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Mapping Perpetrator Prosecutions in Latin America

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Abstract

This collaborative article examines how two academic institutions and one nongovernmental organization cooperated to map recent trial activity for past human rights violations, applying social science techniques to assist survivors' and relatives' groups as well as litigators in making informed strategic choices in their interactions with the formal justice system. The article discusses how methodologically rigorous data collection and data requests to public bodies can be used to advance a proaccountability agenda. The authors show how a range of civil society and state actors have changed justice system outcomes in Argentina, Chile and Peru and highlight some lessons learned about engaged, policy-relevant research.

Keywords: Argentina, Chile, Peru, prosecutions, civil society collaboration, case mapping, documentation

Introduction

Since the mid-1990s, the Southern Cone of Latin America has seen a resurgence of prosecutions of individuals responsible for massive human rights violations during recent military dictatorships, particularly in Chile, Argentina and Uruguay. In the neighbouring Andes, Peru's democratizing transition from 2000 also saw prosecutions of state agents accused of abuses during internal armed conflict. These largely unexpected developments raise important questions about change in transitional justice outcomes over time. Recent large-scale studies grapple with questions of correlation and causality in measuring the impact of transitional justice measures, including trials.[1] Part of the difficulty in reaching valid, comparable conclusions is the lack of reliable data at the country level.

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[1] See, for example, Hunjoon Kim and Kathryn Sikkink, 'Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries,' *International Studies Quarterly* 54(4) (2010): 939–963; Tricia D. Olsen, Leigh A. Payne and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: US Institute of Peace Press, 2010).

This article documents efforts to provide such data across three neighbouring cases, showing how local needs and broader scholarly concerns were combined to build a flexible network of country-level trial mapping projects. Each project responds directly to actor priorities in its country of origin while simultaneously engaging in permanent three-way dialogue. This dialogue aims to construct a methodologically uniform lexicon to allow comparison that illuminates local specificities and reveals subregional patterns. The projects and countries concerned are the Human Rights Observatory of Diego Portales University (*Universidad Diego Portales*, or UDP) in Santiago, Chile; the nongovernmental organization (NGO) Centre for Legal and Social Studies (*Centro de Estudios Legales y Sociales*, or CELS) in Buenos Aires, Argentina; and the Human Rights Trials in Peru project at George Mason University in the US, in association with in-country human rights organizations.[2]

Why Chile, Argentina and Peru?

These three countries are key locations for studying the causes and consequences of shifts from impunity towards accountability for past atrocities. Each still grapples with the legacies of large-scale disappearances and extrajudicial executions during intense political violence.[3] Each has also taken major strides towards formal criminal investigation of some of these crimes. Between them, these countries may well represent the most comprehensive national-level judicial responses to such events in modern times.[4] In Chile and Argentina, more than 2,000 former security agents were under active investigation for past human rights crimes by mid-2012. In Peru, at least 680 state agents were under formal investigation, with 113 individual prosecutions.[5] These included 66 convictions, among them former head of state Alberto Fujimori.[6] In each case, amnesty laws that once obstructed investigations have been annulled (Peru in 2001 and Argentina in 2005) or substantially reinterpreted (Chile from 2004).

This new activity urges close study. One set of recent literature that considers domestic trials does so at a relatively high level of generality, drawing on large data

[2] See, http://www.icso.cl/observatorio-derechos-humanos; http://www.cels.org.ar/wpblogs; http://www.rightsperu.net. As befits projects with a principally regional scope, much of the website content is in Spanish. Nonetheless, all offer some content in English.

[3] Chile suffered at least 3,000 deaths and disappearances and 38,000 cases of political imprisonment and torture during its 1973–1990 military dictatorship. Argentina suffered between 10,000 and 30,000 deaths and disappearances during a 1976–1983 military regime. Peru suffered almost 70,000 deaths or disappearances during confrontations between state forces and the ultra-left Shining Path insurgency between 1980 and 2000.

[4] Although the International Criminal Court and 'hybrid' tribunals in, *inter alia*, Sierra Leone offer examples of internationalized justice, the processes discussed here constitute domestic responses.

