

ARGENTINA

Vanessa Lorena Ledesma

and repeated threats to other transvestites in the Province of Córdoba (update)

Summary

Vanessa Lorena Ledesma, a transvestite whose legal name was Miguel Angel Ledesma, was arrested in Córdoba, Argentina on 11 February 2000 during a scuffle at a bar. Five days later she was dead. A police report recorded that she died as a result of a "cardiac arrest". However, an autopsy reportedly indicated that her body showed signs of torture, including severe bruising. At the police station she had reportedly been held incommunicado and segregated from other prisoners, not for her own protection but so that other prisoners would not have to share a cell with "a sick person" -- an allusion to her HIV- positive status.

Complaints were filed before the provincial prosecutor, the Córdoba Governor and the head of the provincial police internal affairs division (*Director de la División de Asuntos Internos de la Policía de la Provincia*) and the provincial Human Rights Ombudsman by four organisations working for gay, lesbian, bisexual and transgender rights including the *Asociación Travestis Unidas de Córdoba* (ATUC), United Transvestites Association of Córdoba.

Following intense domestic and international pressure, two separate investigations were initiated and eight police officers were charged with ill-treatment (*vejaciones*) of Vanessa Lorena Ledesma. The investigation to clarify the real cause of her death was halted in September 2000 by decision of the provincial prosecutor on the grounds that her death was not the result of any illegal action. (... *llega a la conclusión de que respecto del deceso de Miguel Angel Ledesma. es dable descartar hasta el momento la existencia de ilícito penal alguno, debiendo por ello disponerse el archivo de las presentes actuaciones*). Subsequently, in November 2000 the prosecutor dismissed the case against the eight police officers (*sobresee totalmente en la presente causa en favor de los encausados*) for lack of evidence.

Since the closure of the case, members of ATUC and other organizations working for gay, lesbian, bisexual and transgender rights have been campaigning to have the investigation to clarify the cause of Vanessa Lorena Ledesma's death reopened. According to reports, provincial authorities have expressed their commitment to reopen the case. As a result of her campaigning activities, the President of ATUC has been subjected to death threats and repeated harassment.

Harassment and threats against Vanessa Piedrabuena, president of the *Asociación Travestis Unidas de Córdoba* (ATUC), United Transvestites Association of Cordoba

Vanessa Piedrabuena is the President of the *Asociación Travestis Unidas de Córdoba* (ATUC), United Transvestites Association of Cordoba. She has been facing threats since February 2000 when her fellow ATUC activist Vanessa Lorena Ledesma died in police custody, reportedly after torture. Vanessa Piedrabuena, whose legal name is Roque Virgilio Piedrabuena, signed the official complaint about Vanessa Lorena Ledesma's death which played an important part in the advancement of the judicial investigation.



Vanessa Piedrabuena,
President of the United
Transvestites Association of
Cordoba (*Asociación Travestis
Unidas de Córdoba*)

On 17 February 2001 police officers forced their way into Vanessa Piedrabuena's house and threatened to kill her, after she took part in a demonstration in the Federal capital, Buenos Aires, calling for the investigation into the death in custody of her fellow activist, Vanessa Lorena Ledesma, to be reopened.

This is one of several threats in this apparent campaign of harassment against Vanessa Piedrabuena. The alarming feature of this harassment has been the lack of exhaustive and conclusive investigations into the reported incidents even though official complaints were filed before the relevant authorities.

The lack of effective action by the authorities to protect Vanessa Piedrabuena and investigate the threats she has been subjected to, has created a climate of scepticism about the ability or willingness of the authorities to guarantee the protection of activists such as Vanessa Piedrabuena and safeguard their right to exercise their legitimate activities.

Police have reportedly carried out at least three illegal raids on the home of Vanessa Piedrabuena, including on 13, 18 and 28 July 2000, in addition to the above mentioned raid of 17 February. They refused to give any reason for the raids or produce search warrants. During the last raid police officers reportedly told her: "Keep your head down...Mind your own business. No one is going to look out for you when something happens to you" ("*deja de sacar la cara...Ocupate de lo tuyo. Nadie va a ocuparse de ti cuando te ocurre algo.*") Vanessa Piedrabuena has reported all these incidents to the authorities, but to Amnesty International's knowledge they have taken no action to investigate these threats and harassment.

