

The Italian Condor Trial


ROME TRIAL

This trial is an example of strategic litigation for human rights violations through the courts of a different state to that where the crimes occurred.


Operation Condor is the name of the strategic collaboration plan between South American states for the repression and extermination of political exiles of the dictatorships of Argentina, Chile, Paraguay, Bolivia and Uruguay. Brazil, Ecuador and Peru also participated, albeit for a shorter period of time.



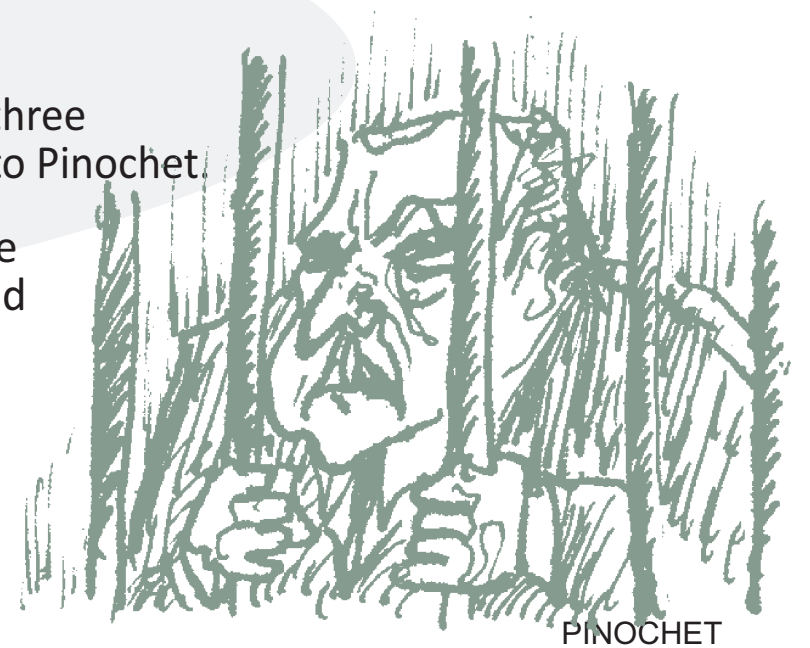
1998

 **Italy, April:** The appointment of the Public Prosecutor Francesco Caporale pushes forward the investigations regarding the Italian victims of the Argentine dictatorship.

Italy, October: A criminal investigation is opened for the case of three Italian-Chilean victims against the former Chilean dictator Augusto Pinochet.

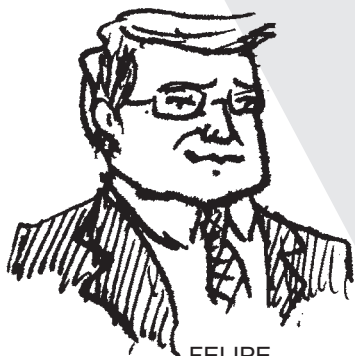
 **United Kingdom, 16th October:** Pinochet is placed under house arrest in London, under the order of the Spanish judiciary issued by judge Baltasar Garzón.

LA LEGGE
E'
UGUALE PER TUTTI



1999

Desaparecidos



FELIPE
MICHELINI



Uruguay, March: MP Felipe Michelini arranges for the victims' families, lawyers and activists to meet at the offices of the Peace and Justice Service (SERPAJ) in order to launch a collective effort to file a court case in Italy.



Italy, 9th June: Seven women represented by lawyer Dr. Giancarlo Maniga file a criminal complaint in Rome against Pinochet on behalf of six victims of Italian nationality.



GIANCARLO
MANIGA



Italy, 8th July: The Italian Minister of Justice, Oliviero Diliberto, grants the authorisation to proceed with the criminal investigation against Pinochet.



IBARBURU



BELLIZZI



MIHURA



CASAL



MELONI



ALLEGRIINI



BELLIZZI



An extensive network of individuals and organisations worked tirelessly in South America and Italy, in order to bring about this historic trial, documenting the crimes of the South American dictatorships that were not being investigated in their own countries and establishing criminal accountability for the assassination and/or disappearance of their relatives.

1999

The investigation grows as more allegations are filed, resulting in a total number of 25 political assassinations of Italian citizens committed during the 1970s in South America.





