

NGOs request Supreme Court to guarantee publicity of trials on human rights violations

Civil society organizations, as well as journalists' and editors' associations, requested the Argentinean Supreme Court to ensure the observance of a resolution that expressly allows the press to have access to trial hearings, especially in trials that involve crimes against humanity committed during the last *de facto* government.



(Buenos Aires, October 19th, 2009) – The **Asociación por los Derechos Civiles (ADC)**, the **Asociación Civil por la Igualdad y la Justicia (ACIJ)**, the **Asociación de Entidades Periodísticas Argentinas (ADEPA)**, the **Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento (CIPPEC)**, the **Centro de Investigación y Prevención de la Criminalidad Económica (CIPCE)**, the **Centro de Políticas Públicas para el Socialismo (CEPPAS)**, the **Centro Internacional para la Justicia Transicional (ICTJ)**, the **Federación Argentina de Trabajadores de Prensa (FATPREN)**, the **Foro de Periodismo Argentino (FOPEA)**, the **Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP)** and **Poder Ciudadano** expressed their concern to the Supreme Court of the Nation regarding several restrictions related to the publicity of trial hearings in trials on human rights violations committed during the last *de facto* government in Argentina. The organizations demanded that the Supreme Court guarantee the observance of the Court's resolution that states that the media must have access to the initial acts of the hearings, the defendant's and the public and private prosecutor's final pleas and to the reading of the sentence, in trials of great public significance.

Supreme Court resolution 29/08, issued on October 2008, was expressly aimed at "guaranteeing the right to information in judicial cases of public significance", such as the trials in which State terrorism is investigated. According to this resolution, the only circumstances that could limit the access of the media to trial hearings are room occupancy limitations. With regard to television media, courts could allow one station, preferably public, to take pictures under the condition that this station shares those images with other stations that are interested in the material.

In spite of the Supreme Court's resolution, many courts have established rules to enter trial hearing rooms, **in violation of the publicity of trials principle and the freedom of speech of the citizenship.**

The clearest example is that of Criminal Federal Court N° 5, which will soon start the trial hearings of the ESMA case and whose publicity rules have been the following. First, the only reporter allowed to enter the hearing room is a newspaper reporter from the government agency Télam, limited to only taking pictures in a brief period of time during the initial acts of the trial, and excluding close-ups of the defendants, the prosecutors or court members. Second, the court has forbidden access to TV cameras, so TV stations can only have access to images of the initial acts of the trial through the closed TV circuit operated by members of the Federal Police Force. All these rules are in clear contradiction with Supreme Court's resolution 29/08.

Diffusion of trial hearings gives judicial actions more legitimacy and it rests on the principle of publicity of trials (which is a safeguard for the defendant and a means for citizens to control the administration of justice), and on the freedom of speech and the right to information of the citizenship.

For these reasons, the signing organizations demanded that the rules of access and work of the media established in resolution 29/08 be universally observed, particularly regarding the ESMA case hearings that will start in November. It is only in this way that the rights to information and oversight of government acts in a trial of great public and institutional significance will be fully guaranteed.