

AMICUS CURIAE

**CORPORATE COMPLICITY
IN HUMAN RIGHTS VIOLATIONS:**

Compañía Minera Aguilar S.A.

Case of “BAZÁN, Avelino et al.” (Expte. N° 426/08)

Summary of the facts

One case that highlights the repression during the last Argentinean military dictatorship (1976-1983) and the complicity of companies therein on a regional level and leads to the present investigation by the Public Prosecutor is the case of “Bazán and Others”, Expte. No. 426/08, currently pending in the Federal Court No. 2 of Jujuy.

The company

The mining company Minera Aguilar S.A. was founded in the late 1920’s and is located in the northwestern Argentinean province of Jujuy. Minera Aguilar, exploiting silver, lead and zinc, is currently owned by Glencore International AG, an Anglo–Swiss multinational commodity trading and mining company headquartered in Baar, Switzerland. Since the beginning of its activities, Minera Aguilar had maintained close ties with the political elite in the region.

Background: “El Aguilarazo”

Towards the ends of the 1960’s and the beginning of the 1970’s, during the political repression of the military governments and the democratic governments of Juan Domingo Perón and Isabel Martínez de Perón, workers’ discontent and unsuccessful union actions lead to more radical strikes and demonstrations. On 6 November 1973, in a strike which came to be known as “El Aguilarazo”, the workers took over the mining complex, particularly targeting the administration areas. The incentive for this strike arose out of discontentment over extra work-hours, the diminishment of health and transportation services, and the modification of working hours. In the course of the strike, the workers also created barricades, took out the energy, and cut down the only bridge leading to the mine. Some damages occurred in sections of the mine. Many miners were injured in the incident. There was one death: a worker was shot by the National Gendarmerie. The Minera Aguilar Trade Union alerted the police about the conflict during the strike. Finally, with the mediation of one of the later victims, Avelino BAZÁN, an agreement was signed by the mining company leading to the end of the strike. Minera Aguilar, however, later denied ever signing such agreement which led to a lock out.

Facts of the Case

Two years after, on the day of the *coup d'état* (24 March 1976), the mining company Minera Aguilar collaborated and participated in the detention of 24 of its workers. Illegal detentions of its worker continued on three separate occasions: on 29 March 1976, Avelino BAZÁN, the general secretary of Minera Aguilar Union who had mediated in the “Aguilarazo”; on 4 April 1976 Luis Ramon ROMITTI; and on 10 September 1976 Carlos Antonio JIMÈNEZ was also detained. All the victims of the present case were employees of the company and had some relation with the Minera Aguilar Trade Union, a majority of them were active unionists. This massive detention operation, carried out by combined forces of the provincial and federal police, the National Gendarmerie, and the military, was meant to gather all who had taken part in the “Aguilarazo.”

All the victims were held in clandestine detention and torture centers located in Jujuy, and were subsequently transferred to the penitentiary of Jujuy located in the neighborhood of Gorriti (also known as “Villa Gorriti”). In these clandestine detention centers, the victims were systematically tortured (mostly during interrogations) and ill-treated throughout their detention. These interrogations revolved solely around their union activities, in particular their participation and involvement in the “Aguilarazo”, and were aimed especially at implicating BAZÁN. In a later operation, ten of the 27 detainees were transferred to a different detention facility in La Plata, in the province of Buenos Aires. During this transfer and in this second place of detention, many suffered further psychological torture, severe punishment and beatings.

All of the 27 victims were subsequently released. One of the last to be released was Avelino BAZÁN who was again illegally detained on 28 October 1978, and since that date has been disappeared.

Allegations of Complicity of the Mining Company

The collaboration between Minera Aguilar and the repressive regime of the time has led to the present investigation by the public prosecutor in several cases including this case.

The operation which occurred in Minera Aguilar was carried out in an attempt to silence critical and oppositional voices of unionized workers, who had also participated in the “Aguilarazo”. The mining company provided logistical information and vehicles, including drivers, to the state security forces.

Testimonies from victims have so far singled out three company directors, Alfredo Luis ARZUAGA, Eduardo A. LÓPEZ, Eduardo M. HUERGO as well as the former company owner Ralph C. FLOW.

The victim FARFÁN summarizes his impression by finding that “the company handed us over to them [referring to military]”. He testified seeing a list with the letterhead of the company naming all the people who later were detained in Minera Aguilar. He also testified overhearing the head of the military stating upon his detention that “Those are the ones which were missing from El Aguilar”.

One victim also testified seeing ARZUAGA meet with the head of the detention center in order to release one of the workers, a fact which further demonstrates that company officials had the power to influence the detention policies of the state security forces.

If the allegations are revealed as true, the acts performed by the company officials cannot be considered as isolated actions, but as a method used by the mining company. Through these means, Minera Aguilar itself became an accomplice of the serious human rights violations committed by the repressive Argentinean government.