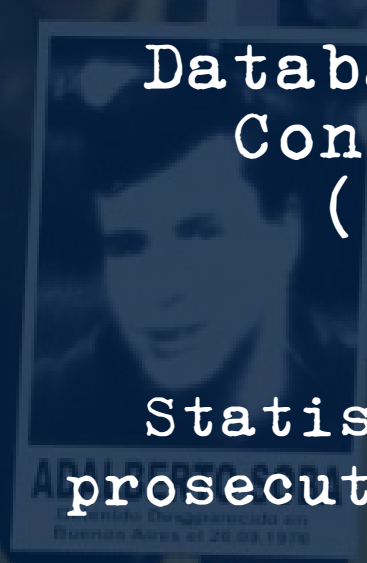


Database on the
Condor Trials
(1976-2022)

Statistics on the
prosecution process



Database on the Condor Trials (1976-2022)

Statistics on the prosecution process

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INTRODUCTION

DESCRIPTION OF THE DATABASE ON THE CONDOR TRIALS (1976-2022)

As described in the 2022 statistical report, the researcher Francesca Lessa, in close collaboration with Lorena Balardini, created the “Database on South America’s Transnational Human Rights Violations (1969-1981)”. That report released to the public the main findings from the analysis of a total number of 805 cases of victims of the repressive coordination which operated in South America at least between August 1969 and February 1981.

This is the first and only database to systematically map out the geographies of the transnational terror in South America through the recorded information on the following 17 variables: victim’s name and surname; sex; age group; nationality; country of crime; city; date; militancy; first place of detention in the country where the crime began; second place of detention (where applicable); third place of detention (where applicable); country of transfer; date of rendition; first place of detention in the country to which the victim was transferred (where applicable); and final destination (assassinated, disappeared, survived, etc.).

Initially, the database on the transnational human rights violations in South America comprised specific blocks of information referring to the prosecution of such crimes. In 2022, it was decided that the information linked to the prosecution process would be expanded and analysed in a more suitable manner. We, therefore, created the new “Database on the Condor Trials (1976-2022)”.

The new database contains three sets of data: the first comprises information on the status of the trials and their progress; the second encompasses the crimes under investigation; and, finally, the relationship between the court cases and the victims whose cases are under investigation.

ABOUT THIS REPORT

This second public statistical report focuses on the prosecution of the criminal offences registered in the database. The main objective of this report is to release to the public information on the advances in the criminal investigations for the crimes of transnational repression in a systematic manner. Such proceedings are being carried forward by domestic courts in Latin America, Europe, and the United States.

The statistical data contained in this report describes only the cases in the database and additional information gathered from court judgements. The data, therefore, must not be interpreted in relation to nor extrapolated to the rest of the victims nor to the entirety of court cases of any of the countries where the crimes occurred and that are part of the collected information.

EXECUTIVE SUMMARY

This second statistical report presents the main findings of the “Database on the Condor Trials (1976-2022).”

This database was created by systematising the judgements of the domestic courts which investigated the responsibility of former agents of the South American states involved in transnational repression.

This report is structured in two sections. The first begins by summarising the court cases for the human rights violations committed in the Southern Cone countries, in order to contextualise the data. This section points out that the Southern Cone countries that have advanced the most -in terms of the total number of cases, defendants, and victims whose cases were investigated- are Argentina, Chile, and Uruguay. In terms of the trials that have taken place outside of South America, the case of Italy stands out.

The report provides further context by briefly detailing the background of the victims of the “Database on South America’s Transnational Human Rights Violations (1969-1981)”. The database was the starting point for producing this universe of court cases. In terms of their backgrounds, the victims were mainly Uruguayan and Argentine nationals, almost 80% of whom belonged to political groups or armed organisations. The data reveals that 6 in every 10 of the recorded crimes took place during the period which is defined as the Condor System (March 1976 to December 1978). Furthermore, almost 7 out of 10 recorded crimes were committed on Argentine soil and almost half of the victims survived.

The second section of this report presents the statistics on the prosecution process. In doing so, it defines the unit of analysis as the “court cases” in which the crimes of transnational repression were investigated. In total, there are 50 recorded criminal cases in which the investigations have achieved substantial progress.

The majority of the cases are in the sentencing phase (33 cases), most of which also completed the appeals process, meaning that the sentence is “final” (25).

The country with the highest number of investigations is Uruguay, followed by Argentina, Chile, and Italy. Upon analysing the status of the criminal proceedings, it can be observed that the majority of the cases in Argentina, Chile and Italy have reached a judgement, while in Uruguay the cases predominantly find themselves in the preliminary phases.

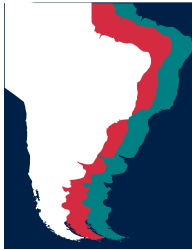
This section also analyses some data related to the backgrounds of the victims whose cases are either currently being investigated, or were previously investigated, in at least one of the court cases for the crimes of transnational repression. In total, the criminal proceedings to date relate to the cases of 441 victims, 55% of the total number of victims recorded in the database (805).

