



POLICY BRIEF

Investigating Crimes against Humanity in South America

Present and Future Challenges

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Londres 38
espacio de memorias

EXECUTIVE SUMMARY

Three decades after the return of democracy, responding to the crimes of the recent past remains a largely unresolved matter in South America. This policy brief is based on a long-term study, begun in 2015, of accountability policies in this region. It also draws upon the discussion and knowledge exchange held during the workshop “*Investigating Crimes against Humanity in South America: Present and Future Challenges*,” organised in Buenos Aires in May 2018, which brought together over 100 experts, lawyers, public prosecutors, and human rights activists from Argentina, Brazil, Chile, Paraguay and Uruguay. The brief summarises the main challenges and difficulties associated with investigating crimes against humanity in South America. Furthermore, it identifies five short-term priorities that should guide investigations in the near future:

- 1 Investigating crimes against humanity must be a public policy, fully undertaken and endorsed by the three branches of government;*
- 2 Crimes against humanity should not be examined as isolated incidents but, rather, as patterns of atrocities that were systematic and state-sponsored;*
- 3 Investigations should also encompass sexual crimes and crimes committed by civilians;*
- 4 States must enact comprehensive policies to locate and identify victims of enforced disappearances;*
- 5 States should ensure complete access to archives relating to human rights repression for judicial and reparations purposes.*

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Introduction

This policy brief discusses the experiences of institutional and civil society actors involved in the elucidation of crimes against humanity in South America. It also identifies strategies to be implemented to deepen investigations into past crimes.¹ The report compiles the key themes discussed during the workshop “*Investigating Crimes against Humanity in South America: Present and Future Challenges*,” which took place in Buenos Aires on May 8 and 9, 2018. The event was organised by the Latin American Centre (LAC) of the University of Oxford and Argentina’s Prosecutor’s Office for Crimes against Humanity (*Procuraduría de Crímenes contra la Humanidad del Ministerio Público Fiscal de la República Argentina, PCCH*). More than 100 local and international specialists took part in the workshop, exchanging ideas and experiences about investigation processes and criminal procedures relating to trials for crimes against humanity in the region. The workshop was structured around six themes:

- 1 Investigating Past Crimes;**
- 2 The Crimes of Operation Condor;**
- 3 Sexual Crimes during the Dictatorships;**
- 4 The Role of Archives;**
- 5 The Role of Civil Society;**
- 6 The Search for Victims of Enforced Disappearances.**

This brief is divided into four parts. Firstly, it briefly summarises *crimes against humanity committed in South America* and offers an *overview of the trials* carried out since the return of democracy. Secondly, it presents a *concise assessment of investigations into crimes against humanity* undertaken so far. Thirdly, it identifies *five priorities* to advance investigations and trials in the region. Finally, it presents recommendations relating to *three regional cooperation strategies* that could enable further progress in investigations.

