

⁶³ Dale Kasler, Marjie Lundstrom, Tim Johnson and Phillip Reese, "Intrigue, offshore connections to Sacramento in 'Panama Papers' leak," [The Sacramento Bee](http://www.sacbee.com/news/investigations/article81834077.html), 06/05/2016, <http://www.sacbee.com/news/investigations/article81834077.html>

⁶⁴ Uki Goñi, "Argentina's Former President Greeted by Thousands in Capital before Court Date," [The Guardian](http://www.theguardian.com/world/2016/apr/12/argentina-cristina-fernandez-de-kirchner-public-appearance-corruption), 04/12/2016. <http://www.theguardian.com/world/2016/apr/12/argentina-cristina-fernandez-de-kirchner-public-appearance-corruption>; Uki Goñi, "Former Argentina President Defiant after Court Appearance in Fraud Case," [The Guardian](http://www.theguardian.com/world/2016/apr/13/argentina-president-cristina-fernandez-kirchner-fraud-investigation), 04/13/2016. <http://www.theguardian.com/world/2016/apr/13/argentina-president-cristina-fernandez-kirchner-fraud-investigation>; and

"Investigation Opened against CFK over Los Sauces Hotel," [Buenos Aires Herald](http://www.buenosairesherald.com/article/213664/investigation-opened-against-cfk-over-los-sauces-hotel), 05/03/2016. <http://www.buenosairesherald.com/article/213664/investigation-opened-against-cfk-over-los-sauces-hotel>.

⁶⁵ Agence France Presse, "Former Argentine President Cristina Kirchner Charged With Fraud," 05/14/2016, <http://www.ndtv.com/world-news/former-argentine-president-cristina-kirchner-charged-with-fraud-1406231>

⁶⁶ The International Consortium of Investigative Journalists (ICIJ) "Panama Papers," https://panamapapers.icij.org/the_power_players/

charges were dismissed by a high court, who said that enacting a state of siege during the protests was legitimate. Others, including members of de la Rúa's cabinet and police officers, have faced investigation and trials.⁶⁷ After the 2010 incident at Indoamericano Park, President Kirchner created a new ministry to monitor police violence, called the Argentine Ministry of Security.⁶⁸ However, International Federation for Human Rights (FIDH) reported in mid-2011, that nothing had been done to create actual structural change.⁶⁹ In May 2016, a four-judge panel convicted and sentenced 13 former Argentinian military officers for their roles in Operation Condor.⁷⁰

However, although greater transparency about corruption and impunity in Argentina may yield further understanding of Argentina's problems, it is unlikely to lead to accountability. The Nisman case showed that counterweights to corruption and impunity are inadequate. According to Argentinian scholar Juan Gabriel Tokatlian, "the judicial system has both substantive and procedural problems. Judges often are complicit with political, social and economic interests." Moreover, the police in Argentina are not sufficiently professional and have "a 'trigger-happy' habit, a clandestine linkage with the drug business, and worrisome corruption."⁷¹ According to Aránzazu Guillán Montero, "Corruption is entangled with impunity. When political power is involved, justice is not blind in Argentina. Elites will seek to protect their positions by using institutional mechanisms, such as the courts, and informal ones, such as intelligence and surveillance." As shown in the AIMA bombing and the Nisman case, "The government may use appointments and judicial oversight mechanisms (through the Judiciary Council) to affect judicial decisions. Trials of public servants for illegal activities, including corruption, drag on for years. (For example, in 2007, judicial processes for corruption cases averaged 14 years). Between 1980 and 2005, the ratio of convictions to prosecution for corruption charges was three percent —noticeably lower than in countries with similar corruption levels. Citizen trust in the judiciary is understandably low (only 23 percent trusted the judiciary in 2011, according to Latinobarometro."⁷²

⁶⁷ "Argentina Prosecutors Seek Jail for De La Rúa," *BBC News*, 10/04/2013.

<http://www.bbc.com/news/world-latin-america-24393650>;

"Seventeen Stand Trial for 2001 Argentine Crisis," *Telesur*, 12/19/2015.

<http://www.telesurtv.net/english/news/Seventeen-Stand-Trial-for-2001-Argentine-Crisis-20151219-0014.html>.

Luciana Bertoia, "Trial into 2001 BA City Riot Killings Opens," *Buenos Aires Herald*, 02/23/2014.

<http://www.buenosairesherald.com/article/152806/trial-into-2001-ba-city-riot-killings-opens>.