The analysis of the relationship between the court cases and the crimes investigated in each of them reveals that Argentina is the only country where the proceedings encompass a higher volume of crimes.

The main crimes investigated are the illegal deprivation of liberty (or kidnapping) with 58%, homicide or assassination with 46%, and torment or torture with 24%.

Finally, the report includes a subsection on the timing of the investigations, in order to monitor the progress of the proceedings.

This analysis reveals that a total of 26 proceedings started after the 2000s, in parallel with the process of the reopening of the criminal cases described in the first section. These years also represent the highest number of verdicts/judgements. In terms of duration, half of the court cases which reached a judgement lasted 10 years or more before reaching the sentencing stage. In turn, for the cases which are already finalised, the average time between the first-instance verdict and the final judgement is 3.1 years.



FIRST PART

ON THE PROSECUTION OF THE CRIMES OF TRANSNATIONAL REPRESSION

This report contains statistical data produced from the court judgements in which the domestic courts investigate the responsibility of former agents of South American States involved in transnational repression. This term -transnational repression- is considered according to the conceptual definition adopted by the project (Plancondor.org) to which this database belongs.

This report is part of a wider project on transnational repression which offers novel research on the domestic and international trajectories used to prosecute these crimes. These are trials which arose after the legal obstacles were removed or overcome and the demand for justice for serious crimes thrived. They constituted a radical change in the age of impunity, primarily during the 1980s and 1990s, when the South American governments implemented diverse mechanisms, such as the impunity laws sanctioned in Argentina and Uruguay during the mid-1980s, to protect the individuals who organised, authorised or committed such serious crimes from being put on trial.

According to Jo-Marie Burt (George Mason University), an indicator of this change is the criminal prosecution of those accountable which begins and develops during the post-transition period. Between 1990 and 2008, the international community took a turn in favour of human rights, after at least 67 leaders were put on trial for human rights violations between 1990 and 2008¹. Kathryn Sikkink (Harvard University) has called this resurgence of the accountability struggle through legal avenues as the “justice cascade,” that is to say a “shift in the legitimacy of the norm of individual accountability for human rights violations and an increase in criminal prosecutions on behalf of that norm”².

If we consider the total number of proceedings, defendants and victims whose cases are being investigated in these accountability processes, the Southern Cone countries which have advanced the most are Argentina, Chile, Peru, and Uruguay. However, some cases have been initiated in countries such as Brazil, Ecuador, and Paraguay.

¹ Burt, Jo-Marie (2012) “The new accountability agenda in Latin America: the promise and perils of human rights prosecutions” en Hite, Katherine y Ungar, Mark. Sustaining human rights in the twenty-first century. Strategies from Latin America. Washington DC y Baltimore, Woodrow Wilson Centre Press y the John Hopkins Press. P. 122.

² Sikkink, Kathryn (2011) The Justice Cascade. How human rights prosecutions are changing world politics. New York, W.W Norton & Company. P. 5.

As the statistical analysis later in this report will show, the main court cases for transnational repression have taken place in the countries that were the most involved in committing the crimes under investigation: Argentina, Chile, and Uruguay. These three countries have adopted the most comprehensive legal approach towards prosecuting these crimes over the last few decades³.

Regarding the trials outside of South America, so far Italy stands out as the country where three trials have taken place to investigate the DINA's assassination attempt against one of the leaders of the Christian Democratic Party of Chile Bernardo Leighton in Rome in 1975, and a mega-causa (large criminal proceeding comprising numerous victims and perpetrators) on Operation Condor, which received its final verdict in 2021. The database, therefore, also considers criminal proceedings which investigate transnational repression in third countries. That is to say, countries whose nationals were victims of the crime under investigation, which was committed in a different country. For this reason, the database also includes the cases carried forward in France.

1.1 Trajectories by country

The following paragraphs provide a brief summary on the prosecution process in Argentina, Chile, Uruguay, and Italy: the four countries with the highest volume of cases. This summary provides a concise background regarding the court cases for the crimes of transnational repression analysed in this report.

Argentina

From 2001, Argentina began to reopen proceedings for the crimes committed during the most recent dictatorship (1976-1983). The central milestone of this new era in Argentina was the ruling in 2005 by the Supreme Court of Justice (Corte Suprema de Justicia de la Nación, CSJN), which declared the Full Stop and Due Obedience Laws unconstitutional in a case known as “Simón”. The case was named after the defendant who was accused of the abduction of Claudio Poblete and Dolores Hlaczka and the theft of their daughter, Claudia Victoria. This case was pushed forward thanks to a joint effort between two organisations, namely the Grandmothers of May Square (Abuelas de Plaza de Mayo) and the Centre for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS).

