## Media guidelines for appropriate reporting on incarceration and people deprived of their liberty





### Introduction

These guidelines are the result of collective action taken by the Public Defender's Office of Audience Rights since 2014 to promote the communication rights people of deprived of their liberty and to discuss media representation of incarceration. Throughout these years, the activities led by the "La Comunicación desde Adentro" work line ("Communication from inside") in correctional facilities all across the country, under the Directorate for Training and Promotion, deserve special recognition. Likewise. the contributions of journalists, members of social organizations, workers of public institutions and researchers, among others, have been essential to the creation of these guidelines. Their contributions have been gathered from several workshops on the topic, organized by this Office between 2018 and 2022. Another important source of information behind these guidelines were the conclusions reached by the Monitoring of Broadcast Television Newscasts within the Buenos Aires Metropolitan Area program ("Qué es noticia para los noticieros de TV abierta"), conducted by the Directorate for Analysis, Research and Monitoring of this Office.

The data gathered by said Monitoring program was confirmed by all the work done regarding the violation of rights detected in different complaints presented to the Directorate for the Protection of Rights. As part of the complaints, the public has expressed worry over news coverage that deny, misinform and are ignorant of the rights that people deprived of their liberty have. Moreover, interventions by members of civil society during the public hearings held by this body since its creation add new perspectives to analyze these topics.

The Monitoring of Broadcast Television Newscasts within the Buenos Aires

Metropolitan Area program, conducted by this Office since 2013, shows the marginalization of news about incarceration and people deprived of their liberty. This trend can be seen across the years, except for the year 2020, during which the reporting on this topic grew slightly, an uptick that could be explained by the COVID-19 pandemic and the spotlight set on the sanitary situation in prisons<sup>1</sup>. Another recurrence detected by the Monitoring was that prisons are in the news only when crimes are committed within them. This reinforces stigma and pushes other relevant issues to the background rights violations, women's (human situation and motherhood, the physical state of the facilities, among others).

It is important to keep in mind the media's social responsibility and its capacity to convey issues that aren't usually given air time but require governmental attention. A responsible and respectful approach can help integrate people deprived of their liberty into the media in a sustainable way, beyond exceptional appearances.

Understanding that people deprived of their liberty have rights contributes to their appearance in the media without stereotypes and stigmatization.

In turn, communicating from this perspective gives the public access to accurate information on the topic, ensuring their right to information.

These guidelines are another piece of literature to make this possible.

<sup>1</sup> News regarding incarceration and people deprived of their liberty are part of the "Police and public safety" category. Except in 2020, they represent less than 1% of all news in that category between 2018 and 2021 (0.7% of 4996 news in the category in 2018; 0.6% of 4642 police related news in 2019; 2% of 1422 police related news in 2020; and 0.4% of 3034 police related news in 2021).

### Guidelines



Learn and spread information on the rights of people deprived of their liberty

The restrictions to the freedom of incarcerated people is only related to movement, that is to say, their freedom to go wherever they wish. This restriction does not affect their access to other rights. The State is obligated to ensure human rights are respected within prisons (the rights to life, physical integrity, food, sanitation, public education, work, information and expression, health, among others). Thus, learning and spreading information on incarcerated people's rights and the State's obligation to ensure them is essential.

Regional and global human rights protection systems have agreed on the

special responsibility of the States as guarantors of the rights of the people in their custody. As the entity responsible for prison facilities across our country, the Argentine State has to guarantee **each person deprived of their liberty their rights to life and to a decent standard of living**. It is its obligation to guarantee their health and ensure their physical integrity.

The State has to provide protection to prevent torture, cruel, inhuman or degrading treatment or punishment, sexual violence and physical punishment.

It also has to ensure these people's right

to adequate food and potable water to consume and clean themselves, to prevent violations to their physical integrity. On the other hand, ensuring their right to work, education, recreation and freedom of speech constitutes an essential obligation, too. It is important not to talk about the observance of these rights in the case of people deprived of their liberty as "expenses" or "a waste of public funds". Such expressions only legitimize the violation of detained people's rights.