2006



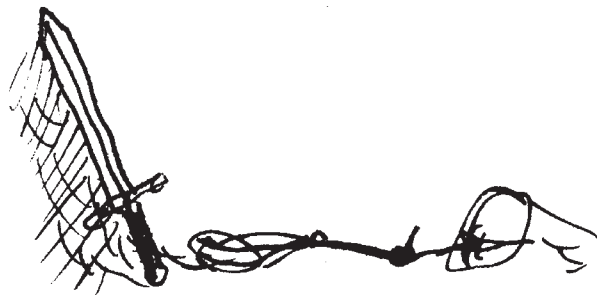
Italy, 6th July: The Public Prosecutor Giancarlo Capaldo merges the criminal inquiry into the four Italian-Chilean victims, which began in 1998, and the one originally filed by Dr. Maniga in 1999.



Italy, 10th July: Capaldo requests the arrest of 146 public officials accused of the massacre, kidnapping, and assassination of 25 victims. 61 Argentines, 33 Uruguayans, 23 Chileans, 11 Brazilians, seven Bolivians, seven Paraguayans, four Peruvians.



Chile, 10th December: Former dictator Augusto Pinochet passes away in Chile.



2007



TRÓCCOLI



Uruguay-Italy, June-July: The former commander of the intelligence section S-2 of the Uruguayan Navy Fusiliers Corps (FUSNA), the Navy Captain Jorge Néstor Tróccoli, flees Uruguay for Italy, the land of his great-grandfather, escaping an investigation by the Uruguayan authorities. He is also one of the 33 Uruguayans accused by the Public Prosecutor Giancarlo Capaldo.



Uruguay, December: A national and international arrest warrant is issued against Tróccoli.



Italy, 24th December: The Judiciary endorses Capaldo's request for an arrest warrant against the former South American public officials. In total, 140 defendants remain, following the death of six defendants. Arrest warrants are issued for all of them.



Italy, 26th December: Tróccoli is arrested in Salerno in the framework of the Italian Condor Trial.



2008



Italy, March: Uruguay files a late and ill-prepared extradition request for Tróccoli.

April: Tróccoli is released.

October: The Italian government rejects Uruguay's extradition request on the basis that the accused is an Italian citizen. After the extradition request is denied, Italy must now put Tróccoli on trial for the crimes that were also committed against victims of Uruguayan and Argentine nationality.



Article 8 of the Italian Penal Code was added in 1930 during the country's fascist regime, and it is an exception to the territorial principle:

Any citizen or foreign national who commits political crimes in foreign territory [...] will be punished according to Italian law, at the request of the Ministry of Justice [...] For the purpose of Criminal Law, a political crime is a crime that offends one of the political interests of the State, that is to say, a political right of the citizen.

2009



Italy, February: The Minister of Justice authorises the investigation against Tróccoli for the murder of 20 victims (18 Uruguayans and two Argentines)



2013



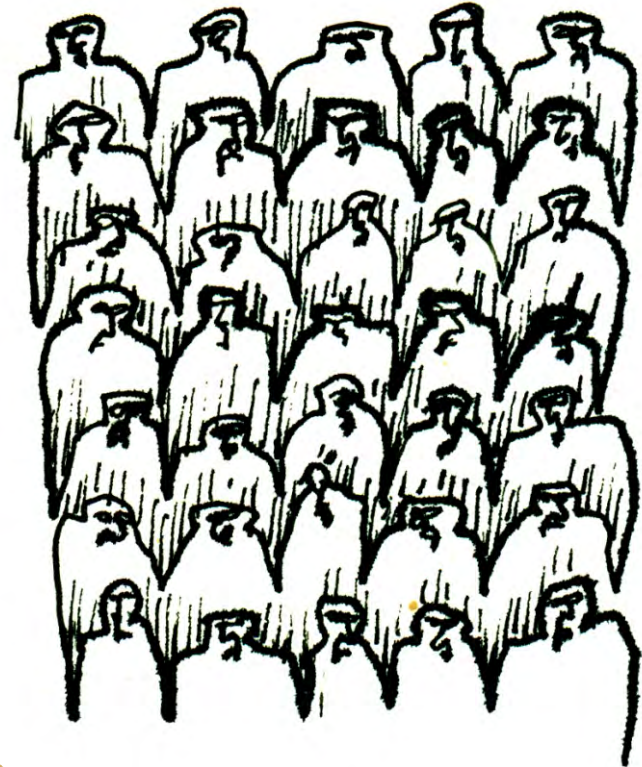
CAPALDO



Italy, 31st January: The Public Prosecutor Capaldo closes the first stage of his investigations in Italy. The Argentine defendants are removed from the case since trials are now taking place in their own country; the list decreases to 35 defendants accused of 23 cases of murder.