CRIMES AGAINST HUMANITY AND JUDICIAL ACCOUNTABILITY

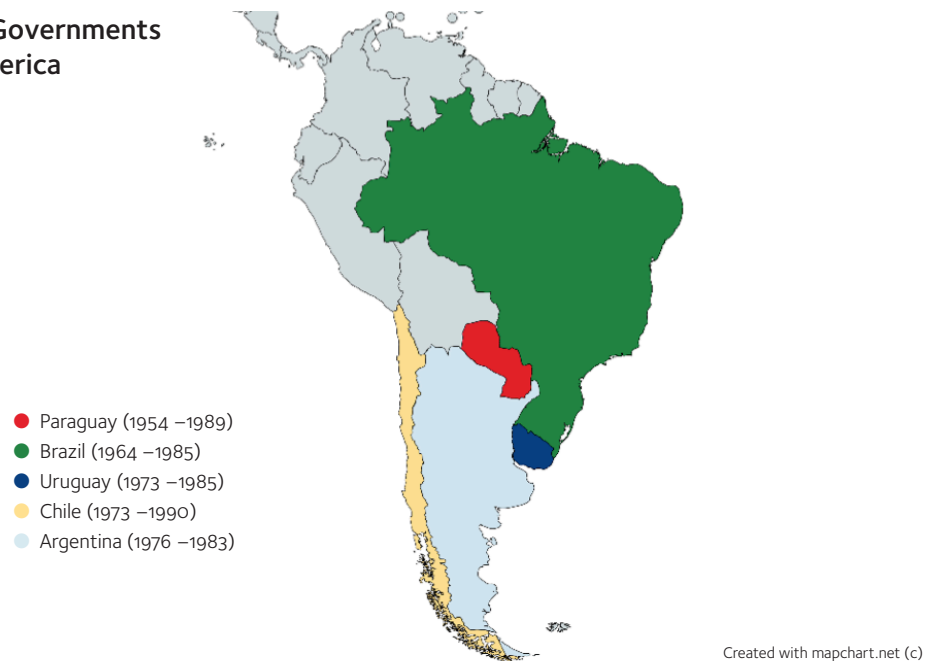
Starting in the mid-1950s, different dictatorial and authoritarian governments took power (see map 1) in Paraguay (1954-1989), Brazil (1964-1985), Uruguay (1973-1985), Chile (1973-1990), and Argentina (1976-1983). These dictatorships implemented repressive policies that were unprecedented in the region and were carried out systematically, targeting thousands of people. These regimes shared the same political ideology, inspired by the United States’ National Security Doctrine, and were shaped by the geopolitical context of the Cold War.

Although each dictatorship had its own distinctive features, all of them violently repressed any form of opposition – both armed and peaceful – specifically targeting political leaders, students, trade union activists, workers, journalists, and social militants. These regimes perpetrated similar patterns of crimes, including kidnappings and illegal detentions, arbitrary executions, sexual violence, forced disappearances, torture, robbery, and illegal appropriation of young children and/or infants born

¹ The author thanks Carolina Varsky, Lorena Balardini, Pablo Chargoña, José López Mazz, Sandro Gaete, Mariana Mota, Melisa Slatman, Magdalena Garcés Fuentes, Joaquín Perera, Marlon Alberto Weichert, Paulina Zamorano Valenzuela, and Nuria Piñol for their help in preparing this report. We also acknowledge the support and participation in the workshop of the organisations and institutions whose logos appear on this brief: the Observatorio Luz Ibarburu and the Faculty of Humanities and Education of the University of the Republic from Uruguay, the Directorate of Historical Memory and Reparations from Paraguay, the Group of Family Members of the Politically Executed and Londres 38 from Chile.

during the clandestine detention of their parents. In addition to the repression at the national level, these regimes additionally established the so-called “Operation Condor” (1975-1981), which allowed them to coordinate and extend political persecution at a regional and international level.

**Map 1 –
Dictatorial Governments
in South America**



Argentina and Chile are the countries that advanced the most in investigating past atrocities. In Argentina, the “*Juicio a las Juntas Militares*” (Trial of the Military Juntas) in 1985 represented a milestone for justice during the first years of democratic transition. The sanctioning of “impunity laws” and pardons in the late 1980s and early 1990s temporarily suspended the justice process. Eventually, trials resumed in 2006, after these laws and pardons were repealed. As of December 2018, the Argentine judicial system had convicted 891 accused and acquitted 133, out of 3,081 people who are being investigated for past human rights violations. Currently, there still are 357 criminal cases open before the courts.² In Chile, up to 2018, 447 sentences had been dictated: 53 in civil cases and 394 in criminal cases. Currently, seven judges are specifically working on lawsuits relating to dictatorship-era crimes all across the country and 245 new cases were opened in 2018. Until December 2018, there had been 2,837 individuals convicted by first instance courts and there were 1,346 open proceedings, out of which 1,017 are in the pre-trial phase.³ In Uruguay, there are 262 lawsuits at different stages of the judicial process, of which the vast majority (151) are in pre-trial proceedings, three in the trial stage, 95 have been shelved, and sentences have been dictated in only 13 instances. To date, just 20 defendants have been sentenced in Uruguay.⁴ In Brazil, public prosecutors have initiated criminal proceedings in 36 cases: 34 have however been rejected and only two are being investigated by the federal justice system.⁵ So far, there have not been any convictions, mainly because the Supreme Court continues to