Finally, regarding historically endangered groups and communities such as women, lesbians, gay people, trans and travesti people, the youth, disabled people, indigenous people and migrants, among others, it should be kept in mind that the State has specific duties to them, to properly approach their situation in case of incarceration. On a national level, the Execution of Custodial Sentences Act No. 24,660 (and its amendment, Act No. 27,375) recognizes that people deprived of their liberty retain access to any other rights unaffected by their sentence or the law and its consequent regulation (section 2). Additionally, it protects such rights with no discrimination or distinction in terms of race, sex, language, religion, ideology, social position or any other circumstance (section 8). It also establishes that the execution of a sentence shall be exempt of cruel, inhuman or degrading treatment (section 9). This Act recognizes the rights to hygiene, food, housing, clothing, information and petitioning, work, education, health, exercise of religion, and social and familial relations, among other fundamental rights (sections 58, 62, 63, 64, 65, <u>66, 106, 133, 143, 153, 158).</u>



Avoid covering news about rights of people deprived of their liberty describing them as "privileges" or "excessive concessions"

It is important that news coverage presents the exercise of rights as such, to avoid communicating false or negative information about the people deprived of their liberty and protect the audience's right to information on the topic.

Then, for example, when communicating something related to parole or different modalities of execution of a sentence, as contemplated under the progressive reintegration framework of our prison system (sections 6, 7 and 12 to 31 bis of Act No. 24,660), these should be explained and recognized as rights, not privileges. We refer here to conditional release, semi-freedom, provisional parole, assisted parole, among others.

The media should keep in mind the principle of progressivity<sup>2</sup> of the sentences and the importance that it be ensured during the execution of any sentence (sections 6 and 7 of Act. No. 24,660). Additionally, the reception of payment in exchange for labor as guaranteed by the right to work tends to be communicated as a privilege and it becomes the target of criticism, speculation and biased comparisons. Thus, its nature as a right

2 The idea of progressivity is related to the objective of a gradual social reintegration of incarcerated people.

is ignored and so are the provisions established by labor standards regarding the regulation of reception and allocation of salaries (section 121 and concordant norms of the mentioned act).

News coverage must highlight that ensuring the exercise of these rights within prisons is a State obligation, aimed at successfully reintegrating incarcerated people into the "outside world", not a concession nor a benefit (Act No. 24,660; UN Standard Minimum Rules for the Treatment of Prisoners: the Nelson Mandela Rules; Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas).



### Use respectful, non-stigmatizing language

The words chosen build and project meaning over people and their realities. People *are* not prisoners, they *are imprisoned*: incarceration is not a defining quality of their person. Therefore, it is advisable to use expressions like "people **deprived of their liberty**" and "**incarcerated people**", which accurately describe the deprivation of liberty as a circumstantial condition these people are going through. Negative and stigmatizing name-calling should be avoided, such as "criminal," "crook," "delinquent," etc.



Avoid the reproduction of socially discriminatory common sense

News coverage should refrain from telling stories framing people deprived of their liberty as "lost causes", "irrecoverable", "tainted" or able to "taint" those around them. This kind of terminology creates rejection, social fear, and promotes the idea that incarceration is an unavoidably irreversible condition.



Respectfully incorporate the voices of people deprived of their liberty into news coverage

People deprived of their liberty have the right to express themselves in the media, just like any other citizen. Interviewing them and amplifying their voices helps build plurality. However, it is important to take any necessary precautions to avoid having exposure affect other rights or potentially put at risk their integrity. Thus, it is indispensable to: explain the purpose of the interview and its conditions (audio recording, etc.); ask adult interviewees if they wish to conceal their identity (personal information, voice and image) and mandatorily do so when interviewing minors; and listen attentively, respectfully and empathically, caring for the personal and emotional needs of the interviewee. It is also important to have interviews show not only personal stories but also collective action, typical of organized life within prisons, such as aid work and communal activities, independently organized sport training, written and radio productions, etc.

How can you request an interview with a person deprived of their liberty in custody of the Federal Penitentiary Service?

 Once consent of the incarcerated person is obtained, the defense attorneyhastorequestauthorization to conduct the interview from the relevant Sentence Enforcement Judge.

 Said authorization has to be presented before the National Directorate of the Federal Penitentiary Service, which in turn sends the information to the director of the facility where the would-be interviewee resides, who also has to authorize the interview himself.

 However, incarcerated people have the right to communicate with the media, uncensored, in written form or through phone calls.

Source: Decree No. 1136/97. Reglamentation of Chapter XI 'Social and Familial Relationships' (sections 158 to 167) and related norms. Communication Regulations for Incarcerated People. If the incarcerated person of interest is in custody of provincial penitentiary services, regulations for the corresponding jurisdiction should be consulted.



