



The Italian Trial on Operation Condor: Justice from Abroad

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On October 2016, an Italian tribunal asked for a life sentence against Jorge Troccoli, a member of Uruguayan secret services, accused of torture during Operation Condor – an intelligence network constructed by several Latin American countries during the 1970s to fight alleged Marxist subversion. Key members were the governments of Argentina, Chile, Uruguay, Paraguay, Brazil, and Bolivia with Peru and Ecuador episodically participating. Under this initiative, thousands of people were kidnapped, tortured, forcibly disappeared, and murdered. Operations were not fully contained within any single state, but they crossed international borders and even reached as far as Europe. A number of Latin American countries involved seem to still be haunted by the ghosts of a bitter past and have been reticent to use all the information in their possession to do justice. In some cases, people had to wait many years or rely on the support from their second nationality country, such as in the ongoing Italian trial, in order to have some hope of compensation. In recent years, the disclosure of state archives is helping to establish the truth about these terrible events, but the families of the victims are still waiting for complete justice to be found. Nonetheless, matters are moving forward and the search for truth and justice is being slowly advanced.

The Mercosur of Terror

Operation Condor (*Operación Cóndor*) was set up on November 25, 1975 in Santiago de Chile, during the First Inter-American Working Meeting of Intelligence, which convened the body of leaders from the feared military intelligence services of Argentina, Bolivia, Chile, Paraguay, and Uruguay.ⁱ Led by Manuel Contreras, leader of the Chilean secret police (Dirección de Inteligencia Nacional, DINA), they decided to create a secret coordination between right-wing military dictatorships in order to combat leftist insurgences and eliminate political opponents. This covert hemispheric program of political repression was designed to destroy any traces of soviet influence, but it was also geared to be used by the authoritarian regimes in order to eliminate more moderate movements advocating political and structural change. There were many targets of this repression: security forces chased dissidents, leftists, union and peasant leaders, nuns and priests, intellectuals, and students.ⁱⁱ Among the most famous aggressions, were the murder of the Chilean Foreign Minister - under Allende's government, Orlando Letelier in Washington DC, the murders of the nationalist former president of Bolivia, Juan José Torres, and of General Prats in Buenos Aires, and the

attempt against the life of the Chilean Christian Democrat leader Bernardo Leighton in Rome.ⁱⁱⁱ Operation Condor was divided into three phases: cooperation among national and transnational military services, covert actions, and assassinations. Paramilitary groups carried out illegal, and sometimes extraterritorial, operations using disappearance, torture, and extrajudicial execution to eliminate political enemies. The hidden apparatus of terror and social control by right wing dictatorships in Latin America, a parallel state, used warfare tactics and counterinsurgency methods that were taught to them during the military training at the School of the Americas.^{iv} Operation Condor served two different objectives. For the Latin American leaders, it was a means to eliminate all possible opposition by violating all basic human rights with impunity. For the United States, who supported the plan, it was a means to promote its national security during the Cold War. In fact, the military and security forces of the United States viewed everything, even domestic and social conflicts abroad through the lens of the Cold War confrontation between West and East.

Another Step Towards Justice: the Italian Trial

The Italian judicial authorities, led by the Assistant Public Prosecutor Giancarlo Capaldo, conducted an investigation on those responsible, the aiding, and abetting of Operation Condor. The Italian justice is investigating and prosecuting for the murder and disappearance of 23 Italian citizens, living in Latin America, which occurred between 1973 and 1978. The victims include Juan Bosco Maino Canales, Omar Roberto Venturelli Leonelli, Juan José Montiglio Murúa, and Jaime Patricio Donato Avendaño.^v Many of the people responsible for those crimes, among which the most well-known are former Chilean commander of DINA Manuel Contreras and the Argentine dictator Jorge Rafael Videla, died or are imprisoned in other countries.^{vi vii} Today, the only one facing a real possibility of being jailed is Jorge Troccoli.