² See <https://www.fiscales.gob.ar/lesa-humanidad/juicios-en-numeros-durante-2018-finalizaron-17-debates-y-aumento-la-cantidad-de-imputados-con-prision-domiciliaria/>

³ See <http://www.pjud.cl/documents/396729/0/Poder+Judicial+y+Derechos+Humanos+Ministro+Cisternas.pdf/5fd451d5-b9c9-4bf1-a587-6c78f3f10312>

⁴ See <https://www.observatorioluzibarburu.org/reportes/>

⁵ Cleide Carvalho, “MPF-SP recorre à Justiça para punir crimes cometidos durante a ditadura militar,” *O Globo*, 21 de agosto de 2018, <https://oglobo.globo.com/brasil/mpf-sp-recorre-justica-para-punir-crimes-cometidos-durante-ditadura-militar-22997385>

apply a 2010 decision that considers the amnesty law valid. Finally, in Paraguay, between 1999 and 2008 there were nine prosecutions for dictatorship-era crimes, encompassing the cases of 15 victims and resulting in the conviction of eight perpetrators.⁶



Image 1 – Opening panel

REGIONAL ASSESSMENT

During the workshop, it became evident— particularly from the knowledge exchange between experts from Argentina, Brazil, Chile, Paraguay, and Uruguay – that legal professionals, public prosecutors, lawyers, and human rights activists dedicated to the search for truth and justice for past crimes share similar challenges and obstacles. Here, we present a regional assessment that focuses on three areas: (1) *regional context*; (2) *questions specifically linked to prosecutions*; and (3) *the production of information*.

Regarding the *context at the regional level*:

- Numerous participants highlighted how *victims, their families, and various human rights groups have played a key role* around the region in reporting crimes and initiating lawsuits investigating the crimes of the dictatorships. This is especially clear in Uruguay, where the Office of the Attorney General (*Fiscalía General de la Nación*) never acted *proprio motu*. In Brazil, although victims do not have the power to file complaints directly before the courts, the prosecution maintains close contact with them and the entities representing them. In Chile, the families of victims and human rights organisations have also played a fundamental role. This includes the Group of Family Members of the Politically Executed (*Agrupación de Familiares de Ejecutados Políticos, AFEP*), which has filed more than 1,000 lawsuits since 2009. Chile's Human Rights Programme (*Programa de Derechos Humanos*) - initially part of the Ministry of the Interior and now part of the Ministry of Justice and Human Rights – played

⁶ Information provided to the author by the Office of the Attorney General of the Republic of Paraguay, Directorate for Human Rights, August 2016.

a crucial role in the commencement and processing of lawsuits over many years. In Argentina, the efforts made by victims in their role as private accusers in the trials was complemented – and in many instances, strengthened – by the actions of the Public Prosecutor’s Office. It was also highlighted how in some countries, other actors also played an important role in the search for truth and justice. For example, in 2005, the Research Groups on Forensic Archaeology and on History were set up within the Faculty of Humanities and Education at the University of the Republic in Uruguay. The Research Group on History, in particular, carried out the task of processing information coming from State archives that related to human rights violations committed during the dictatorship in Uruguay. One of the most significant practical results was that the information collected and analysed by this group was later incorporated in the majority of the legal proceedings for human rights violations, which were taking place before the courts in both Uruguay and Argentina. In addition, this information was also used for the presentation of new criminal lawsuits filed by relatives of the victims and human rights organizations before the courts in Uruguay;