As such, the combination of both legal and political strategies at the national and international level led to the reactivation of the criminal proceedings for these serious crimes. In 2006, the first verdict was pronounced, in the “Simón case”⁴. In March 2023, according to data from Argentina's Public Prosecutor's Office, 296 sentences were pronounced, which condemned 1,115 people and absolved 171 people⁵.

³ Balardini, Lorena, Collins, Cath y Burt, Jo-Marie (2013). “Mapping perpetrator prosecutions in Latin America”. *International Journal for Transitional Justice* vol. 7: 8-28.

⁴ CELS (2013). *Derechos humanos en la Argentina. Informe Anual 2012*. Buenos Aires, Siglo XXI Editores.

⁵ PCCH (2023) Since 2006 the Argentine courts issued 296 sentences for human rights crimes: 1115 persons were convicted and 171 acquitted. <https://www.fiscales.gob.ar/lesa-humanidad/desde-2006-se-dictaron-296-sentencias-por-crimenes-de-lesa-humanidad-son-1115-las-personas-condenadas-y-171-las-absueltas/>

Chile

The first criminal charges at a local level against Augusto Pinochet were filed in January 1998, spearheaded by the victims' relatives. That same year, on 16th October, Pinochet was detained in London and placed under house arrest under the order of the Spanish judge, Baltasar Garzón. 503 days later, Pinochet was allowed to return to Chile on health grounds and it was argued that it would be more feasible to investigate and try him through the national courts. Organisations and human rights lawyers had filed hundreds of additional criminal complaints against Pinochet while he was abroad.

In August 2004, the Supreme Court finally decided that Pinochet could face trial for the crimes of homicide and abduction in the "Operation Condor" case. Months later, in the Sandoval Case, the Supreme Court decided that abduction constituted an ongoing crime and ruled that the amnesty law was, in that case, non-applicable. Since 2004, there has been a sustained effort- albeit primarily pushed forward by civil society to open and continue the criminal prosecution of crimes against humanity⁶.

According to the data from the Observatory of Transitional Justice at Diego Portales University, from 1995 to 31st December 2022, a total number of 606 final judgements have been pronounced in court cases for crimes against humanity committed during the dictatorship: 487 of which have dealt with criminal and/or civil cases, and only 119 have emerged from civil claims⁷.

Uruguay

In Uruguay, the Law on the Expiry of the State's Punitive Claims (Ley de Caducidad de la Pretensión Punitiva del Estado) impeded the advancement of cases investigating human rights violations. Under President Tabaré Vázquez (2005-2010), the government allowed the investigation of the cases under some circumstances.

Later, in 2009 and 2010, the Supreme Court declared that Articles No.1, No.2, and No.3 of the law were both unconstitutional and violated several international human rights treaties⁸. Meanwhile, on 24th February 2011, the Inter-American Court of Human Rights (IACtHR) dictated the "Gelman vs. Uruguay" sentence, which obliged the State to investigate the facts and identify those responsible and to adapt the domestic legislation to this effect. In line with the IACtHR's verdict, the Uruguayan parliament revoked the Law on the Expiry of the State's Punitive Claims.

Parliament approved and enacted Law 18.831, which effectively reestablished the punitive claims of the State for the crimes committed as part of State Terror until

⁶ CELS, 2013. Op cit.

⁷ Information provided by a researcher from the Observatorio, Boris Hau, 27th February 2023.

⁸ Francesca Lessa (2014) ¿Justicia o impunidad? Cuentas pendientes en el Uruguay post-dictadura. Montevideo: Debate.

1st March 1985. These crimes were considered to constitute crimes against humanity and were, therefore, exempted from any statute of limitations⁹.

According to data from the Observatorio Luz Ibarburu, until March 2023, the Uruguayan courts have delivered sentences in 19 court cases and 26 defendants have been sentenced in total (some of whom in multiple cases)¹⁰.

Italy

The courts in Rome carried out a series of trials against the perpetrators of homicides committed in Argentina, Bolivia, Chile, Paraguay, Uruguay, and Brazil in the framework of Operation Condor between 1973 and 1980. The first trial began in 2015 and, in 2022, the Italian Supreme Court of Cassation considered the final pending appeals from the last two remaining Peruvian defendants.

Finally, the Court sentenced a total of 19 Uruguayan, Chilean, and Peruvian defendants, including the former Uruguayan Minister of Foreign Affairs, Juan Carlos Blanco and the former Peruvian dictator, Francisco Morales Bermúdez, for the homicides of 15 Italian nationals, 18 Uruguayan nationals, and two Argentine nationals.

This case dates back to the complaint that was filed in June 1999 by six Uruguayan and Argentine women who, due to the situation of impunity in the Southern Cone, decided to file their case before the courts in Rome¹¹. At that moment, they accused the former Chilean dictator, Augusto Pinochet, of the assassination of their relatives, which included five Italian-Uruguayan victims and one Italian-Argentine victim.