Italy, 11th October: Beginning of the preliminary hearings in Rome. Uruguay participates, together with the victims' relatives and the Italian government, constituting the so-called *parte civile* (civil party) plaintiffs.





2014

-  **Italy, July:** Capaldo concludes the final stage of the investigation against Tróccoli, and brings it to trial.
-  **Italy, October:** The Italian Judiciary orders the beginning of the trial against 33 defendants for crimes committed against 43 victims



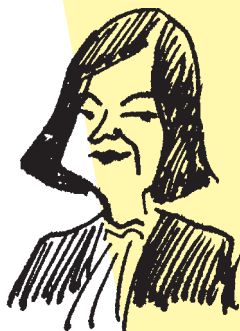
2015



Italy, 12th February:

Beginning of the public phase of the trial.

The Public Prosecutors Capaldo and Tiziana Cugini are in charge; they amalgamate the inquiries that were opened in 1998, 1999 and 2009.

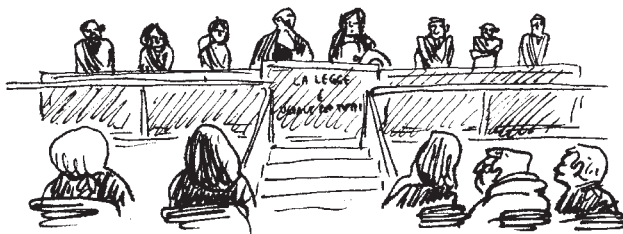


CUGINI

Total: 43 victims

33 defendants: two bolivians, four Peruvians, 11 Chileans and 16 Uruguayans.

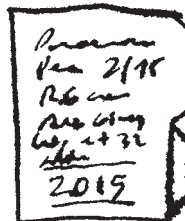
Two defendants pass away from the list compiled in 2013.



The official name of the criminal trial is:

Criminal proceeding 2/15 R.G. against Arce Gómez, Luis and 32 others

The Third Assize Appeals Court is presided by Judge Evelina Canale and is composed of the Associate Judge Paolo Colella and six lay judges.



Italy, April:

Beginning of the hearings. Tróccoli is the only defendant who is present for the entire trial.



Chile, 7th August: The former head of the Directorate of National Intelligence (DINA), Manuel Contreras, dies in Chile. Contreras was one of the main individuals who was accused by the Public Prosecutor's Office.



CONTRERAS



2016



Italy, 13th October: The Public Prosecutor's Office requests the lifetime imprisonment of 26 of the defendants and the absolution of six defendants who had already passed away, as well as one other defendant who remained on trial.



2017



Italy, 17th January: The first-instance verdict condemns eight defendants to life imprisonment and there are 19 absolutions.
Convicted: two Bolivians, three Peruvians, two Chileans and one Uruguayan.
Absolved: one Peruvian, five Chileans, 13 Uruguayans.
Six defendants pass away during the trial (four Chileans and two Uruguayans).

In this verdict, the Italian Judiciary recognises the existence of Operation Condor.

The Public Prosecutor's Office in Rome appeals the first-instance verdict.



2018



Italy, 12th April: The First Assize Appeals Court in Rome begins the appellate process.

Italy, 21st June:

The judges for the appeal phase are appointed.

The Uruguayan State and the Italian State participate in the appeal phase. Uruguay is represented by a new lawyer, Andrea Speranzoni, and further documentation is accepted as evidence in December.



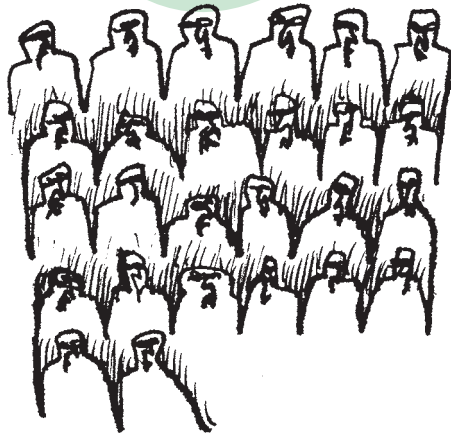
2019



Italy, 18th March to 28th June:

Final statements by the prosecution and defence.