- Another common theme in the region is that of the *active complicity* of the Armed Forces and Security Forces, as well as other actors like businesspeople and even member of the judiciary, who *continue to hide information* that would allow investigations to progress further. They have also actively obstructed progress with trials and wider investigations. This can be seen in Uruguay where, on more than one opportunity, information about the location of clandestine graves offered by supposedly high-level military sources turned out to be false;
- *Ongoing cycles of negating and questioning the validity and due process of criminal trials* have been detected. These are present in narratives calling for “turning a new page,” referring to the accused as “political prisoners”, or arguing for the need to focus on the human rights situation “in the present.” These discourses are put forward by groups that lobby for the liberation of accused members of the Armed Forces and are often reproduced by civil servants as well. They hope to reinstate the context of impunity existing in the region before the year 2000;
- Particularly in Paraguay and Uruguay, it became clear that *states are not conducting thorough searches for the bodies of victims of enforced disappearances* and that, when they do, these pursuits are limited to one-time, specific cases, rather than adopting a widespread and holistic search policy. In these two countries, to date only four victims of disappearances have been identified in each country out of 336 disappeared in Paraguay and 192 in Uruguay. Rogelio Goiburú of the Directorate of Historical Memory and Reparations of Paraguay (*Dirección de Memoria Histórica y Reparación de Paraguay*) noted that his team is carrying out the majority of the investigations, travelling around the entire country at their own expenses, hoping to find clandestine graves without receiving hardly any funding from the state. In Uruguay, the Presidency of the Republic modified in 2015 an agreement it had with a university team that had been looking for victims of disappearances since 2005. The team had made some significant findings and now works under the auspices of the Secretary of Human Rights for the Recent Past (*Secretaría de Derechos Humanos para el Pasado Reciente*). Recently, the search for victims of forced disappearance has dwindled, to the point that various search initiatives run by members of civil society have spontaneously emerged. In Brazil, the National Truth Commission (*Comissão Nacional de la Verdad*) recognised 243 cases of enforced disappearances during the dictatorship; to date, 34 bodies have been identified. In Chile, according to data from the Legal Medical Service (*Servicio Médico Legal*), 300 victims – relating to 151 disappeared detainees and 149 executed political prisoners – have been identified, out of 1,468 disappeared detainees and executed political prisoners whose bodies have not yet been located. Since its founding in 1984, the NGO Argentine Forensic Anthropology Team (*Equipo Argentino de Antropología Forense*, EAAF) has led the search for detainees who were disappeared during the country’s last dictatorship. To date, they have found and identified approximately 800 victims;

- Lastly, it was emphasised how in all of the countries (with the exception of Argentina) there is a *lack of political will with regard to the investigation of past crimes and ensuring it becomes a state policy* promoted by the three branches of government working together. This does not necessarily imply that there is an active policy of negationism. Rather, many cases of inaction or omission by state institutions, which are obliged to investigate criminal acts under International Human Rights Law, can be seen.

Regarding *questions specifically linked to prosecutions*:

- The *different roles and actions of the Public Prosecutor's Offices* in each country and their relationship *with the current criminal processes* for the investigation of past crimes were analysed. In Brazil, the system is accusatorial and public, and undertaken through a written system, unlike in Argentina where trials are open to the public and oral. Both the Brazilian Office of Public Prosecutor as well as the police have the responsibility to probe criminal acts. However, given the lack of political will to promote investigations, the police have not involved themselves in the issue of dictatorship crimes. This means that the Public Prosecutor's Office has exclusively and directly undertaken all investigations. In Chile and Uruguay, the prevailing system – which is inquisitive, written, and secret – makes it difficult to advance in the investigation of the crimes of the recent past. Moreover, certain public prosecutors have not been particularly proactive in the thorough investigation of these atrocities. When discussing Uruguay in particular, it is important to underline two recent events. On the one hand, while cases initiated before November 2017 go through an inquisitorial system, from that date onward a new and accusatory criminal process has been in place, which includes public hearings and there is a public prosecutor who is in charge of investigations. On the other hand, a new Specialised Public Prosecutor for Human Rights (*Fiscalía Especializada en Derechos Humanos*) was created in February 2018. This decision may have signalled a positive advance in the search for justice. Unfortunately, this entity was not given sufficient resources: it includes a team of just four people responsible for almost 300 lawsuits. For now, public prosecutor Ricardo Perciballe made it clear that he will not put forward new complaints, nor will he reactivate those that are currently shelved. This attitude relegates this task to victims and family members once again, and is worrying given that the specialised public prosecutor should be the entity in charge of lawsuits related to crimes against humanity. In Chile, the Human Rights Programme has a limited mandate to push forward lawsuits, given that it does not have the authority to intervene in the cases of survivors. Further, it could only present cases starting from 2009 (Law 20,405), despite that fact that it has intervened as a coadjutant in investigations of forcibly disappeared people since 1997. In Argentina, the Office of the Public Prosecutor leads criminal prosecutions and has accordingly created specialised units in different jurisdictions to deal with crimes against humanity. However, the mixed nature of this process, in which the initial part of the investigation still takes place in written format, means that in some cases the judges are the ones who implement the investigation, often incurring delays and adopting discretionary criteria;
- The *lack of common guidelines for organising and directing investigations about crimes against humanity* was particularly emphasised. This generates a situation in which each judge or public prosecutor follows discretionary and personal criteria when initiating and developing an investigation, resulting in the fragmentation of lawsuits and leading to uneven advances in cases of a similar nature. The Argentine Public Prosecutor has played an important role in creating guidelines and developing working documents about specific themes when conducting investigations into past crimes. For example, it rejected attempts by some sectors to categorise the actions carried out by armed political organisations in the 1970s as crimes against humanity, to avoid giving credence to the “theory of the two demons” (*teoría de los dos demonios*);

- Conversely, in Uruguay and Chile, *dictatorship-era crimes are investigated as common crimes, and not as part of a larger, systematic pattern of wrongdoings*. In Uruguay, this situation means in practice that homicide or kidnapping sentences are handed out, instead of applying the category of forced disappearance (for example, in Uruguay, the sentences of March 2009 in the cases of *Adalberto Soba and others*). Another even more serious consequence is that, as long as these crimes are categorised as common, they could be subject to instruments like statutory limitations, amnesty, or pardons, which should not be applied to crimes against humanity according to international law. In Uruguay, in some cases, the courts have indeed resorted to statutory limitations and there is a concern that this may result in the shelving of more cases in the future. In Chile, in numerous cases, even if there are no grounds for excluding criminal responsibility, extenuating circumstances known as a “half prescription” have been applied, which lower the penalty handed down in light of the time elapsed since the commission of the crimes;
- Further, in Uruguay, *clear jurisprudence regarding the application of international law*, and in particular, about the use of the category of “crimes against humanity” does not exist. In this country, the position of the Supreme Court of Justice has repeatedly changed in the last few years, creating a situation of judicial insecurity that affects the victims and favours the impunity of their victimisers. Specifically, apart from a few rare exceptions, the Supreme Court of Justice, has maintained that crimes committed during the dictatorship were *not* crimes against humanity, with the negative consequences that go along with this stance (see previous point);
- It was also noted that sometimes there is a tendency *to repeatedly prosecute the same defendants* for different sets of crimes, even when it regards the same victim(s). As a result, investigations focus on a limited set of perpetrators and do not consider the broader responsibility of other agents as well. Certain questions related to this theme remained open during the workshop: Does the need to move forward in these proceedings mean that we have to prioritise or select specific cases and/or victims? How can we reconcile the judgment of the cases with the risks relating to the perpetrators’ biological impunity [i.e. perpetrators dying due to old age without facing justice]?
- It was noted that during the early years, *trials about sexual crimes and crimes committed by civilians (including corporate responsibility, or the role of the judiciary in hiding or participation in atrocities) were not prioritised*. The widening of investigations in recent years has brought to the fore the difficulties, limitations, and biases of the judiciary. In particular, when it comes to the investigation of sexual crimes, it was remarked that, at the beginning, sexual violence was subsumed into the category of torture or cruel treatment, rendering in this way invisible the suffering linked to sexual integrity. Other difficulties related to the question of how testimonies were taken and the question of *instancia privada*, i.e. the fact that only victims of sexual violence can initiate prosecutions for this type of crimes and not the state on their behalf, and what to do when victims were disappeared, murdered, or died after testifying and, thus, could not initiate a case;
- The *lack of training and specialisation in human rights* among legal professionals and in the rest of the institutional actors linked to trials was especially noted. In the case of Uruguay, for example, the Inter-American Court of Human Rights, in the *Gelman* ruling, had ordered the country back in 2011 to implement “a permanent human rights programme directed at the agents of the Public Prosecutor’s Office and the judges of the Judiciary.” On the other hand, when specialised teams or judges who are dedicated to these subjects do exist, they often run the risk of being decommissioned or arbitrarily moved. A paradigmatic case is that of former Uruguayan judge Mariana Mota, who was transferred to civil jurisdiction in 2013. This transfer obstructed the pre-trial inquest of the lawsuits of her tribunal: the change in the acting judge meant that, in practice, her successor had to begin studying all of the records from the beginning, generating delays in the resolution of the