1.2. Overview and general characteristics of the recorded victims

The first statistical report¹² presented the descriptive statistics regarding the victims of transnational repression as recorded in the Database on South America's Transnational Human Rights Violations (1969-1981). In order to contextualise the cases that we will present, we will, first, provide an overview of the data.

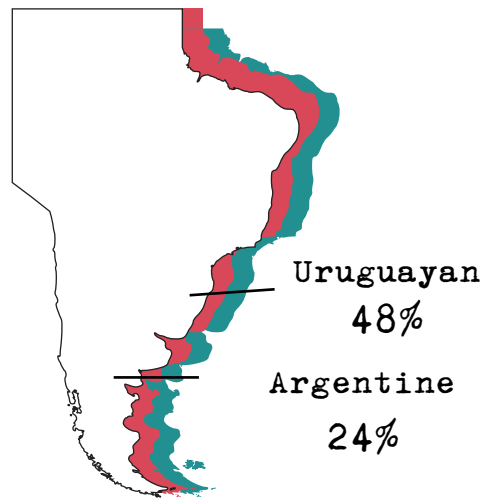
9 Ídem.

10 Record produced in collaboration with Pablo Chargoña, coordinator of the legal team at the Observatorio Luz Ibarburu, 6th March 2023.

11 Francesca Lessa (2022) *The Condor Trials: Transnational Repression and Human Rights in South America*. New Haven and London: Yale University Press.

12 See <https://plancondor.org/sites/default/files/2022-12/informecondor2-espanol.pdf>

1. Nationality



2. Political affiliation



Political
groups



Armed
organisations



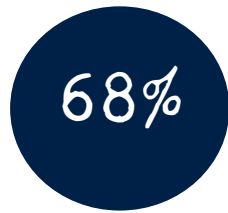
No
militancy

3. Time period

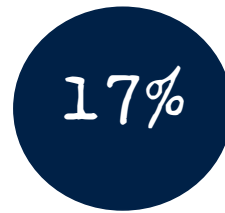


of the recorded criminal acts took place during the period that this project defines as the "Condor System" (March 1976 to December 1978).

4. Geography



of the recorded crimes
were committed in
Argentine territory



of the recorded crimes
were committed in
Uruguayan territory

5. Condition



48%

former detainees



33%

disappeared

6. Clandestine detention and Transfers



Victims taken to at least one
centre **66%**. The most common
places of detention were poli-
ce stations and military units
(**36%** and **25%** of the known
places).



25% of the victims were
subject to clandestine ren-
ditions, **48%** towards Uru-
guay.

Source: Database on South America's Transnational Human Rights Violations. Own elaboration.



SECOND PART

STATISTICS ON THE PROSECUTION PROCESS OF TRANSNATIONAL CRIMES

2.1 Conceptual definitions for this report

Background

The object of study for this report are the “court cases” in which crimes of transnational repression are investigated. For methodological reasons, “court cases” in this report comprise the following:

- Cases that reached the trial stage, which could encompass several separate case files, depending on the country.
- Cases under investigation, which could later be accumulated or unified with those that have been initially filed separately, or closed

The fundamental criterion to note is that a court case comprises a set of crimes, victims, and defendants that make it to the trial stage. Therefore, the figures in this report on cases currently in the preliminary stages could need to be updated in future studies.

This universe of cases is limited to those investigations which include crimes of transnational repression. Due to the secret system that characterised the victims’ illegal detention and their transfers in each country, it is possible that these cases have already been investigated in other court cases which focus on, for example, the crimes committed in a specific clandestine detention centre.

These cases/files are only taken into account within this universe if the crimes include, as previously mentioned, instances of transnational repression. As such, the total number of court cases studied in this report is 50.

Scope of analysis

Unlike the previous report, this document is based on the analysis of judicial sources. Such sources employ terminology associated with the specific penal codes and prosecution processes of each country where the trials unfolded. In order to be able to provide a holistic description, we have decided to classify the status and

phase of the court cases. This classification has enabled us to interpret the data collectively, exceeding the particularities of the trial process in each country. As such, a definition of these categories is provided below:

- **Status of the cases.** Court cases were classified according to the following stages of the prosecution process:
 1. **Preliminary investigation**, that is to say, the case finds itself in the early stages of investigation and has still not arrived before the court.
 2. **Trial in progress**, that is to say, the preliminary investigation was closed and the prosecution stage has begun. Depending on the prosecution process of each country, this may imply that the case is being taken to a hearing or that it is being filed before the court in writing.
 3. **Sentence**, this stage refers to all of the cases for which a court with the appropriate powers has pronounced at least one guilty verdict or one acquittal following the trial. The so-called first-instance sentence or verdict may have been revoked/appealed by higher courts (chambers of appeals, cassation, supreme courts of justice). If this information is known, the database indicates whether the final judgement has been upheld (it has been confirmed in all of the instances or has not been appealed) or that the case finds itself on appeal (for those cases where it is known that the case is being transferred to a higher court which is above the court that delivered the sentence). If such information is not available, it is so stated.
 4. **Closed**, refers to the cases that did not reach the trial stage, but rather were dismissed by the court in charge of the investigation for lacking sufficient evidence to be brought to trial.