⁶⁸ Luciana Pol, "Take Back the Streets: Repression and Criminalization of Protest around the World," ACLU, 2013, pp. 22-25, https://www.aclu.org/files/assets/global_protest_suppression_report_incl.pdf

⁶⁹ Worldwide Movement for Human Rights (FIDH), "ARGENTINA (2010-2011)," 05/01/2011.

<https://www.fidh.org/en/region/americas/argentina/ARGENTINA-2010-2011>

⁷⁰ Santiago Del Carril, "Historic verdict in Operation Condor trial," *Business Aires Herald*, 5/27/2016,

<http://buenosairesherald.com/article/215082/historic-verdict-in-operation-condor-trial> and Jonathan

Gilbert, "Argentina Court Confirms a Deadly Legacy of Dictatorships," *New York Times*, 05/29/2016,

http://www.nytimes.com/2016/05/29/world/americas/argentine-court-confirms-a-deadly-legacy-of-dictatorships.html?rref=collection%2Ftimestopic%2FArgentina&action=click&contentCollection=world®ion=stream&module=stream_unit&version=latest&contentPlacement=3&pgtype=collection

⁷¹ Juan Gabriel Tokatlian, "Argentina: beyond impunity," *Open Democracy*, 1/27/2015,

<https://www.opendemocracy.net/juan-gabriel-tokatlian/argentina-beyond-impunity>

⁷² Aránzazu Guillán Montero, "Twisted Tango: Corruption and Impunity in Argentina," 1/31/2015,

<https://governancejournal.net/2015/01/31/twisted-tango-corruption-and-impunity-in-argentina/>

However, Argentina does not only have problems with the quality of governance and trust in the police and judicial system. Trust in the country's macroeconomic management is equally low.

B. Economic Policies and Public Perceptions of the Role of Government in the Economy

The Argentine polity has long been deeply divided as to the proper role of the state in encouraging economic growth. Some favor a free market approach, as now put forward under Macri. Others advocate for a more interventionist approach, as realized under the Peronist and both Kirchner Administrations. Presidents and junta leaders have used the resources of the state to favor various sectors of the economy or groups of people, and denied resources to sectors and groups of people who were not favored by those in power.⁷³ Moreover, in recent years, Argentinian policymakers have not been transparent and accountable regarding their management of the economy.

Argentina's economic problems are caused by both its Constitutional design as well as economic mismanagement. The Constitution provides for an overly strong executive, who can move government to match his/her ideology and subvert the government's checks and balances.⁷⁴ Secondly, Argentina has long functioned as a corporatist economy, where organized interest groups such as big business, labor unions, the military, and farmers must negotiate with the state and with each other for position and resources.⁷⁵ Argentina has an agricultural core that is highly concentrated and productive, an industrial manufacturing sector that exports little and depends on imported capital goods, key technologies owned, controlled and governed by foreign investors, and a cyclical shortage of dollars.⁷⁶ Economist Alexander Berkovich notes the Argentinian people feel whipsawed between inept management by their leaders, as "the average Argentine is always waiting for the next crisis and bases economic reasoning on it."⁷⁷

Argentina's economic mismanagement has often led to rampant inflation. In 1991, Economy Minister Domingo Cavallo's Convertibility Plan established parity between the peso and the US dollar. However, by 1999, creditors had lost confidence in Argentina's ability to service its debts, leading Argentinian bonds to appreciate. At the suggestion of the IMF, the government cut programs, which worsened the Argentine recession. By 2001, Argentina had defaulted on its debts and did away with its currency peg. Capital fled, consumer spending collapsed and the savings of many Argentines were wiped out. Not surprisingly, they took to the streets to protest. During the Nestor Kirchner Administration, the government devalued the peso, which facilitated greater

⁷³ "Old Whines," *The Economist*, 04/16/2016, <http://www.economist.com/news/americas/21697010-new-president-has-moved-fast-reform-economy-results-so-far-have-been-painful-old>;

Daniel Gallas, "Argentina polls: A tale of two women voters," *BBC News*, 11/20/2015, <http://www.bbc.com/news/world-latin-america-34866870>; and

Saucedo Añez and Patricia Carolina, "Police Repression in Argentina," Interview by author, 01/25/2016.

