

# Argentine court sentences rail union officials in the murder of Mariano Ferreyra

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In a contradictory and politically tainted decision, Jose Pedraza, former president of one of the Argentine rail unions (Unión Ferroviaria, UF), was sentenced on April 19 to a 15-year prison term after being convicted as an accomplice in the killing of Mariano Ferreyra, a 23-year-old member of the left-wing Workers Party (Partido Obrero, PO).

Pedraza's second-in-command in the union, Juan Carlos "El Gallego" Fernandez, also received a 15-year sentence.

Ferreyra was shot and killed in the Buenos Aires suburb of Barracas on October 20, 2010 during a demonstration of outsourced workers. The workers, known in Spanish as *tercerizados*, were demanding the rehiring of 117 sacked workers and the re-integration of all of them back into the Roca train line as regular employees, with full wages and benefits.

The sequence of events that led to the Ferreyra's assassination and to the wounding of the other protesters was itself the result of decades of betrayals by the mafia-like trade unions that in Argentina collaborate with the government and corporations in the exploitation and repression of the working class.

Pedraza, a millionaire many times over, is typical of many Argentine trade union leaders, who are thoroughly integrated into the apparatus of the ruling Peronist party, owing their jobs to the government and their fortunes to the corporations whose interests they represent.

Pedraza became active in the union in late 1960s and early seventies, when key sections of the working class in Argentina engaged in tumultuous struggles that were ultimately crushed by a military-fascist regime that took power in 1976, kidnapping, torturing and murdering militant workers and atomizing the working class on behalf of imperialism and transnational capital.

In Argentina, the repression predated the military coup. José López Rega, Minister of the Social Welfare between 1973 and 1976 organized the notorious Triple A death squads (Alianza Anticomunista Argentina, AAA) with the help of many in the Peronist trade unions, including the UF—at that time one of the most powerful in the General Labor Confederation (Confederación General de los Trabajadores, CGT).

Pedraza has been described as a "survivor" who laid low during the dictatorship—a period in which scores of militant rail

workers were being disappeared. He emerged as UF president in 1985 as a staunch Peronist, loyal to the Justicialista (Peronist) Party machine.

In the 1990s, the UF bureaucracy supported president Carlos Menem in the dismantling and privatization of Argentina's state-owned rail system and the firing of over 80,000 railroad workers. What emerged from that gigantic betrayal was the destruction of tens of thousands of kilometers of track, and of passenger rail service between cities.

Along with the privatization of rail transport occurred a massive destruction of jobs that were then subcontracted out to so called labor cooperatives (*cooperativas truchas*, or *seudocooperativas*) that forced workers—independent contractors, so called—to sign away their rights, accepting substandard rates of pay, with no benefits or job security.

For his services, in 1998, president Menem awarded the UF the Belgrano Cargas railroad concession. The government retained a one percent interest and the UF 99 percent; what followed was the scrapping and looting of that railroad line. By 2006 the freight line had only 20 locomotives, down from 120, and transported 600,000 tons of cargo, down from 3.2 million in 1998. In connection with this affair, Pedraza was accused of siphoning off US \$34 million into personal accounts.

In 2009, Argentina's current president, Cristina Fernandez, warmly applauded the UF's collaboration at the inauguration of new UF offices. In that ceremony Fernandez shared the podium with the CGT's Hugo Moyano and with Pedraza. She congratulated the UF as "an exemplary labor organization."

Moyano himself, a Pedraza ally who heads the truck drivers union, had been a close collaborator of the AAA during his days in the Peronist trade union youth movement (Juventud Sindical Peronista).

The Belgrano concession was renegotiated in 2006. It went to Macri Group, which includes the UF, Moyano's truckers union, and La Fraternidad—the train operators' union—and Buenos Aires financiers. Pedraza and the UF bureaucracy also have interest in the "Unión Mercosur Limitada" labor "cooperative." All of them profit handsomely as brokers of labor paid a third or less than what they would have earned before their jobs were contracted out.