The status of any case is, by definition, variable, and can change as the trial advances. In order to present the data in this statistical report, we have included the latest known status of each case at the time that this report was published.

- **Appeal dates.** The database records three dates, in the case that this is known for each case. The date of the first-instance verdict, the date in which the verdict was confirmed on appeal (cassation, appeals, etc.), and the date that the final appeal was upheld before the Supreme Court of Justice. In the case of the final appeals, it is important to clarify that these are appeals which are filed before the courts by a single defendant or a group of defendants, but do not apply to the entire verdict. In this regard, it is considered that the case has reached a partial judgement -rather than a final judgement- until the final pending appeal is heard.
- **Victims whose case is/was under investigation.** Under this category, we cross-referenced the victims of transnational repression included in the origi-

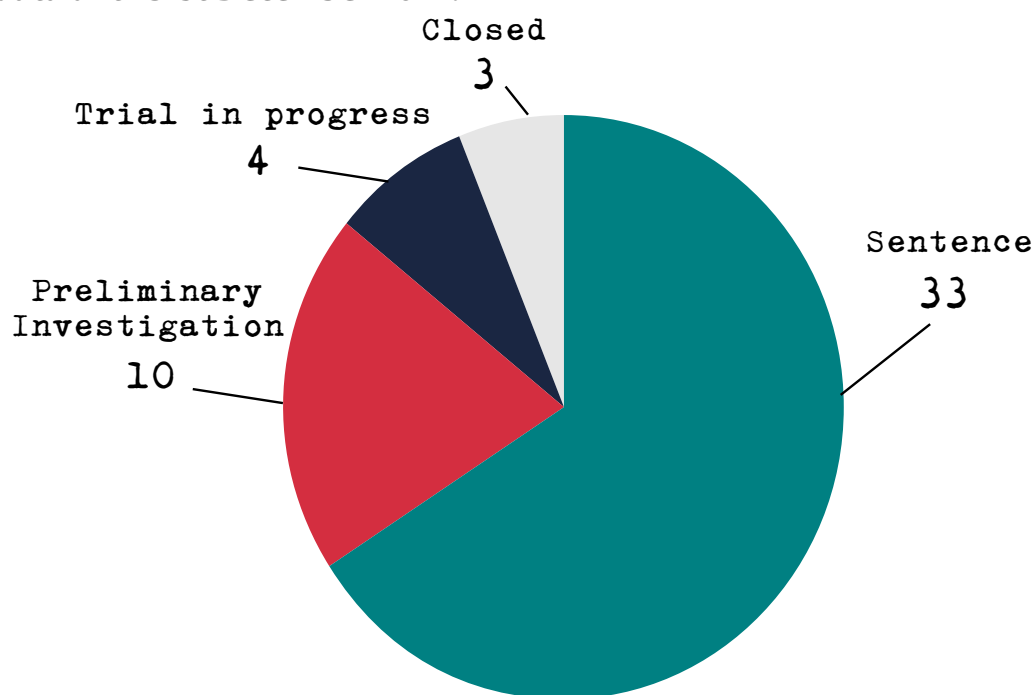
nal database and the criminal court cases to determine which victims have had their case investigated (or currently under investigation).

- **Crimes.** This refers to the criminal offences which are categorised in each country according to their own penal codes. In this regard, even though the database has the original names from each country, some of the crimes were merged under the same name to allow for standardisation in this report. For example: torment and torture, kidnapping and illegal deprivation of liberty, homicide and assassination, among others, were considered as the same crime.

2.2 Statistics on the prosecution process

Status of the cases

Graph 1. Court cases in which crimes of transnational repression are investigated, according to the status of the investigation. Various countries, data until 31st December 2022.



Source: Database on Condor Trials (1976-2022). Own elaboration.

As previously mentioned, a total number of 50 court cases were recorded. The graph shows that the status of the investigations is relatively advanced. The majority of the court cases have received at least one verdict (33 cases), of which the majority have also finalised the appeals process, meaning that the sentence is “final” (25).

For court cases in prior trial stages, a marginal advancement can be noted. Upon the date of publication of this report, four cases were recorded as being in intermediate stages such as currently on trial, whether oral or written proceedings. The remaining 14 cases are under preliminary investigation, meaning that the case has still not reached the trial phase. The remaining three cases were closed.