Offer accurate information regarding the stage in the proceedings that the people mentioned in the news are currently going through

Journalists should have the necessary (and properly confirmed) information to describe the type of crime charged and the stage in the proceedings that the people involved in the covered news are going through. They should clarify whether the person has been deprived of their liberty as a precaution (preventive custody or pretrial detention) or after a final judgement (as a convicted person), and they should avoid using any terms as synonyms if they imply different things within judicial proceedings.

**Preventive custody or pretrial detention** should be, as described in the norms, an exceptional action, and it should only take place when enough elements are presented to show a certain level of flight risk or possible obstruction of the proceedings.

The **defendant** is the person that the judge has indicted, as long as there are enough convincing elements to estimate the existence of a crime and the possibility that said person was involved in it.

**Convicted people** are people that have been declared guilty of a crime on a final judgment.

An important step to provide accurate information on the topic and prevent the violation of rights is to consult official sources: ask the authorities and judicial agents, such as the public defender or the defense attorney, the public prosecutor's office or the relevant court's office, about the stage of the proceedings and the investigation.



# Contextualize information

It is important to provide trustworthy figures and statistical data about incarcerated people and their main issues, to avoid reproducing common sense ideas such as "they're in through one door and out through the other one", "prisons are full of foreigners", "prisoners are better paid than retired people", "barely freed and they're already committing crimes again." For instance, official data shows that 95% of all people deprived of their liberty are Argentine and over two thirds have not been previously convicted for other crimes. Additionally, of all convicted people, only 5% have been granted parole, 1.2% are under a semi-freedom regime and only 5.1% have seen their sentences reduced<sup>3</sup>.

3 SNEEP Executive Report 2021, available, in Spanish, here: https://www.argentina.gob.ar/sites/default/files/2022/10/informe\_sneep\_argentina\_2021\_2.pdf



Avoid making a show and trivializing the news about people deprived of their liberty

Usually, people deprived of their liberty appear on the news when they are involved in violent acts: escapes, riots or assaults, raids in prison facilities. News coverage tends to make a show of these events by prioritizing pictures and headings focused on violence which do not always include contextualizing elements to understand the causes of the event. Some examples of such headings are: "Wild fight between prisoners", "Knives out in the ward", "War in the prison", "This is how prisoners threaten people". It is important to note, also, that these events are overrepresented, given that official statistics show that 90% of the people deprived of their liberty in our country have never participated in any type of disorderly conduct in prison, and 99.5% have never attempted to escape<sup>4</sup>.

Sensationalism should be avoided when communicating about incarcerationrelated topics; explaining the complexity of the events and the responsibilities held by the State in general and the penitentiary specifically is advised. Moreover, when reporting on alleged "riots", it should be considered that incarcerated people and their relatives do have a right to protest, just like any other citizen.

4 See footnote nº2.



### **Diversify sources**

It is advisable to collect information from the incarcerated people themselves, from institutions, official bodies, social, academic and human rights organizations and family associations in contact with this population. Organizations that represent both people deprived of their liberty and their families should be consulted, to include their perspective on the events in question. Additionally, it is advisable to contact human rights bodies and specialists in the topic, as well as official bodies that are able to provide trustworthy information and accurate data on incarceration. This enables media workers to check and compare the information provided by the penitentiary services, to avoid communicating a biased perspective on the news.



# Provide socially relevant information

News about people deprived of their liberty can be a great opportunity to spread socially relevant information, such as the contact information of organizations and bodies that people can turn to in case of violation of human rights in prison, statistical data (number of detained people, stage of the proceedings, nationality, gender, number of detained people who have access to education and work. types of crimes, etc.), among others. It is important to show incarcerated people and their living spaces in a way that provides information and allows the general public to learn about incarceration without stereotyping.

#### How can you provide media coverage from within federal penitentiary facilities?

 Authorization from the National Directorate of the Federal Penitentiary has to be granted.

• The person responsible for any particular media has to sign a written promise to implement distortion techniques on any recorded pictures or audio, to prevent the identification of the detained people. They also have to pledge not to mention any sensitive information that might be useful to identify someone during coverage (personal stories, criminal records, etc.).

Source: Decree No. 1136/97. Reglamentation of Chapter XI 'Social and Familial Relationships' (sections 158 to 167) and related norms. Communication Regulations for Incarcerated People.