cases. In Argentina, since the last administration, groups including the document analysis team at the Ministry of Defence and the Ministry of Security, who had made important contributions to the production of evidence for human rights trials, have been dismantled. Moreover, state programmes like the Ulloa Centre for the accompaniment of victims, or the Truth and Justice Programme have also been weakened.



Image 2 - Panel 1 – Investigating Past Crimes

Regarding the *production of information (archives, registries, guides, and specialised protocols)*:

- It was underscored how Argentina has been able to *create state registries that document progress with the trials*. In Chile, the rigorous registry from the Human Rights Programme was discontinued in 2010. On the other hand, in Uruguay, the only database regarding lawsuits for past human rights violations is produced by the Luz Ibarburu Observatory (*Observatorio Luz Ibarburu*). The Specialised Prosecutor in Uruguay does not produce its own information, but instead uses data produced by civil society. In all of these cases, the challenge is for state bodies to generate and use tools that allow for the monitoring of cases, by gathering and systematising information that is generally quite scattered;
- Further noted was the importance of having *general guides, action protocols, and other documents* that can direct, orient, and allow for coordinated ways of undertaking investigations. In the case of Argentina, the PCCH has for instance created two guideline documents in this regard. One of these offers tools for tackling house arrest as a means of complying with preventive detention or when serving sentences for individuals who have been accused or convicted of committing crimes against humanity (available from <https://www.fiscales.gob.ar/wp-content/uploads/2016/08/Consideraciones-y-medidas-sobre-detencio%CC%81n-domiciliaria-y-CCH-final-PDF.pdf>). The other proposes guidelines for action for prosecutors to overcome other problematic factors linked to investigations (available from <https://www.fiscales.gob.ar/procuracion-general/wp-content/uploads/sites/9/2016/05/Pautas-para-la-actuacio%CC%81n-de-los-y-las-fiscales-en-la-investigacio%CC%81n-de.pdf>);