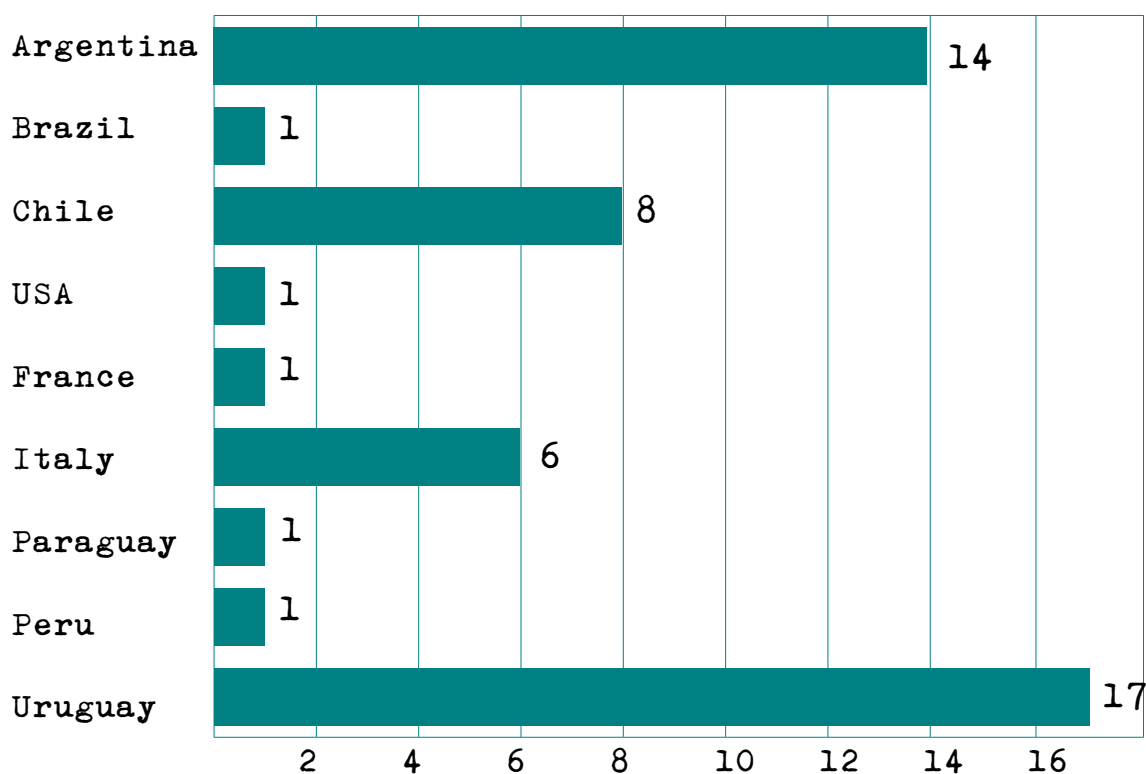
Table 1. Court cases in which crimes of transnational repression are investigated and have received a verdict, according to trial status. Various countries, data until 31st December 2022.

STATUS OF THE SENTENCE	TOTAL
Final sentence	25
Sentence - under appeal	6
Sentence - without data on appeal	2
Total	33

Source: Database on Condor Trials (1976-2022). Own elaboration.

Cases by country

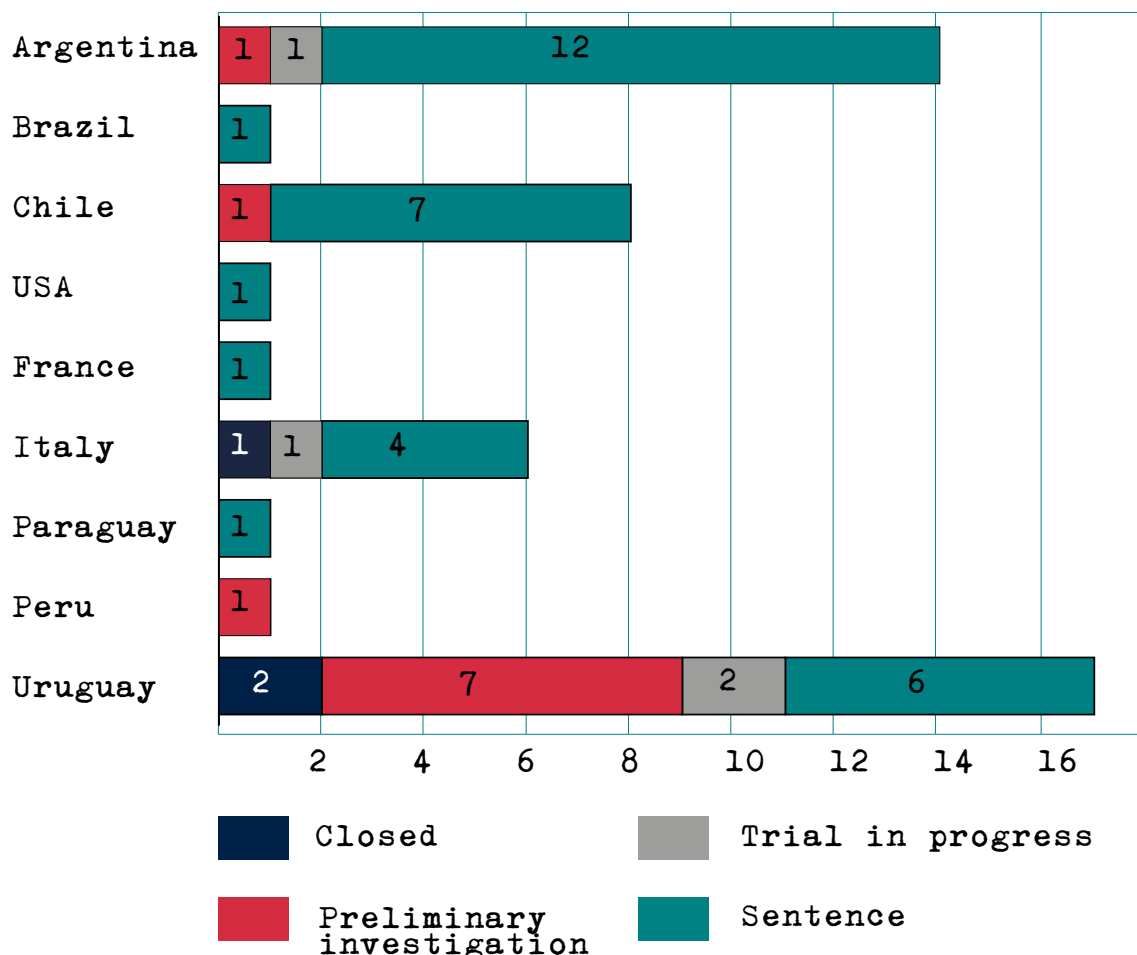
Graph 2. Court cases in which crimes of transnational repression are investigated, according to the country where the investigation is carried out. Various countries. Data until the 31st December 2022.