### Glossary

**Acquittal**: Decision of a court to declare a defendant not guilty and, therefore, order their freedom, ceasing any imposed restrictions.

Amparo or protective measure: A prompt legal resource, established by the National Constitution, that any person can use (as long as there is no other more suitable course of action) against acts and omissions by public or private authorities that may imminently result in the arbitrary or openly illegal violation, restriction or any other kind of threat against rights and guarantees upheld by the Constitution, treaties or laws. A judge may declare the unconstitutionality of the norm on which the damaging act or omission is based (section 43 of the National Constitution).

**Appeal**: A legal process to ask a higher court to impugn, modify or nullify a resolution or sentence.

**Arrest**: Provisional detention of a person suspected of having committed a crime or offense. In the National and Provincial Procedure Codes, the term is also used to describe the so-called "freezing of the crime scene", which happens right after a crime subject to public indictment has happened if the author, accomplices and witnesses cannot be singled out and urgent action is necessary to preserve the investigation.

**Assisted parole**: The possible release of a person deprived of their liberty three months before the expiration of their sentence in prison. It is regulated under sections 54, 55 and 56 of Act No. 24,660.

**Competence**: Capacity to answer for one's actions. It is an attribute of human beings whose mental faculties are intact and who are free of any restriction in their actions. It means the person is able to understand what a crime is. It is a precondition for guilt.

Conditional release: The possibility a convicted person has of being released early, by order of a judge. It may be granted incertain situations: to a person sentenced to life in custody or prison who has already served 35 years; to a person sentenced to more than three years in custody or prison who has served two thirds of their time; and to a person sentenced to less than three years in custody or prison who has served either one year in custody or eight months in prison, having always respected prison norms. Conditional release is granted under the following conditions: the person has to (1) settle to live wherever stated in the release order; (2) respect the inspection rules set by said order, particularly the mandatory abstention from alcohol and narcotics; (3) adopt, within the timeframe set by the order, a trade, artistic role, industry job or profession, in case they had no previous means of survival; (4) not commit another crime; (5) submit to the supervision of a parole board established by the relevant authorities; (6) submit to medical, psychiatric or psychological treatment if considered necessary and useful by a board of experts. These conditions, as well as any others added by the relevant judge, have to be respected by the convicted person until the expiration of their sentence or, in case of life sentences, for 10 years after being granted conditional release (section 13 of the Argentine Criminal Code).

**Crime**: The unlawful, guilty action that constitutes a criminal offense. Only those explicitly described in the Criminal Code and any complementary laws may be considered crimes. Some crimes are labeled as intentional, committed willfully and knowingly, while others are investigated as negligent conduct, due to lack of foresight or carelessness. The Criminal Code lists crimes according to the legal right affected in each case. For example: crimes against people, against honor, against sexual integrity.

**Defendant**: The person indicted by a judge who has been presented with sufficient evidence of an alleged crime and the involvement of the person accused. **Detention**: The provisional deprivation of a person's liberty ordered by a relevant authority. A legal detention occurs only after the issuance of a judicial order or, exceptionally, by police authorities. An exceptional detention by police authorities can take place when caught in *flagrante delicto* or when there is reasonable suspicion that a crime subject to public indictment will happen or has happened. In such cases, the detained person has to be taken immediately before a relevant judge and be allowed to communicate with their family and a lawyer, or be provided a lawyer if they do not already have one.

**Discontinuous custody**: A type of execution of a sentence where a convicted person serves their sentence by staying at a determined institution following the principle of self-discipline, in time fractions of no less than 36 hours, trying not to overlap said period with the person's working hours. It is regulated under section 36 of Act No. 24,660.

**Exemption from prison**: A judge can order an exemption from prison while the

defendant is free. Any person charged for a crime can request it, at any stage of the proceedings before preventive custody is ordered. To decide, the judge has to examine the characteristics of the alleged crime and the personal situation of the defendant. If they consider a conditional sentence might be issued, they can order the defendant's exemption from prison. Exemption from prison can also be applied in cases of private action and when the alleged crime was committed as an act of freedom of expression or as a consequence of criticism in case of public issues, in accordance with section 185 (a), (b) and (c) of the new Argentine Criminal Procedure Code.

**Extradition**: A procedure through which a government (the petitioner) requests that the authorities of another country (the respondent) send back people who are currently in their territory and who have been charged for a crime in the petitioner country. It is a diplomatic process that occurs on the grounds of preexistent treaties between the countries involved or in accordance with the principle of reciprocity.