These organizations have a direct financial interest in keeping

workers atomized and unorganized, often through the terror of goon squads, conscripted, not unlike their AAA predecessors, out of the most backward elements of Argentine society.

It was such a UF goon squad that attacked demonstrators on October 2010. Ferreyra, who was in charge of political work for the PO in the industrial suburb of Avellaneda and was said to be gaining influence among rail workers, would have been singled out for elimination.

Ferreyra was shot in the stomach and died in the ambulance on the way to a hospital. Three other protesters, Elsa Rodriguez, Nelson Aguirre and Ariel Pinos were injured and survived the attack. Rodriguez, who was shot in the head and left disabled, attended the sentencing.

Members of Ferreyra's family, his comrades and friends, objected to the court's determination that neither Pedraza nor Fernandez had instigated the attack and killing. In truth, the court's position that the murder had resulted from "simple recklessness" is a verdict that does not correspond to the reality of the evidence, presented at trial, of a cabal between the UF bureaucracy, the rail bosses, and the administration of Cristina Fernandez.

As the verdict was being read, the judges ordered the audience evicted to forestall protests.

While both UF leaders were found innocent of the main charge of instigating the murder, they were convicted of being accomplices, for providing "moral and objective support"—though there was clear and convincing evidence that Fernandez, accompanied by Pedraza, had been on the phone with the leader of the UF demonstrators, delegate Pablo Díaz, who, in turn, directed the hired gang of armed football hooligans.

The triggermen, Christian "Harry" Favale, and Gabriel "Payaso" Sánchez, were each sentenced to 18 years in prison.

The judges' statement includes an admission that both Favale and Sanchez understood that the police would allow them to act with impunity and not detain them. That conclusion was unavoidable, given the ample evidence presented of Favale's close relationship with the police.

The totality of the evidence left no doubt the crime was planned, carried out with impunity, in daylight and in front of witnesses by politically well-connected elements that considered themselves above the law.

An account of the battle, with the UF forces holding the high ground from the railroad tracks, forcing the protesters down an embankment, while police fired rubber bullets from below, strongly demonstrates that the protesters were deliberately set up, while the armed hired hooligans led by Favale arrived on the scene.

The UF bureaucracy, the government and the rail corporations undoubtedly intended to intimidate and punish those who would oppose attacks on workers' living standards and living conditions. The goon squad was merely enforcing the government's corporation's will. By some accounts, the

hooligans had been promised jobs on the railroad in exchange for their services.

However, the panel of judges turned away from drawing any conclusions about the role of the government or of the railroad companies in this political crime. It accepted the government's claim that it had no relationship with the UF leaders.

Mass protests in November 2010 organized by the PO, and supported by the CTA union federation (Confederación de Trabajadores Argentinos, a federation of public employees) followed Ferreyra's assassination. Another mass protest took place in Buenos Aires a year later, in October 2012.

In the words of one observer, the Cristina Fernandez administration, faced with the protests and the public outcry, engaged in a damage control operation, by arresting the culprits in order "to save the system."

Pedraza and Fernandez were arrested in February 2011 and held for trial. Such was the nature of the evidence and the political climate that at that time that the court decided to detain both defendants with no bail.

At the time of his arrest Pedraza was central figure and a collaborator of both Nestor Kirchner and his wife and current president, Cristina Fernandez. The former president left office in 2007, and died on October 27 2010.

Highlighting the trial, were recorded telephone conversations between Pedraza and Labor Minister Carlos Tomada three months after Ferreyra's death. The recordings clearly demonstrate a crony relationship between the *Kirchnerista* official and the union leader.

In these recordings, both men discuss how to handle the *tercerizados*. Tomada reminds Pedraza that they are not all PO or PTS (Partido de los Trabajadores Socialistas, or Socialist Workers Party) members and must be handled politically. They specifically discussed the Ferreyra killing and a series of bribes that were being offered to "lobby" court and government officials on the railroad leader's behalf.

In a conversation a month later between Pedraza and Noemí Rial, Tomada's second-in-command at the Labor Ministry, the official expressed her solidarity with the UF president and placed herself at his service.



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