Source: Database on Condor Trials (1976-2022). Own elaboration

If we consider the whole universe of court cases, the country with the highest number of investigations is Uruguay, followed by Argentina, Chile, and Italy. It can be seen how the judicial proceedings in the remainder of the countries are very marginal.

Graph 3. Court cases in which crimes of transnational repression are investigated, according to the country in which the investigation is carried out and its status. Various countries. Data until 31st December 2022.



Source: Database on Condor Trials (1976-2022). Own elaboration.

That said, if we analyse the status of the proceedings, it can be observed that the majority of the cases in Argentina, Chile, and Italy have reached a verdict whereas, in Uruguay, the majority of cases are still under preliminary investigation and two trials are ongoing.

Victims whose cases are under investigation

The universe of victims under consideration in this study has an intermediate rate of judicialization. **A total of 441 cases are currently being investigated -or were previously investigated- in at least one of the trials for the crimes of transnational repression, 55% of the total number of victims recorded in the database (805).**

Victims whose case is investigated in at least one trial. Total: 441

Victims whose case is investigated in two trials. Total: 215

Victims whose case is investigated in three or more trials. Total: 12

Table 2. Victims whose case is included in at least one trial where crimes of transnational repression are investigated, according to the country in which the crime was committed and the victim's nationality. Data until 31st December 2022.

	Argentine	Bolivian	Brazilian	Chilean	Paraguayan	Peruvian	Uruguayan	Other	Total
Argentina	107	4	5	45	12	0	155	2	330
Bolivia	4	0	0	1	0	0	1	0	6
Brazil	5	0	0	0	0	0	4	0	9
Chile	0	0	0	2	0	0	6	0	8
Paraguay	4	0	0	1	0	0	2	0	7
Perú	3	0	0	0	0	13	0	0	16
Uruguay	27	0	1	0	0	0	20	0	48
Other	12	0	0	3	0	0	0	2	17
Total	162	4	6	52	12	13	188	4	441

Source: Database on Condor Trials (1976-2022). Own elaboration.

The data in Table 2 indicates, in line with the analysis of the first statistical report focusing on the background of the victims included in the database (805 people), that, for the majority of the victims whose case has been brought to court, the crime was committed in Argentina (75%).

Regarding the victims' nationality, it can be observed that the highest number of victims were Uruguayan. However, unlike what the data shows for the entire sample of victims, the figure is very similar to the total number of victims of Argentine nationality.

Taking into account that several victims' cases were investigated in more than one trial, the total number of victims corresponding to the universe of cases in more than one proceeding is 1,660. It is important to emphasise that, in 31 out of the 50 cases analysed, the total number of victims under investigation in each case is fewer than 10.

Subsequently, we analysed the distribution of the combined total number of court cases and victims' cases in order to provide a more detailed characterisation of the prosecution process in the four countries with the highest level of investigations.

Table 3. Court cases in which crimes of transnational repression are investigated, according to the relationship between the number of court cases and of victims under investigation. Argentina, Chile, Italy and Uruguay. Data until 31st December 2022.