⁷⁴ Patricia Vasquez, "Argentina's Oil and Gas Sector: Coordinated Federalism and The Rule of Law," Wilson Center, May 2016, <https://www.wilsoncenter.org/sites/default/files/argentinasoilgas.vasquez.pdf>

⁷⁵ Daniel Yergin and Joseph Stanislaw, *The Commanding Heights* (New York: Simon and Shuster 2002), pp. 241-242, http://www-tc.pbs.org/wgbh/commandingheights/shared/pdf/ess_argentinaparadox.pdf

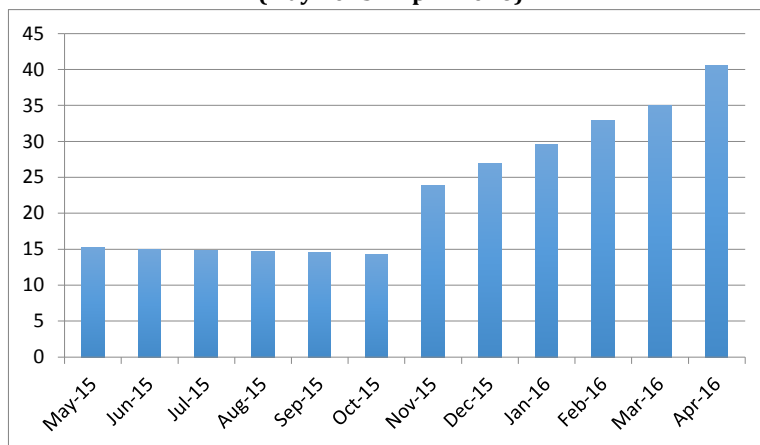
⁷⁶ Alejandro Bercovich, "Argentina's 10 Yearly Crisis," *The Argentina Independent*, 05/30/2014, <http://www.argentinaindependent.com/currentaffairs/analysis/argentinas-ten-yearly-crisis/>

⁷⁷ *Ibid.*

exports. The Argentinian economy again became dependent on resource exports to China and other emerging markets. However, that demand began to dry up again in 2013 as the Brazilian and Chinese economies went into recessions.⁷⁸ By 2013, Argentines had to deal with both recession and high inflation. Meanwhile, the central bank set up restrictions on the ability of its citizens to buy dollars, as a hedge against inflation. The Christina Kirchner government aimed to keep the peso low to stimulate exports.⁷⁹

Nevertheless, by keeping the peso's value and inflation low, Kirchner alienated many of her constituencies. Inflation is essentially a tax on the poor, who must spend more to buy necessities. As the table below shows, by 2016, the annual inflation rate approached 40 percent, according to independent estimates (official numbers are not being published while Argentina overhauls its statistics agency). Argentinian citizens were essentially subsidizing exports.⁸⁰

**Table 4: Inflation rate in Argentina
(May 2015 - April 2016)**



Source: Instituto Nacional de Estadística y Censo (INDEC)

Meanwhile the Kirchner Administration was undermining its own efforts to reduce poverty by using state resources to help the poor and working classes. According to the World Bank, by aiming policies at the poor, the incomes of the bottom 40 percent grew at an annualized rate of 11.8

⁷⁸ Tom Bailey, "History of Economic Trouble in Argentina," World Finance, 03/10/2016, <http://www.worldfinance.com/home/special-reports-home/a-history-of-economic-trouble-in-argentina>

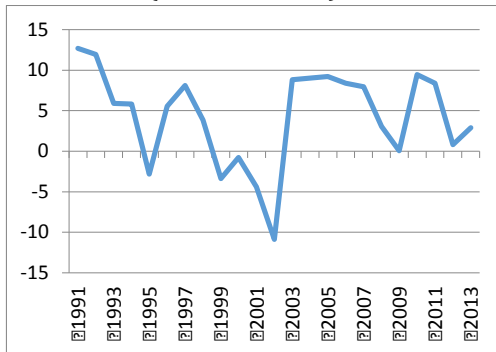
⁷⁹ World Bank, Argentina, Overview, <http://www.worldbank.org/en/country/argentina/overview>; Trading Economics, "Argentina Inflation Rate," <http://www.tradingeconomics.com/argentina/inflation-cpi>; and

"Argentina's Inflation Rate: In the Eye of the Beholder?" Knowledge@Wharton, 03/09/2011, <http://knowledge.wharton.upenn.edu/article/argentinas-inflation-rate-in-the-eye-of-the-beholder/>