[5] Peru is unique among the three countries in that a significant proportion of its fatal political violence – more than half, according to the 2003 Truth and Reconciliation Commission report – was perpetrated by nongovernmental forces. Recent prosecutions, and therefore the country database, focus nonetheless on state-sponsored human rights violations because most insurgent leaders were prosecuted before the 2000 transition.

[6] Jo-Marie Burt, 'Guilty as Charged: The Trial of Former Peruvian President Alberto Fujimori for Human Rights Violations,' *International Journal of Transitional Justice* 3(3) (2009): 384–405.

sets to reveal patterns in the take-up of trials alongside or instead of other transitional justice mechanisms.[7] It is rarer to find work that tracks, step by step, the on-the-ground *deployment* of domestic trials as they unfold. This is despite the fact that impact studies often call for further micro-level analysis of this sort, correctly intuiting the importance of contingency and local circumstance.[8]

Emerging 'thick' description of transitional justice mechanisms in action meanwhile suggests that although it might be appropriate at a systems level to theorize about the general efficacy of trials versus amnesty, at the local level relative utility is best assessed by attending to the inputs and conditions that actually determine likely outcomes.[9] Transitional justice or conflict transformation literature often treats mechanism adoption as an independent variable, interested principally in claims about the capacity of trials, truth commissions or amnesty to secure peace or improve subsequent scores on democracy or broader human rights indicators. From a local perspective, however, the challenge is to explain why, whether and when trials or other mechanisms are adopted at all and how local actors can work during implementation to improve the fit between actual and desired outcomes. This requires more nuanced and engaged examination of political, legal and institutional inputs than is possible after the event and/or at large-*n* level.

The mapping projects reported here also offer the advantage of assuming nothing about the inherent causal power of transitional justice mechanisms. Their focus is essentially empirical: to track trials and, if possible, their implications where and while they are happening. This delimited depiction of 'actually existing' accountability has theoretical and practical implications. It speaks to debates about causes and consequences while allowing activists and lawyers to identify and/or act to counter obstructions or unintended consequences of trials as they unfold. The projects accordingly contribute to an emphasis on actual implementation that is relatively underdeveloped to date.[10]

[7] Kim and Sikkink, supra n 1; Olsen, Payne and Reiter, supra n 1.

[8] Kathryn Sikkink and Carrie Booth Walling, 'The Impact of Human Rights Trials in Latin America,' *Journal of Peace Research* 44(4) (2007): 427–445; *Transitional Justice on Trial – Evaluating Its Impact*, special issue of *International Journal of Transitional Justice* 4(3) (2010); Hugo van der Merwe, Victoria Baxter and Audrey R. Chapman, eds., *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington, DC: US Institute of Peace Press, 2009); Matthew Carlson and Ola Listhaug, 'Citizens' Perceptions of Human Rights Practices: A Survey of 55 Countries,' *Journal of Peace Research* 44(4) (2007): 465–483; Emilie M. Hafner-Burton and James Ron, 'Human Rights Institutions: Rhetoric and Efficacy,' *Journal of Peace Research* 44(4) (2007): 379–384; Fernande Raine, 'The Measurement Challenge in Human Rights,' *Sur – International Journal on Human Rights* 4(3) (2006): 7–28.

[9] Hafner-Burton and Ron, supra n 8; Yasmine Ergas, 'Human Rights Impact: Developing an Agenda for Interdisciplinary, International Research,' *Journal of Human Rights Practice* 1(3) (2009): 459–468; Alice Donald and Elizabeth Mottershaw, 'Evaluating the Impact of Human Rights Litigation on Policy and Practice: A Case Study of the UK,' *Journal of Human Rights Practice* 1(3) (2009): 339–361. Donald and Mottershaw argue that mapping projects can affect not only trial outcomes but also policy development and delivery.

[10] See, among other notable exceptions, Nicola Palmer, 'Transfer or Transformation: A Review of the Rule 11 *bis* Decisions of the International Criminal Tribunal for Rwanda,' *African Journal of International and Comparative Law* 20(1) (2012): 1–21.