- Several points were highlighted in relation to *documentary evidence about political violence contained in state archives*. This included the need to generate inventories to document the contents of the archives, guarantee public access to the documentation, promote the training of operators in using archives effectively, and finally, protect and give access to new documentary collections that are produced as a result of the trials;
- It is crucial to generate *inventories of existing archives* to fully understand the material contained therein, and, through this, to guarantee *full access to these documents* to victims, researchers, lawyers, prosecutors, and other legal professionals so they can incorporate these materials in lawsuits. The biggest challenge continues to be ensuring access to archives and this point is not only linked to a need to produce new legislation on that but, rather, the ability to demand that existing legislation be applied in securing access to information. In order for this legislation to be truly enforced, the organisation and systematisation of the archives (especially state archives) must be guaranteed. This fundamentally requires political will, as well as financial and human resources to undertake these tasks;
- Likewise, the *need to train justice operators* in how to use archives and in document analysis techniques used in social sciences and humanities, resulting in a better use of resources, was crucially emphasised. Moreover, *interdisciplinary work should be encouraged* through the inclusion of historians and archivists in justice processes. This must be accompanied by public policies promoting legislation regarding access to information and providing resources to increase the organisation and accessibility of the archives. On the other hand, the judiciary should develop policies for the conservation and accessibility of the archives generated during criminal trials;
- Society more broadly (researchers, family members, victims, civil society organisation) needs to be empowered and given the required tools to access information, and also ensure that state bodies comply with existing regulations in that respect.



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Image 3 - Panel 2 – The Crimes of Operation Condor

SHORT TERM PRIORITIES

Based on the above assessment, *five short-term priorities* should guide the investigation of crimes against humanities committed in South America during the years of dictatorship and state terrorism. These are:

- 1 *The investigation of crimes against humanity must be a public policy promoted by the State as a whole.*** As Pablo De Grieff, United Nations Special Rapporteur for the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Repitition, affirmed in paragraph 72 of his 28 August 2014 report A/HRC/27/56/Add.2, “*Truly moving forward and continuing on the path of development necessarily requires that the rights to truth, justice, reparation, and guarantees of non-repetition are fulfilled, and this is the responsibility of the three powers that comprise the State.*” This policy must be accompanied by the material and human resources necessary for its thorough development;
- 2 *The investigation of the crimes of the recent past has to be addressed systematically, not treating crimes as isolated episodes but, rather, tackling them in their entirety, that is, including cases of victims of disappearances and executions, as well as surviving victims of torture and political imprisonment.*** For this reason, it is important to conceptualise the atrocities committed as part of a pattern of crimes carried out by the State, in a way that systematically violated citizens’ rights over time. Unless this common framework is established, no investigation will be able to adequately shed light onto crimes of this nature. Likewise, it is necessary that the corresponding authorities issue instructions and/or protocols that clearly guide investigations of these atrocities, clearly differentiating them from “common crimes;”
- 3 *It is necessary to deepen investigations of the crimes the recent past, also addressing sexual crimes and those committed by civilians (for example, the responsibility of businesses).*** In some countries (Argentina and Chile), these crimes began to be investigated, while progress has been rather limited in Brazil, Paraguay, and Uruguay, with very few judicial sentences achieved so far;
- 4 *The search for victims of forced disappearance should be a comprehensive policy promoted by the state.*** This policy has to encompass various elements. First, it should include teams trained to search for missing people, and guarantee a collaborative and interdisciplinary process with well-defined specialities and responsibilities. Secondly, it should ensure a good use of archaeology in the process of searching for bodies, in crime scenes (recovering all possible evidence), and in the correct exhumation of remains. Finally, it should assure high quality forensic expertise and should allow the relatives of the victims to be present during the entire process.
- 5 *It is of urgent importance to guarantee full access to state archives linked to human rights repression.*** Such access implies, on the one hand, generating detailed inventories of all of the archives at the regional level to clearly detail all of the documents they contain and their subject matter, so that they can be used to probe dictatorship-era crimes. On the other, it should guarantee that victims, their families, their lawyers, and other judicial operators can effectively access these documents and incorporate them into their cases when appropriate, and/or into the paperwork needed by victims or their families to receive reparations or for judicial purposes.



Image 4 - Panel 3 – Sexual Crimes during the Dictatorships

STRATEGIES FOR REGIONAL COOPERATION

Workshop participants suggested the following *three strategies for regional cooperation* in order to implement the five priorities identified above.