**Final judgement**: It is an unappealable sentence that cannot be reviewed by any resources, whether because the established period to present them has concluded or because there are no more resources left to impugn the judge's decision. Therefore, a "final judgement" concludes the legal proceedings.

Habeas corpus: Legal action that can be brought forward in case of an illegal detention or enforced disappearance, or when faced with the possibility of either happening. It can be filed by the person affected or by anyone in their stead. Its objective is to have a judge determine whether the detention was legal or illegal. This resource tends to prevent cases of abuse of authority. As stated in section 43 of the Argentine Constitution: "When the right damaged, limited, modified, or threatened affects physical liberty, or in case of an illegitimate worsening of procedures or conditions of detention, or of forced missing of persons, the action of habeas corpus shall be filed by the party concerned or by any other person on their behalf, and the judge shall immediately make a decision even under state of siege."

**Indictment**: The act through which the public prosecutor's office requests the start of a trial once concluded the preliminary investigation, based on the evidence gathered during said stage of the proceedings, to consider and evaluate whether a crime has been committed. An indictment has to include the information to identify the accused person; a clear, precise and detailed connection to the punishable act attributed to them; the grounds for the accusation, including the evidence supporting it; a precise enumeration of the applicable legal norms and their correlation to the act and the accused person's intervention; an overview of the evidence to be brought forward; and the proposal of an estimated sentence, to be considered by the judge, the court or the jury. If the judge accepts the indictment, after a control hearing,

they will send an order to proceed to trial, following sections 241, 246 and 247 of the new Argentine Criminal Procedure Code.

Lack of admissible evidence: A resolution by the judge who, after receiving the statement of the defendant, determines that there are not enough probatory elements regarding the alleged crime or the defendant's liability for it. If the defendant is in custody, they are freed, regardless of the continuation of the investigation.

Legal guarantee: Any norm passed in protection of fundamental rights. It is related to the need to protect or safeguard the right to life, personal integrity and freedom in the face of the punitive power held by the State. That is to say, it is the legal protection that society offers to individuals to ensure the safeguarding of their rights.

**Life sentence**: Also known as life imprisonment. It refers to a custodial sentence for an indefinite amount of time as punishment for committing a crime. Despite what the name might imply, a person convicted to life in prison can be granted conditional release. To receive such benefit, they have to serve for 35 years first.

**Oral proceedings**: The main part of the criminal procedure, where the conflict that originated the procedure is finally resolved (although it can be revised later on). The main characteristics are: 1. Orality: it is, essentially, an oral, not written, form of communication between the parties. Given its importance, it works as an instrument to ensure the rest of the principles of oral proceedings: if they develop orally, people need to be present (immediacy) and the form of communication makes monitoring by others possible (public setting); 2. Public setting: it refers to the fact that the perception and reception of evidence, its examination and any interventions by the parties occur in the physical presence of the parties and members of civil society, seeking absolute transparecy; and 3. Immediacy: it is a basic condition

of the proceedings to find "the truth", as all communication and evidence are exhibited in the presence of all the people involved in the trial and, specially, the mandatory presence of the person who will pass sentence.

**Pardon**: Mercy exceptionally granted by the Head of State, which allows a person to be relieved of their sentence, whether fully, partially or by commuting it for a more benign one. Severe human rights violations cannot be pardoned.

Preliminary statement: The first statement given by the alleged culprit of a crime to the Court, to establish their identity and find out their level of participation in the alleged crime they are accused of committing. The only other participants allowed to attend the declaration are the defense attorney and the public prosecutor. The defendant may refrain from making a statement and they are not required to take an oath to tell the truth nor can they be forced to make a statement against their will. The examining judge has the authority to summon a person to give a preliminary statement and, to do so, they only need to see enough evidence to have reasonable grounds for suspicion of the person's involvement in a crime. The new Argentine Criminal Procedure Code does not include the figure of "preliminary statement" and instead covers the "first statement of charges". For more information, see "Defendant".

**Prescription**: In criminal law, prescription refers to the effect that time itself has on acts and sentences. The prescription of a criminal action is a possible cause of extinction of the pursuit of the State to punish a crime after a specific period of time has passed since its occurrence. It is a time limitation to the State's power to punish crime.