Amnesty International issued a report on the death in custody of Vanessa Lorena Ledesma in April 2000 ("*Argentina: Transvestite Dies in Detention*", AMR 13/04/00). As the report

noted, the Argentine authorities still do not adequately investigate reports of torture and extrajudicial execution by the federal and provincial police forces. Those who report such human rights violations may face reprisals that prevent criminal complaints being pursued effectively. Amnesty International has been calling for an impartial and conclusive investigation of the threats that Vanessa Piedrabuena has been receiving. Amnesty International has addressed in previous occasions the Argentine authorities regarding other cases of ill-treatment and other abuses against members of sexual minorities.

The international obligations of Argentina

The death of Vanessa Lorena Ledesma and the threats against Vanessa Piedrabuena are included in the Report of the United Nations' Special Rapporteur, Sir Nigel Rodley, on the questions of torture and detention of January 2001, submitted to the Commission on Human Rights.¹ In his observations the Special Rapporteur considered appropriate to draw the attention of the Commission to the concerns expressed by the UN Human Rights Committee with regard to its October 2000 review of the third periodic report of Argentina under the International Covenant on Civil and Political Rights.

The Special Rapporteur highlights the concern of the Committee at allegations that torture and excessive use of force by police officials were “a widespread problem and that government mechanisms established to address it are inadequate”.² The Special Rapporteur also includes the Committee's concern that prison conditions fail to meet the requirement of the prohibition of torture and ill-treatment and the right to be treated with humanity and respect for human dignity.

The Federal government of Argentina and the provincial government of Córdoba are obliged to ensure that all those who defend human rights and their families receive complete protection to continue their work in accordance with the June 1999 resolution adopted by the General Assembly of the Organization of American States entitled “Human Rights Defenders in the Americas”.

¹UN Document E/CN.4/2001/66, paragraphs 48,49 and 50.

²Concluding observations of the Human Rights Committee. Argentina 03/11/2000. UN document CCPR/C/70/ARG., par.12.

The resolution which was supported by Argentina stated its intention to implement the Declaration on Human Rights Defenders³ which includes a series of principles aimed at ensuring that States cooperate fully with human rights defenders and guarantee them the freedom to carry out their legitimate activities without hindrance. The Declaration also reflects the important role played by individuals, groups and non-governmental organizations in the defence and promotion of human rights and in the struggle to stamp out human rights violations. It reflects the crucial contribution they have made in bringing about a strengthening of the rule of law and justice and permitting human rights to be enjoyed in the countries of Latin America.

Amnesty International has repeatedly reiterated its concerns about threats against human rights activists to the Argentine authorities and will continue to remind them of their obligation to thoroughly investigate all denunciations of attacks, threats, and harassment against human rights activists and bringing to justice the perpetrators. The organization has also called for the effective protection of human rights activists and their families, including those working for the defence of the rights of sexual minorities.

Amnesty International considers it to be of vital importance that all denunciations of torture and ill-treatment be promptly, fully and impartially investigated and that those found responsible be suspended from active service and brought to justice. In order to prevent torture and ill-treatment by members of the security forces, Amnesty International believes that the provincial authorities should take the necessary steps to end incommunicado detention and ensure that all detainees have access to lawyers, doctors and relatives or others close to them without delay. The provincial authorities should send a clear message, through the chain of command, that all forms of torture or ill-treatment of detainees are prohibited. It should establish that those found responsible for such violations will be brought to justice ensuring in that way that human rights violations committed by members of the security forces do not remain unpunished.

KEYWORDS: TRANSGENDER ISSUES1 / HARASSMENT1 / HOMOSEXUAL RIGHTS ACTIVISTS1 / DEATH IN CUSTODY / INVESTIGATION OF ABUSES / IMPUNITY / POLICE / TORTURE/ILL-TREATMENT / PHOTOGRAPHS /

³The *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Declaration on Human Rights Defenders) was adopted by the United Nations General Assembly on 9 December 1998.