- 1 To deal with the fragmentation that frequently characterises the investigation of these crimes, there is a need to redouble efforts to *coordinate investigations at the regional level*. This coordination can happen in at least two ways:
 - *Bilateral efforts*, i.e. possible collaborations between different human rights groups and judicial teams in different countries to advance shared demands and common objectives;
 - *Multilateral efforts*, i.e. the idea of filing lawsuits on the same day and regarding the same subject matter in several countries in order to maximise impact.
- 2 Create an *inter-sectoral working group* that can propose plans of action for state institutions, specifically so that the Judiciary and the Public Prosecutor become guarantors of access to their own archives, and in this sense, take responsibility for the *protection, classification, organisation, description, dissemination, and access to documentary archives*. Today, this becomes an urgent task for the justice process in instances of crimes against humanity. This is so not only in light of the historical documents that these criminal cases encompass and have received from various national and international archives. Indeed, many of these judicial files contain original material that archives have indeed "yielded" to the justice process but, additionally, new information has also been produced during judicial investigations, such as testimonies and expert reports.

3 Carry out a series of presentations of this document before relevant institutions and regional human rights bodies to obtain support for the implementation of the recommendations made above. These include:

- The subgroup of crimes against humanity of the Offices of Public Prosecutors of MERCOSUR;
- Gathering of High Authorities of Human Rights of MERCOSUR;
- Inter-American Commission on Human Rights;
- The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;
- The UN Working Group on Enforced or Involuntary Disappearances.

List of Speakers

- Eduardo Casal**, Interim Attorney General, Office of the Public Prosecutor (MPF), Argentina;
- Mariano Borinsky**, Member Judge of the Federal Criminal Chamber of Appeal, Argentina;
- Maria Ángeles Ramos**, Head of the Office for Crimes Against Humanity, MPF, Argentina;
- Nuria Piñol**, public prosecutor, MPF, Argentina;
- Marlon Weichert**, federal and human rights prosecutor, Brazil;
- Mariana Mota**, director, National Institution for Human Rights, Uruguay;
- Magdalena Garcés Fuentes**, lawyer, Londres 38 NGO, Chile;
- Lisandro Pellegrini**, MPF, Argentina;
- Pablo Ouviaña**, public prosecutor, MPF, Argentina;
- Leonardo Di Cesare**, member of the Legal Team, Luz Ibarburu Observatory (OLI), Uruguay;
- Paulina Zamorano Valenzuela**, lawyer at the Ministry of Justice and Human Rights, Chile;
- Francesca Lessa**, Marie Skłodowska-Curie Research Fellow, Latin American Centre, University of Oxford, United Kingdom;
- Carolina Varsky**, MPF, Argentina;
- Laura Sobredo**, MPF, Argentina;
- Rogelio Goiburú**, director, Office of Memory and Reparation, Ministry of Justice, Paraguay;
- Lorena Balardini**, Universidad de Buenos Aires /MPF, Argentina;
- Melisa Slatman**, historian, Universidad de Buenos Aires /MPF, Argentina;
- Mariela Cornes**, Archives of the Ministry of Foreign Relations, Uruguay;
- Claudia Bellingeri**, Justice for Crimes Against Humanity Programme, Provincial Committee for Memory, La Plata, Argentina;
- Mariel Alonso**, MPF, Argentina;
- Luz Palmas Zaldua**, coordinator of the Memory, Truth and Justice team, Centre for Legal and Social Studies (CELS), Argentina;
- Joaquín Perera**, member of the Legal Team of the Group of Family Members of the Politically Executed (AFEP), Chile;
- Pablo Chargoña**, Coordinator of the Legal Team, OLI, Uruguay;
- Pablo Pelazzo**, MPF, Argentina;
- Carlos Somigliana**, Argentine Forensic Anthropology Team /MPF, Argentina;
- Jose Lopez Mazz**, former director, research group in forensic anthropology (GIAF), Universidad de la Republica, Uruguay;
- Sandro Gaete**, Ministry of Justice and Human Rights, Chile;
- Mercedes Soiza Reilly**, public prosecutor, MPF, Argentina.

Investigating Crimes against Humanity in South America

Present and Future Challenges



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