



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

PGA Press Release – For Immediate Release

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Parliamentarians for Global Action (PGA) commends the Italian Judiciary for the historic trial of certain leaders of ‘Operation Condor’ and asks that victims and witnesses from Latin America be heard and treated with dignity and respect for their inalienable rights.

The only accused resident in Italy, Uruguayan Lieutenant Troccoli, should be arrested or subjected to precautionary measures

Rome, 9-10 July 2015 – The Secretary-General of Parliamentarians for Global Action (PGA), David Donat-Cattin, will attend the public hearings on 9 and 10 July of the trial 'Plan Condor' in the Aula Bunker of the High Court of Rome's Penal Tribunal in Rebibbia. Dr. Donat-Cattin will represent the political will of the largest transnational network of Parliamentarians committed to protect human rights and support the fight against impunity for one of the most serious criminal plans perpetrated in the second half of the last century.

Plan Condor has allowed authorities of many dictatorial regimes in Latin America to systematically persecute and eliminate entire portions of the civilian population, perceived as supporters of the democratic or extra-parliamentary opposition. Following the coups that have rocked the institutional realities of Chile, Argentina, Uruguay, Paraguay and Brazil, the Condor plan reveals the magnitude of the systematic and extremely serious cases that fall within the definition of crimes against humanity, for which there is an obligation to (i) prosecute, or to (ii) extradite to another State, or to (iii) surrender the accused to the International Criminal Court (ICC) if the crimes were committed in their entirety after 1 July 2002 (date of entry into force of the Rome Statute of the ICC).

“Based on the jurisdictional criterion of the passive personality principle, or the nationality of some of the victims, the Prosecutor of Rome has been able to prepare a trial of historic significance, that offers hope for truth and justice for the victims, protected not only by domestic Law, but also by International Law norms on fundamental rights regarding access to justice, truth, reparation and guarantees of non-repetition”, underlined Dr. Donat-Cattin at the margins of the 9 and 10 July hearings. *“While we must recognize the courage and determination shown by the survivors of the atrocities perpetrated under Operation Condor, who are travelling from Latin America to Italy for this trial, our Organization is alarmed by the fact that the time and the attention needed to hear these unique testimonies are sacrificed primarily in the name of abstract requirements of procedural economy: the dignity and respect that are owed to victims and witnesses under International Law cannot suffer any derogation. These are inalienable rights of the individual,”* affirms the Secretary-General of the PGA, who teaches International Law at New York University, Center for Global Affairs.¹

¹ *Inter alia*, Resolution 40/34 of 29 November 1985, unanimously adopted by the General Assembly of the United Nations, declared the *Basic Principles of Justice for Victims of Crime and Abuse of Power* from the right of victims to be treated with respect and consideration and the right to be present and express their views and concerns in relation to relevant matters to be decided in the course of penal proceedings. The same principles have been incorporated in several successive legal instruments, especially in Article 68, paragraph 3, of the Rome Statute of the ICC.

Parliamentarians for Global Action also expresses deep concern about the status of the only accused residing on Italian territory, the former Uruguayan lieutenant Troccoli, an Italian national, against whom there are legal proceedings that have been launched upon request of Uruguay also for crimes committed against Uruguayan nationals. Whereby all the main accused identified in Argentina, Chile and Uruguay have been brought to justice in their respective countries and in third countries, lieutenant Troccoli is not subject to any precautionary measure due to an inertia of the competent Italian authorities that it is difficult to understand. "The new evidence gathered by *Avv. Fabio Maria Galiani, legal representative of the Oriental Republic of Uruguay, may provide substantial grounds to establish the criminal responsibility of Mr. Troccoli. It astonishes that in Italy has emerged a one-way notion of fair trial, one that benefits only the suspects and the accused, and does not recognize the rights of victims, who have been reduced to the role of 'offended persons' by a Criminal Procedure Law that can place Italy outside the scope of international standards and guarantees.*" concludes David Donat-Cattin. Numerous actors, including Uruguayan victims, have called for the immediate arrest of Mr. Troccoli so to ensure that he would be brought to justice in case he would decide to escape.

The participation in the ongoing trial of Italy and Uruguay as "Parti Civili" shall serve as an example other countries that are still refusing to cooperate with the Italian judiciary on this case concerning *desaparecidos* and also alleged perpetrators with dual nationality.

Statement by Dip. Bertha Sanseverino (Uruguay), Member of the PGA Executive Committee: "The approximately 1,200 parliamentarians from 142 countries around the world that are part of PGA express their solidarity and sense of unity with the victims of the trial 'Plan Condor' in Rome, in order to support the cause of truth and justice, and to reaffirm the legal condemnation – which shall underpin and sustain historical, moral and political condemnations – of crimes against humanity in Latin America. *Nunca Mas* must not only be a slogan, but also a profound commitment that shall inform our daily socio-political and personal actions with the ultimate aim of preventing the most serious violations of human rights and gave breaches of International Humanitarian Law."

Statement by Dep. Lia Quartapelle (Italy), Member of the PGA International Council: "Italy must play its role as protagonist in the International Community and contribute to the fight against impunity for crimes under International law, which were expressly codified in the Rome Statute of the international Criminal Court of 17 July 1998. While the trial of Rome against some of the military leaders of Plan Condor is a step in the right direction by the Italian Judiciary, the Legislative power has yet to fill a major gap in our national legal order, which has yet to incorporate crimes against humanity as such and several other types of offenses contained in the 1998 Rome Statute and the 2010 Kampala Review Conference amendments. The time has come to discuss the adoption of a Code of International Crimes, taking stock of a recent research-project on this pivotal subject-matter carried out by the University of Milan."

About PGA

Parliamentarians for Global Action (PGA) is the largest transnational network of members of parliament from all regions of the world that, in their personal capacity, support the effective functioning of the ICC and national courts to end impunity for crimes of international law. The PGA network is assisted by a Secretariat to facilitate cooperation between member-parliamentarians with the view of realizing the vision of the Organization, namely "to contribute to the creation of a Rules-Based International Order for a more equitable, safe, and democratic world". The Secretariat also provides technical assistance, and policy and legal advice to members.

PGA members have contributed to 76 over 123 ratifications or accessions to the Rome Statute as of today. PGA is a member of the Steering Committee of the Coalition for the International Criminal Court (CICC).

The PGA Campaign for the Universality and Effectiveness of the Rome Statute System of the ICC receives support from:

THE EUROPEAN UNION (EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS)



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