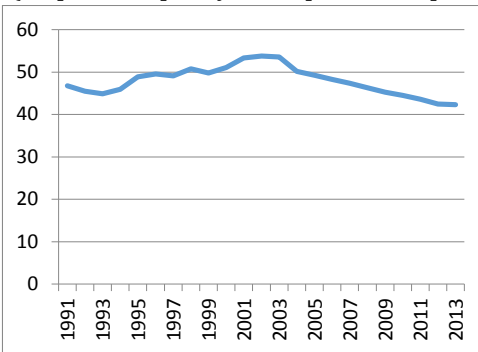
⁸⁰ Ibid.

percent compared to average income growth of 7.6 percent. However, growth slowed after 2008. As of 2014, 12.7 percent lived in poverty – defined as living on under \$4 a day. The World Bank notes that as of 2016, one third of the population lives on between 4 and 10 dollars a day and remains at risk of falling back into poverty.⁸¹ Tables 5 and 6 reveal GDP growth and income inequality in Argentina.

**Table 5: GDP growth
(annual %, 2005)**



**Table 6: GINI Index
(0 – perfect equality, 100 – perfect inequality)**



Source: World Bank.

In January 2014, the government slightly eased restrictions on the purchase of dollars, but did not entirely remove them; Argentines making salaries of more than 900 USD could change up to 20 percent of their salary, but no more than 2,000 USD each month. In order to avoid paying a 20 percent tax on the dollars, Argentines would have to leave them in a bank account for a year or more.⁸² Under this system, known as the *cepo* or “clamp,” the official price of the Argentine peso was artificially controlled using reserves in the central bank.⁸³

Many Argentinian firms and individuals resented these restrictions on economic freedom. Professors Stephen C. Nelson and David A. Steinberg, surveyed Argentinian citizens in the nationally representative Argentine Panel Election Study and found that there was a strong connection between Argentines’ level of involvement in the financial system and the likelihood that

⁸¹ World Bank, Argentina, Overview, <http://www.worldbank.org/en/country/argentina/overview>

⁸² H. C., "Relaxation Therapy," *The Economist*, 01/24/2014, <http://www.economist.com/blogs/americasview/2014/01/currency-controls-argentina>; "Argentina to Ease Foreign Exchange Controls after Peso Slump," *BBC News*, 01/24/2014. <http://www.bbc.com/news/business-25877391>;

"Argentina Alters Dollar Purchase Restrictions, Allows to Buy up to \$2,000," *Russia Today International*, 01/28/2014. <https://www.rt.com/business/argentina-dollar-purchase-limits-295/>

⁸³ "Argentina Lifts Controls on the Peso," *The Economist*, 12/17/2015 <http://www.economist.com/news/americas/21684487-floating-currency-government-has-moved-step-closer-normalising-troubled>

they would be against the capital controls. They found that those who opposed capital controls were more likely to oppose President Christina Kirchner's preferred candidate for the Presidency.⁸⁴

Nonetheless, the Christina Kirchner Administration was not only inept at managing the economy – senior Administration officials lied about the economy's health. Senior officials approved the publication of misleading economic statistics and tried to intimidate those who opposed their approach to economic governance (a form of political repression). As a middle-income country, Argentina has the funds, will, and expertise to publish accurate economic statistics. However, since 2007, outside observers have described Argentina's economic statistics as inaccurate and deliberately misleading. Moreover, under Kirchner, government officials stifled the efforts by economists working outside the government who were determined to publish more accurate metrics.⁸⁵

In 2011, the Economist reported that Guillermo Moreno, the commerce secretary, tried to intimidate these independent economists. He relied upon a presidential decree designed to penalize misleading advertising, which was approved by the military dictatorship in 1983. In February 2011, he sent letters to 12 economists and consultants ordering them to reveal their methodology for creating these statistics. He argued that erroneous figures could mislead consumers. When they refused, several economists involved were fined about 125,000 USD. One of the economists was charged under the country's criminal statutes.⁸⁶

In this instance, the Congress opposed the Executive's tactics and moved to support more accurate statistics. Since members of the Congress did not have to worry about being censored, they began to release monthly inflation numbers. They relied on the data from many of the same economists that Moreno tried to silence.⁸⁷ These metrics were called Congress Inflation Numbers, or Patricia Bullrich Inflation, after a lawmaker named Patricia Bullrich.⁸⁸

Nevertheless, Argentina paid a price for the Executive's malfeasance. After years of attempting to push Argentina to develop more accurate statistics, in February 2013, the IMF censured Argentina