**Presumption of innocence**: In criminal law, a principle that states that every person accused of any crime is considered innocent and must be treated as such, as long as they have not been found guilty by a relevant court or judge. Locally, it is

enshrined in the National Constitution and several international human rights instruments, such as the Universal Declaration of Human Rights and the American Convention on Human Rights, among others. It derives from what our National Constitution states in section 18: "No inhabitant of the Nation may be punished without previous trial based on a law enacted before the act that gives rise to the process." Article 8.2 of the American Convention on Human Rights, which refers to legal guaranties, states that: "Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law".

**Preventive custody**: The deprivation of a defendant's liberty during the development of the legal proceedings. It is an exceptional precautionary measure which can be applied in the failure of others or in case less restrictive measures prove to be insufficient. It can be ordered depending on the severity of the circumstances, the nature of the alleged crime and the situation of the defendant, which are examined to establish the level of flight risk or possible obstruction of the proceedings, as established in the new Argentine Criminal Procedure Code, section 185. It is based on the likelihood that the defendant might escape to avoid reaching the stage of oral proceedings or the execution of an eventual conviction; or that they might obstruct the investigation in course. It is not applicable: a) when, due to the characteristics of the alleged crime and the personal situation of the defendant, a conditional conviction might be issued; b) in cases of private action and; c) when the alleged crime was committed as an act of freedom of expression or as a consequence of criticism in case of public issues.

**Previous trial**: Section 18 of the National Constitution establishes that no inhabitant of the Nation may be punished without previous trial based on a law enacted before the act that gives rise to the process.

Principle of progressivity of the sentence: Progressivity permeates the whole process a person goes through to serve a custodial sentence, as ordered by a legal authority. It is implemented through four stages or periods a convicted person must complete. They are: 1. Observation period; 2. Treatment period; 3. Testing period; and, lastly, 4. The period in which they can request a conditional release. Advancing from one stage to the next will depend on the completion of the objectives set by the penitentiary authorities for each period. As a person "progresses", they can request sentence mitigations in terms of incarceration, provisional parole and semi-freedom. This is regulated under sections 6, 7 and 12 to 30 of Act No. 24,660 as well as under Decree No. 366/99.

**Prison release**: The decision to free an incarcerated person, whether provisionally or permanently, by judicial order, on bail or not. Release can happen if: a) the defendant has remained in preventive custody for the full term requested by the representative of the public prosecutor's office; b) the defendant has spent in preventive custody a period of time equal to the prison time established by their unconfirmed sentence; c) the defendant has remained in preventive custody for enough time that, if their case had a final judgement, they would be allowed to request provisional or assisted parole (under section 191 of the new Argentine Criminal Procedure Code).

**Provisional parole**: It allows a person deprived of their liberty to leave the facilities for 12, 24 and, in exceptional cases, 72 hours, under conditions set by the relevant Sentence Enforcement Judge. Its objective might be related to the improvement of familial or social ties, the realization of educational activities or the participation in pre-release programs.

**Recidivism**: An aggravating circumstance for criminal liability as a result of a previous conviction for another crime of similar nature committed by the defendant, which are registered in their criminal record. The current Argentine Criminal Procedure Code states in its section 50 that: "When a person has served, either fully or partially, a custodial sentence imposed by an Argentine court and later on they commit a different crime punishable with the same type of sentence, there shall be recidivism".

**Rejection of justice**: The refusal of a judge or court to examine a case brought forward to them and issue a judicial ruling to resolve it. It is a crime described in the Argentine Criminal Code under sections 273 and 274, which protect the individual and collective right to appeal to the courts for safeguarding of people's rights.

**Self-defense**: An act is considered selfdefense when a person, in defending themself or another, commits an illegal act but is not held liable for it before a criminal court. The following requisites must be met: 1) the person has to be subjected to an illegal aggression, that is to say, a legal right must be purposefully endangered by another; 2) self-defense must become a necessity and the means used to respond to the aggression must be reasonably proportional; and 3) the aggression must not have been provoked by the person defending themself. It results in exemption from criminal liability. When these circumstances are met, there shall be no criminal sanction.

**Semi-freedom**: It enables the person deprived of their liberty to work outside the facilities without continuous supervision, under the obligation of returning to the facilities after completing their shift. It is regulated under section 34 of Act No. 396/99.