Jorge Nestor Fernandez Troccoli, born in Montevideo in 1947, is a former officer of *Fusileros Navales* (FUSNA), the Uruguayan Navy, with Italian citizenship. In 2007, he fled to Italy in order to escape charges in his country for playing an active role in the atrocities perpetrated under Operation Condor. The former officer of FUSNA thought he had found a safe haven in Italy, returning to Marina di Camerota, the town where his grandparents once lived. But, his past has finally caught up to him. Even though the former naval officer confessed his actions in a letter to the newspaper *El Pais* in 1996, where he wrote objectively on the tortures and killings of prisoners during the period of military rule, between 1973 and 1985, he declared himself innocent before the Italian judges.^{viiiix} The “Torturer” affirmed that back in those days he just followed his superiors’ orders, the same defense that many Nazi soldiers used at the Nuremberg trial, and that he did not know about the existence of Operation Condor.^x His lawyers are trying to make him appear as just a retired man, living a peaceful life in Italy, who has been involved in the trial’s proceeding just because he was a member of the Naval service.^{xi} But, there are many testimonies that demonstrate his direct involvement. Carlos Alberto Dosil De Caro, who was kidnapped and tortured by FUSNA, recognized Troccoli’s face and voice.^{xii} Cristina Fernandez, who was arrested at her workplace, the Uruguayan Cooperative Center, and then tortured, also recognized the voice of her persecutor.^{xiii} The Uruguayan authorities had requested his extradition since he was sentenced for the disappearance of several members of the former Uruguayan

opposition group. The Italian Ministry of Justice refused it because according to Italian law, this type of measure is not allowed against an Italian citizen.^{xiv} Nonetheless, Troccoli is now facing a request for life penalties in the Italian trial, set up in Rome. The sentencing is expected to be carried out by next January.

Other perpetrators of these atrocities could have taken refuge in other European countries, especially in Italy, where many immigrated when the dictatorships ended or following the economic crisis in Argentina in 2001. People fleeing the region could have found support and assistance in this European country because of the connections between Latin American dictatorships and Italian economic and financial powers.^{xv} For instance, it is believed that the P2, the deviated Italian Masonic lodge, led by Licio Gelli, had murky relations with the Argentine dictatorship.^{xvi}

Crimes Against Humanity and Justice

The precise number of victims from Operation Condor is unknown, as these actions were all illegal and hidden. However, it is estimated that about 50,000 people were murdered or disappeared (among them 3,000 children) and 400,000 people were imprisoned.^{xvii} One of the consequences of those atrocities has even been the coinage of a new word related to one of the most terrible abuses: *desaparecido*, a person who has disappeared, presumed killed by members of the armed services or the police.^{xviii} *Desaparecidos* are people who do not exist anymore and according to Videla they are neither alive nor dead.^{xix} The children of *desaparecidos* were relocated to other families in order to grow with the “right” values and education. A practice that much resembles what the Nazis used to do with Jewish children. The similarities between the Holocaust and the atrocities committed during the 1970’s in Latin America are numerous. Indeed, the barbarities perpetrated during the Second World War ignited a process in international law that brought about the creation of new concepts, such as the accountability of officers or leaders for crimes against humanity and the development of international criminal law. Traditionally, the state was the entity tasked with protecting human rights and providing redress when they were violated, but it emerged the idea that there are some crimes that are so dreadful that it is in the common interest of the whole international community to prosecute their authors and put an end to their perpetration. This leads to questions on the dominant understandings of territorial jurisdiction over human rights violations. In the case of the crimes committed by the executors of the Operation Condor, not only did they infringe upon fundamental human rights, but also they were often transnational violations. They usually involved perpetrators from two different countries or the victims who were not citizens of the country where they were kidnapped.^{xx}

Latin America has been a strong supporter of the Rome Statute that established the International Criminal Court; fifteen out of nineteen Latin American countries have become State Parties.^{xxi} The jurisdiction of the court is limited to crimes committed after its entrance into force. Otherwise, the crimes against humanity committed under the Operation Condor, would have fallen under this statute and, even with countries unable or unwilling to prosecute the criminals, the ICC Prosecutor would have accorded justice to the victims. However, this is a significant, or at least a small step, for Latin American countries to take, which still have an ongoing issue of “dealing with the past,” toward

ensuring that the rule of law will be respected, and that such crimes will not again be committed or justified.