⁸⁴ Stephen Nelson and David A. Steinberg, "Here's Why Argentina's New President Macri Let the Peso Crash," The Washington Post, 01/04/2016 . <https://www.washingtonpost.com/news/monkey-cage/wp/2016/01/04/heres-why-argentinas-new-president-macri-let-the-peso-crash/>

⁸⁵ Diego Alejandro Catala , "Misleading Poverty Statistics in Argentina," Borgen Project, 1/16/2015, <http://borgenproject.org/foggy-poverty-statistics-in-argentina/> and "IMF Warns Argentina to fix Economic Data," Buenos Aires Herald, 1/19/2011, <http://buenosairesherald.com/article/111910/imf-warns-argentina-to-fix-economic-data>

⁸⁶ Human Rights Watch, "World Report 2015: Argentina,". 01/07/2015. <https://www.hrw.org/world-report/2015/country-chapters/argentina> ;

"Lies and Argentine Statistics," The Economist, 04/20/2011, <http://www.economist.com/node/18587317>;

and "Don't lie to me Argentina," The Economist, 02/25/2012, <http://www.economist.com/node/21548242>

⁸⁷ Jude Webber, "Clash of Indices over Argentine Inflation," Financial Times, 06/15/2011. Accessed 03/04/2016, <http://www.ft.com/cms/s/0/64c35938-96d7-11e0-aed7-00144feab49a.html#axzz41xWfPiKp>

⁸⁸ Daniel Gallas,"Argentina Polls: A Tale of Two Women Voters," BBC News, 11/20/2015, <http://www.bbc.com/news/world-latin-america-34866870>

because of its inaccurate numbers.⁸⁹ President Macri promised to improve these numbers. However, as of June 2015, the IMF continued to carefully review Argentinian statistics.⁹⁰

Why was the Kirchner Administration willing to coerce economists, mislead investors and international organizations, and act with impunity regarding economics? First, as noted above, the president has extensive powers, which the Kirchner Administration did not hesitate to use. Secondly, in contrast with many nations, Argentina did not have rules providing citizens with a right to information from the government.⁹¹ However, in 2016, the Macri government put forward such a law, which is gradually moving through the legislative branch.⁹²

Some people have asserted that Macri is also using state resources to favor his supporters and punish political opponents. In order to save money and reduce the size of government, the Macri Administration has laid off thousands of state employees.⁹³ The government admits that it laid off 10,000 people employed by the state.⁹⁴ Opponents say the administration is persecuting Kirchner supporters.⁹⁵ However, Macri's administration says that Kirchner's administration gave out these jobs to citizens to obtain their vote. The Macri Administration said that the Kirchner Administration increased the number of state jobs by 50 percent.⁹⁶

C. How does the Argentine Public Respond to Repression?

The Argentinian people have responded to government acts of repression with peaceful protests, court cases, and efforts to reform the system. Civil society groups have protested to gain attention and solutions to problems, such as a lack of basic services or answers to questions about what

⁸⁹ "Motion of Censure," *The Economist*, 02/09/2013,

<http://www.economist.com/news/americas/21571434-fund-blows-whistle-motion-censure> and International Monetary Fund, "Statement by the IMF Executive Board on Argentina," News release, 02/01/2013, <https://www.imf.org/external/np/sec/pr/2013/pr1333.htm>.

⁹⁰ "IMF Says Argentine Economic Data Still Flawed, Extends Review for a Year," *Reuters*, 06/03/2015.

⁹¹ Marc Rogers, "Macri's Moment: Can Argentina's New President Live Up to the Hype?" *World Politics Review* 05/19/2016, <http://www.worldpoliticsreview.com/articles/18830/macri-s-moment-can-argentina-s-new-president-live-up-to-the-hype>

⁹² Freedominfo.org, Argentina, <http://www.freedominfo.org/regions/latin-america/argentina/>

A Bill was approved by the Chamber of Deputies in May 2016, "Argentinian Deputies Approve Access to Information Bill," Freedominfo.org, 05/19/2016, <http://www.freedominfo.org/2016/05/argentinian-deputies-approve-access-to-information-bill/>

⁹³ Sara Kozameh, "The Changing Tide in Argentina: An Assault on the Public Sector and a Shift Towards Austerity." In *These Times*. February 8, 2016. <http://inthesetimes.com/article/18828/argentina-mauricio-macri-austerity>.