**Summary trial**: If the public prosecutor's office considers that the alleged crime under investigation will be punished with a custodial sentence for less than six (6) years, a summary trial may be requested. The defendant has to expressly accept the facts in question and express their conformity with the summary proceeding. This proceeding may be agreed on at any point between the first statement of charges and the prosecution control hearing. Then, a hearing takes place where the judge has to verify that

all legal requisites of the agreement are fulfilled and, if admissible, they deliver a verdict of guilty or not guilty. The judge cannot pass a longer sentence than agreed upon by the parties nor modify its form of execution but they can pass a shorter sentence (in accordance with the new Argentine Criminal Procedure Code, sections 288, 289 and 290).

**Trial by jury**: An imperative established by the National Constitution (section 24), oriented at ensuring civil participation in the administration of justice. Although it is not yet enforced in the federal jurisdiction, several provinces have established their own regulations in recent years regarding participation in trials by jury; some of them are Córdoba, Neuquén, Chubut, Buenos Aires, Mendoza, Río Negro, San Juan, Entre Ríos and Chaco.

### **Official Consultation Sources**

The following is a non-exhaustive list of national, provincial, public and civil society organizations as a possible source of reference for media coverage.

#### **National Agencies**

#### **Comisión de Cárceles**

#### Ministerio Público de la Defensa de la República Argentina

Tel.: (011) 4382-8634/1972/9731/7646 Adress: Hipólito Yrigoyen 1180, 7th floor. Ciudad Autónoma de Buenos Aires. E-mail: <u>comisiondecarceles@mpd.gov.ar</u>

#### Comité Nacional para la Prevención de la Tortura

Adress: Paraná 341, 1st floor. Ciudad Autónoma de Buenos Aires. Executive Director: Alan Iud E-mail: <u>alaniud@cnpt.gob.ar</u>, <u>presidencia@cnpt.gob.ar</u> Comisionado en representación de organizaciones no gubernamentales: Gustavo Palmieri E-mail: <u>gpalmieri@cnpt.gob.ar</u> Tel.: (011) 3781-7230 / 3988-1680

Provincial contacts:

https://cnpt.gob.ar/datos-utiles/ Web page: https://cnpt.gob.ar/

Dirección Nacional de Readaptación Social

#### Ministerio de Justicia y Derechos Humanos

Adress: Av. España 2591, 4th floor, Sede Costanera Sur. Ciudad Autónoma de Buenos Aires. Tel.: (011) 5300-4000 internos 76780/78196 Web page: https://www.argentina.gob.ar/justicia

#### Educación en Contextos de Encierro (ECE)

#### Ministerio de Educación de la Nación

Adress: Pizzurno 935. Ciudad Autónoma de Buenos Aires. Coordinador Nacional: Pablo Alonso E-mail: pablo.alonso@educacion.gob.ar, maria.alonso@educacion.gob.ar, victoria. paulesu@educacion.gob.ar Tel.: (011) 4129-1000 Web page: https://www.argentina.gob. ar/nivelesymodalidades/modalidad-deeducacion-en-contextos-de-encierro

Procuración Penitenciaria de la Nación

Dirección General de Protección de Derechos Humanos

Exclusive Hotline for Complaints or Denunciations for Persons Deprived of Liberty: 0800 333 9736 // (011) 4124-7100

Casa Central

Adress: Av. Callao 25, piso 4, dpto. G. Ciudad Autónoma de Buenos Aires. Tel.: (011) 4124-7300/02

Fax: (011) 4124-7302

**Dirección de Delegaciones:** (011) 4124-7360

**Dirección de Relaciones** Institucionales: María de los Ángeles Iriarte E-mail: <u>miriarte@ppn.gov.ar</u>

Public information: <u>transparencia@ppn.</u> <u>gov.ar</u> Web page: <u>https://ppn.gov.ar</u>

#### Procuraduría de Violencia Institucional

#### Ministerio Público Fiscal

Adress: Juan Domingo Perón 667, piso 2. Ciudad Autónoma de Buenos Aires. Tel.: (011) 6089-9054/9295 (fax) 6089-9058/9059 (attention to detainees and cases involving persons deprived of their liberty).

E-mail: <u>procuvin@mpf.gov.ar</u> Web page: <u>www.mpf.gob.ar/procuvin</u>

#### Secretaría de Derechos Humanos de la Nación

Adress: Av. del Libertador 8151. Ciudad Autónoma de Buenos Aires. Tel.: (011) 5300-4000

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