New Files Being Disclosed

After years of impunity, Latin American countries have started to deal with the restoration of justice and the disclosure of the truth and actual responsibilities for that period of terror. Last May, an Argentine court found 15 military personnel guilty of crimes committed following the Operation Condor's instructions.^{xxii} Many murderers and torturers were able to escape justice because of immunities granted, network of aiding or age. Nevertheless, many more were able to keep living peacefully with much information still being hidden in the archives within embassies, ministries, and episcopacies. Paraguay's "archives of terror" were a treasure trove of information, with the names of people detained, killed, and authors of the atrocities recorded. In October 2014, the Italian President of the Senate, Pietro Grasso, handed in to the Argentine Foreign Minister, Hector Timmerman, the last records of the archives of the diplomatic Italian files on Argentina during the dictatorship, including the stories of all the disappeared people of Italian or Argentine-Italian nationalities.^{xxiii} Italy has been the first European country to do so, in an effort to draw out the stories of the individuals that were broken by the abuses. The leaders of the Catholic Church were often accused of hiding the truth and of having supported, or at the very least silenced, the abuses committed by the right-wing dictatorships. Nonetheless, many priests and nuns were victims of this persecution. Among them was Omar Venturelli Leonelli, an Italian-Chilean priest, who had led the occupation of the lands given to the European colonists. Before being arrested and killed, he was suspended by his bishop, Bernardino Piñera.^{xxiv} Now, after cataloguing the files, the Vatican and the Argentine bishops decided to make them available for the victims's families looking for the truth. 3,000 files will be released, but they are just a small fraction and they are probably not even the most embroiling.^{xxv} This decision was taken directly by Pope Francis, "in the service of truth, justice and peace", who was also accused of complicity with the political elite during the years of the Dirty War (*Guerra Sucia*).^{xxvi} But, many more archives and documents are awaiting to be disclosed, in all the countries of Latin America.

Still A Long Road Ahead

"It happened, so it can happen again" wrote Primo Levi in his masterpiece "The Drowned and the Saved", referring to the Holocaust. The atrocities and the human rights violations committed in Latin America during the 70s shows that Levi was not far off. Indeed, there are many similarities between those two 20th-century barbarities: the tortures, the murders, and the reallocation of children from one family to the other. Operation Condor was an international joint criminal association operating not only in Latin America, but also abroad. There were many perpetrators, but even more accomplices, in all countries and at all levels. After years of impunity, the wind of justice started to blow in Latin America. Many trials were set up and many were convicted. The relatives of the victims that could not obtain justice in their home countries presented their stories everywhere they could. In Italy, after years of investigation, the prosecutor asked for the life penalty for Troccoli, a torturer under Operation Condor. Archives have been opened in many countries, and papers with names and responsibilities are emerging. However, a lot is still missing. In Latin America, governments perpetrated the

worst violations of human rights standards in the 70s against their own citizens, amid international silence and in some cases complicity. Things have been hidden for too long; too many people are awaiting to see the guilty being held accountable before it is too late. It is important to keep raising the attention of the collective consciousness on those historical happenings because they are not just history book materials; their transparent investigation and knowledge is the unique way to restore peace and trust in the community.

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ⁱⁱ Ibidem

ⁱⁱⁱ Ibidem

^{iv} Ibidem

^v Roma, al via il processo sul "Piano Condor": alla sbarra gli orrori delle dittature sudamericane, 21 imputati. T: news. February 12, 2015. Accessed November 8, 2016.

<http://notizie.tiscali.it/feeds/Roma-al-via-il-processo-sul-Piano-Condor-alla-sbarra-gli-orrori-delle-dittature-sudamericane-21-imputati/>

^{vi} Roma, al via il processo sul "Piano Condor": alla sbarra gli orrori delle dittature sudamericane, 21 imputati. T: news. February 12, 2015. Accessed November 8, 2016.

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^{vii} A processo trenta assassini e torturatori del piano condor dell'America Latina. *The Post Internazionale*. February 3, 2015. Accessed November 8, 2016.

<http://www.tpi.it/blog/brog/a-processo-trenta-assassini-e-torturatori-del-piano-condor-dell-america-latina>

^{viii} Uruguayans recall 'dirty war'. UPI. May 7, 1996. Accessed November 1, 2016.

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^{ix} Piano Condor, la procura di Roma chiede ergastolo per il presunto torturatore dei desaparecidos. *Corriere della Sera*. October 15, 2016. Accessed October 21, 2016.

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^x Ibidem

^{xi} Processo Condor, a sorpresa si presenta "il torturatore" Troccoli. *L'Huffington Post*. February 2, 2015. Accessed November 4, 2016.

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^{xii} Piano Condor, la procura di Roma chiede ergastolo per il presunto torturatore dei desaparecidos. *Corriere della Sera*. October 15, 2016. Accessed October 21, 2016.

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