⁹⁴ Debora Rey and Luis Andres Henao, "Argentina's Big Unions Join to Protest Layoffs, Inflation," *Associated Press*, 04/29/2016. <http://bigstory.ap.org/article/4ce92c2983464f47b251101083db8c8b/argentinas-powerful-unions-unite-protest-layoffs>.

⁹⁵ Sara Kozameh, "The Changing Tide in Argentina: An Assault on the Public Sector and a Shift Towards Austerity," *In These Times*, 02/08/2016, <http://inthesetimes.com/article/18828/argentina-mauricio-macri-austerity>.

⁹⁶ Teresa Bo, "Layoffs Anger State Employees in Argentina," *Al Jazeera English*, 01/18/2016., <http://www.aljazeera.com/news/2016/01/policy-angers-state-employees-argentina-160118144942770.html>.

happened to the children of individuals disappeared during the "Dirty War."⁹⁷ However, they are not only protesting the past, they are trying to alter their future: whether to protests Kirchner's policies as in 2012,⁹⁸ or the millions who marched in April 18, 2013,⁹⁹ or to prod the government to find clear answers regarding the death of Nisman.

As noted above, some Argentines have a distinct approach to protesting. The 'Piqueteros' Movement, discussed above, which is characterized by meeting up and swarming across streets, roads, or even highways to draw attention by obstructing the traffic. Piqueteros sometimes take a meat grill and yerba mate to the protest site, enjoying their BBQ, while irate drivers look on. The human rights organization CELS has asserted that blocking roadways and occupying public spaces has a long tradition as a method of social struggle.¹⁰⁰ However, in February 2016, Macri's new government decided to put an end to this custom. The government proposed that local police inform the Ministry of Safety, warning people to leave the road where they are protesting to ensure that traffic can flow freely. If the protestors do not soon disperse, the authorities can intervene. The government could then argue it was respectful of democracy, while maintaining public order.¹⁰¹

VII. Answers to our Three Questions

Q1. Do citizens respond differently when confronted with political repression, violent repression, or a mix of repressive tactics?

Argentines have a long tradition of using peaceful protests (e.g. marching or gathering in roadblocks) to address economic and political concerns. Although many protestors were violent prior to and during the "Dirty War," in the past 30 years they have rarely turned to violence unless confronted by violence by the state. Instead, they seem to be working to reform institutions and improve governance.

⁹⁷ Francisco Goldman, "Children of the Dirty War." The New Yorker, 03/19/2012, <http://www.newyorker.com/magazine/2012/03/19/children-of-the-dirty-war> and Human Rights Watch, "World Report: Argentina: Events of 2015," 01/05/2016. <https://www.hrw.org/world-report/2016/country-chapters/argentina>

⁹⁸ Uki Goni and Jonathan Watts, "Argentina Protests: Up to Half a Million Rally against Fernández De Kirchner," The Guardian, 11/9/2012. <http://www.theguardian.com/world/2012/nov/09/argentina-protests-rally-fernandez-kirchner>.

⁹⁹ "Two Million Argentines across the Country Join the Biggest Anti-government Protest in Years," MercoPress, 04/19/2013. <http://en.mercopress.com/2013/04/19/two-million-argentines-across-the-country-join-the-biggest-anti-government-protest-in-years> and

"Cacerolazo 18A: Multitudinarias Protestas Contra El Gobierno En Todo El País," La Nación, 04/18/2013. <http://www.lanacion.com.ar/1573998-cacerolazo-18a>

¹⁰⁰ Centro de Estudios Legales y Sociales (CELS), "Debate Continues with the Argentine Government over the Protest Protocol." 02/19/2016.

<http://www.cels.org.ar/comunicacion/?info=detalleDoc&ids=4&lang=es&ss=46&idc=2035>

¹⁰¹ Miguel Galvis, "The end of the 'Piquetes'? Argentinian government puts up anti-protest protocol," Latin Correspondent, 02/22/2016, <http://latin correspondent.com/2016/02/the-end-of-the-piquetes-argentinian-government-puts-up-anti-protest-protocol/>

The Congress also seems increasingly responsive to the public and more willing to check the power of the executive.