Country	Number of court cases	Total number of victims under investigation	Average number of victims per court case
Argentina	14	1.299	92,7
Chile	8	38	4,7
Italy	6	54	9
Uruguay	17	245	14,4

Note: the total number of cases may contain the same victim more than once according to the number of times that his or her case is being investigated within the total number of cases of the respective country.
Source: Database on Condor Trials (1976-2022). Own elaboration.

The relationship between the court cases and the crimes being investigated is significant. Although, a priori the number of proceedings is similar, when we analyse the total number of victim cases being investigated, it can be noted that, only in the case of Argentina, do the proceedings include a higher number of victims. This phenomenon is known in Argentina as “megacausas”, or “megatrials”, in which a large set of crimes is investigated.

Crimes under prosecution

In the cases analysed in this report, although the facts are investigated as human rights violations or crimes against humanity, the crimes are categorised in the framework of the actual criminal trials according to the definition contained in the criminal code that was in force at the time that the crimes occurred in each country. It is noteworthy that only ten proceedings, out of the universe of 50 court cases, include a complex set of three or more crimes. Half of them comprise up to two crimes each.

Court cases which include only one crime each. Total: 15

Court cases which include up to two crimes each. Total: 25

Court cases which include three crimes or more each. Total: 10

As previously clarified in section 2.1, the offences under investigation were standardised according to a single system of nomenclature, with the sole aim of allowing data to be compiled on the total universe of cases analysed.

Table 4. Offences under investigation in the court cases for crimes of transnational repression. Various countries. Data until 31st December 2022.

Type of criminal offence	Percentage
Abandonment of children	2
Abuse of authority	6
Criminal conspiracy	10
Attack on personal liberty	2
Crimes against sexual integrity	4
Political crimes abroad	2
Enforced disappearance	12
Homicide	46
Assassination attempt	6
Serious bodily harm	2
Mistreatment	2
Enquiry	2
Possession and carrying of arms	4
Illegal deprivation of liberty	58
Possession of stolen goods	2
Suppression of the civil status of a minor under 10 years old	2
Abduction, retention and concealment of minors under 10 years old	14
Torture	24

Note: The sum of the % is greater than 100% because the data is accumulated from the crimes investigated in the total set of court cases. Source: Database on Condor Trials (1976-2022). Own elaboration

According to Table 4, the most common offence/crime in the court cases analysed in this report is illegal deprivation of liberty (or abduction) with 58%, homicide or assassination with 46%, and torture with 24%. Crimes against sexual integrity constitute a marginal category, which are investigated in just 4% of the total set of cases.

Duration of the investigations

The universe of cases analysed in this report does present some challenges for producing an exhaustive evaluation of the stages of the criminal proceedings. However, this problem is not unique to the selection of court cases on transnational crimes. Rather, it reflects the challenges in obtaining this type of information, which has also been highlighted by the civil society organisations that have demanded the realisation of these trials in different countries. Measuring the duration of the stages of the proceedings is key for monitoring how the trials are advancing, according to the Argentine Public Prosecutor's Office for Crimes against Humanity.

Indeed, its statistical reports include a “timeline”, which permits to analyse at which stages in the prosecution process there exist delays that prevent a final verdict from being reached¹³.

In turn, since these are trials that are brought before the courts decades after the crimes took place, it is also key to analyse the delays that may lead to the death of defendants and/or victims. Such delays could result in the investigations being closed, not due to a verdict being pronounced but, rather, due to the statute of limitations being applied in the event of death.

For 42 of the court cases, the start date of the investigations has been obtained. Of these 42 cases, eight began in the 1970s and 1980s, while eight additional cases were initiated during the 1990s. The majority, a total of 26 cases, began after the 2000s, in parallel with the process of the reopening of trials described in the first section of this report.

Of the cases which find themselves under investigation still, 70% began at least 10 years ago.

The database also records the date of the verdict for 31 out of the 33 cases that have obtained a sentence. In the 1980s and 1990s, only four cases in total reached a verdict. The remainder of the cases occurred in the 2000s, with a peak in the year 2012, when five sentences were pronounced.

With regards to delays, we could collate information on the start date and verdict date of 27 out of the 33 court cases. For half of these court cases, it took 10 years or more for a sentence to be pronounced. The longest three cases lasted more than 20 years. For the 27 cases, the average delay between the opening of the case and the verdict is 6.8 years.

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See <https://www.fiscales.gob.ar/lesa-humanidad/?tipo-entrada=informes>

Finally, once the first-instance sentence or verdict is pronounced, it is possible to appeal or revoke the court ruling. The trials that investigate these cases have a second instance of appeal (Chamber of Appeals, Criminal Cassation) and a final judgement of the Supreme Court or Superior Tribunal. Although the trial process includes the right to appeal, it is not obligatory, and there are three recorded cases in which the sentences were not appealed.

The study includes information on the date of the verdict and the final judgement from a higher court in 17 out of the 25 court cases with a recorded final verdict. The average time passed between the first-instance verdict and the final verdict is 3.1 years.