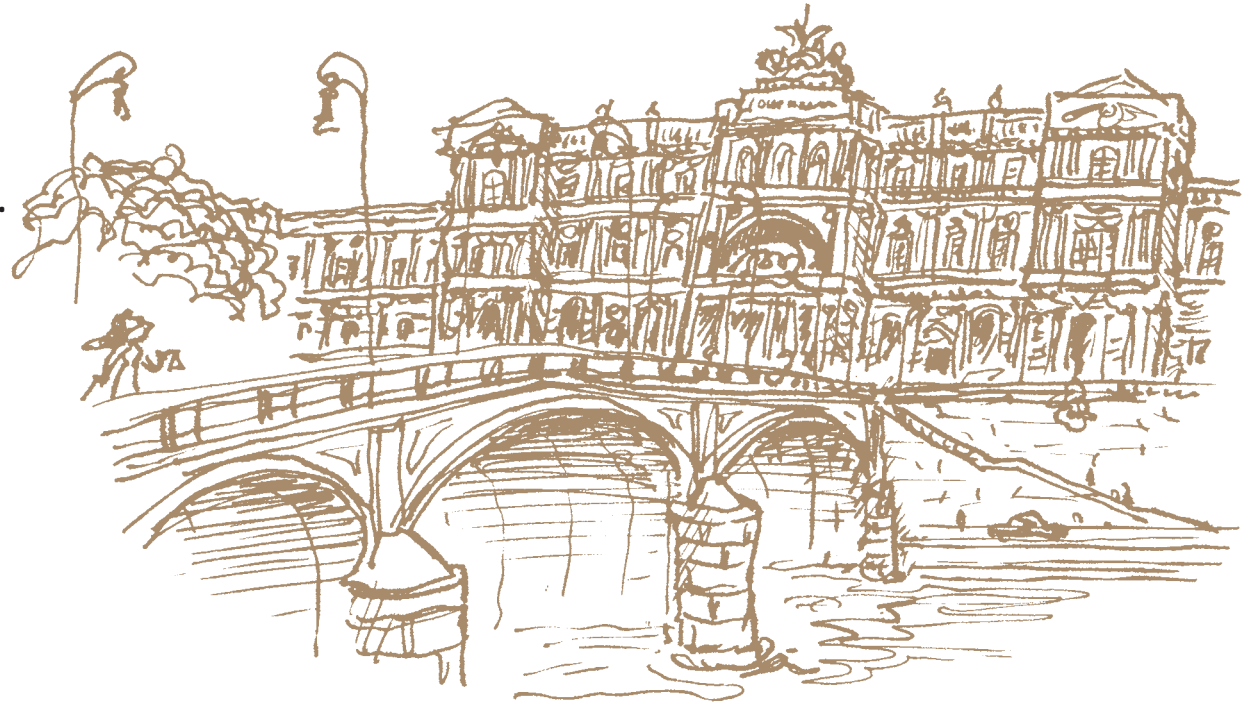
Italy, 8th July: The Court confirms the eight sentences of life imprisonment and revokes 18 out of the 19 absolutions from the first-instance verdict. The Court sentences to life imprisonment 12 Uruguayan, five Chilean and one Peruvian defendant.



2020



Italy, February: Judgements become final for the three Chilean military officers after they failed to file an appeal before the Court of Cassation.





2021



Italy, 9th July: The Court of Cassation confirms the life sentences for 11 former Uruguayan officers and three former Chilean officers.



Italy, 10th July: Tróccoli, the only defendant who lives in Italy, is arrested and sent to prison in Salerno.

Italy, August: The Italian Minister of Justice, Marta Cartabia, signs the arrest and extradition warrants of three Chilean military officers.

November, Italy: The verdicts of the trial are publicly announced.



2022

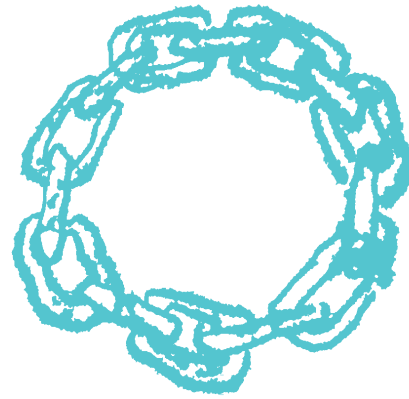


Italy, February: The Court of Cassation confirms the life sentences of the final two remaining defendants: the former dictator Francisco Morales Bermúdez and the former military officer Martín Martínez Garay, both from Peru.

Tróccoli remains in prison in Italy.

The extradition warrants of the other defendants remain valid and are yet to be resolved by the courts in Chile and Brazil.





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