However, Argentines remain frustrated with their quality of government and have high levels of distrust in their government. Both the Kirchner Administrations and, thus far, the Macri Administration have done little to improve these institutions. Until they do, local police may continue to act with impunity and in a repressive manner, and some citizens are likely to respond with violence. Moreover, many Argentines are suffering economically. The Argentine Synod of the Catholic Church (the leading religious institution in Argentina) published a strongly worded document saying the national government “should not turn a deaf ear to alarming signs” of rising unemployment and job instability for workers... who are in precarious jobs, who do not have access to social rights or state protection.”¹⁰² These individuals are likely to take to the streets if their concerns are ignored.

Q2. Do officials use different types of repression in response to different types of civil conflict?

Argentina is not a repressive state, although at times officials do use violence in response to both peaceful and violent protests. We could not determine if such violent acts by the police were due to inadequate training, impunity, or unclear guidance. At the local level, the police frequently use violent means to subdue indigenous or poorer sectors of the population. They often act with impunity. In general, the federal police are better trained and more closely monitored by the press, NGOs, and the public. As a result, the federal police are less likely to rely on violent repressive tactics.

The state has at times used state resources to punish those who disagree with the president. During the Kirchner Administrations, the government used advertising dollars and other public policies to favor those who were pro-government and to punish those who challenged or spoke out against the government. The government also threatened economists who sought to produce and publish more accurate inflation figures, but Congress supported and published the economists’ work. As a result, the executive branch was acting with impunity to suppress free speech. More recently, the Macri Administration laid off thousands of government workers. Many of them argued that they were not fired for budgetary reasons as the Macri Administration claimed, but because they were allied with or appointed by Kirchner. We do not know if Macri acted to punish them and or to reduce the size of the state.

Finally, if Nisman was killed to prevent him from asserting his findings regarding a Kirchner cover-up of the bombing, the government was using violence to repress free speech. In the 16 months since his killing, the government has made little progress in ascertaining why he was killed, leading to even more distrust.

¹⁰² “Church tells Macri to prioritize poor,” [Buenos Aires Herald](http://buenosairesherald.com/article/215019/church-tells-macri-to-prioritize-poor), 5/19/2016
<http://buenosairesherald.com/article/215019/church-tells-macri-to-prioritize-poor>

Q3. Does the use, and type of repression (whether political, violent, or some combination) increase the likelihood that rulers retain power?

During the "Dirty War," the junta kept power through violent repression. However, the government overreached as the economy slipped into recession. The military was unable to take over the Falklands and showed it was equally inept on the battlefield as at economic and political governance.

The democratic governments that followed used repressive tactics selectively against some of their enemies. Limited repression did not help nor hinder the Kirchners from maintaining power.¹⁰³ During the final years of the Kirchner administration, Argentina faced severe economic and financial problems, including the July 2014 default and inflation. Christina Kirchner was unpopular; yet, Daniel Scioli, the candidate she chose to follow her, received more votes than Mauricio Macri in the 2015 first round; in the runoff, he received 48.6 percent of the vote.¹⁰⁴

Macri has been president for only 6 months. He has authorized new rules for the police in demonstrations and decreed a state of emergency. He may also be using the resources of the state to punish those who disagree with his economic and political strategies. However, he has also put through reforms and collaborated with Congress. As Kirchner, he is unlikely to rely significantly on violent repression. Moreover, he has promised to improve the rule of law and the quality of governance. Building trust in governance and among Argentines is more likely to help him retain power and influence than repression.¹⁰⁵

¹⁰³ Mark Weisbrot, Rebecca Ray, Juan A. Montecino, and Sara Kozameh, "The Argentine Success Story and Its Implications," Center for Economic and Policy Research. October 2011.

<http://cepr.net/publications/reports/the-argentine-success-story-and-its-implications>

¹⁰⁴ "The World Factbook: South America:: Argentina." Central Intelligence Agency: The World Factbook. October 28, 2015. <https://www.cia.gov/library/publications/the-world-factbook/geos/ar.html>.

¹⁰⁵ "A Fast Start," *The Economist*. 01/02/2016. <http://www.economist.com/news/americas/21684823-mauricio-macris-early-decisions-are-bringing-benefits-and-making-waves-fast-start>.

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Interviews

Bruno Binetti, Research Associate, Inter-American Dialogue, 6/10/2016
Patricia Carolina Saucedo Añez, Ph.D. Candidate, University of Erfut, 01/25/2016.
Juan Gabriel Tokatlian, Professor of Political Science, Universidad Torcuato Di Tella, 5/12/2016
Patricia Vasquez, Johns Hopkins University and the Graduate Institute, Geneva, 5/13/2016