Project Context: Human Rights Organizing and Official Documentation

Although the attitudes of state actors have been central in determining the fate of the recent surge in accountability claims in all three countries, in none was this surge actually initiated by the state. Private complainants – mostly survivors' and relatives' groups and human rights NGOs – shaped political and legal opportunity structures away from impunity, and often directly instigated justice activity.[11] These same actors were historically responsible for attempts to denounce atrocities before the courts during periods of state terror. Hastily formed rights defence organizations registered thousands of *habeas corpus* writs during the course of the 1970s and/or 1980s.[12] Most of this early legal activism foundered on stonewalling or worse from military courts, but the resulting expertise and documentation have been key to the recent revival of prosecution efforts.

This heavy involvement of a range of civil society actors shows that to properly understand patterns of trial activity, it is important to know local organizing histories. 'State' attitudes also should be disaggregated. Declared government policy concerning prosecutions is only one factor. Local magistrates, morgues and registry offices are frontline services for victims' relatives attempting to seek answers or resume some semblance of normal life after a death or disappearance. How these services treat claimants, whether they acknowledge episodes as 'human rights related' and whether they cooperate with judicial or police services are crucial *de facto* determinants of accountability outcomes. However, it is not always easy to get an accurate picture of what is happening in scattered and sometimes remote jurisdictions. Official efforts to track formal justice system activity have been belated and only partially successful, particularly when *post hoc*.[13] In contrast, civil society–academic partnerships such as the ones presented in this article have the advantage of access to on-the-ground groups – readier to provide information to projects that simultaneously offer them

[11] Systemic factors are also at work. Many Latin American judicial systems offer scope for nonstate actors, especially victims, to trigger the first stage of an investigation through formal petitioning. In Peru and Argentina, state prosecutors then take over, whereas in Chile, judges oversee investigations in the old criminal justice system still applied to past crimes. On Chile, see, Cath Collins, 'Human Rights Trials in Chile during and after the "Pinochet Years,"' *International Journal of Transitional Justice* 4(1) (2010): 67–86.

[12] These include *Vicaría de la Solidaridad*, *Comité de Defensa de Derechos del Pueblo* and *Fundación de Ayuda Social de las Iglesias Cristianas* in Chile; CELS and *Liga de los Derechos del Hombre* in Argentina; and *Asociación Pro Derechos Humanos*, *Instituto de Defensa Legal* and *Coordinadora Nacional de Derechos Humanos* in Peru.

[13] For example, some missing persons complaints filed in Chile's regions during the 1970s were not identified as 'human rights cases' until a 2003 Supreme Court survey. The parallel military justice system complicated matters further. Even today, the courts, Interior Ministry and prison service disagree about what constitutes a 'human rights case' and how many of these exist. Argentina's larger geographical area, more extensive victim universe and federal system have generated similar problems. So too has Peru's sharp division between capital and countryside, with the reach of state infrastructure notoriously patchy in remote rural areas.

immediate returns – and to NGOs' historical memories of the period, including records of past legal activity.[14]

Origins of Each Project and Collaboration among Them

The UDP marked the 10th anniversary of the UK arrest of former Chilean dictator Augusto Pinochet with a 2008 conference analysing the ripple effects of the 'Pinochet Case' at home and abroad. Participants from Peru, Chile and Argentina reported a revived legal case universe, and those from Peru and Chile recounted difficulty in responding in an informed way to growing numbers of external requests for empirical data. Only in Argentina was case mapping by civil society already under way through the efforts of CELS. The UDP therefore obtained Ford Foundation support to build a pilot database mapping human rights case activity in Chilean courts. Links were forged with actors in Peru, Uruguay and Paraguay, with a view to eventually adding more satellite country projects. For practical and financial reasons, the Argentina–Chile dyad, however, became the initial focus, allowing the Chile database to draw on consultancy input from CELS.

CELS, founded during the 1976–1983 Argentine military dictatorship, conducts a wide range of legal, lobbying and research work. CELS first began to log legal cases involving dictatorship-era repression in 2004, when its lawyers were involved in a steep rise in case bringing after domestic amnesty laws were overturned in 2001. Having launched full statistical mapping in 2007, CELS was ideally placed to advise the newer initiatives.

The 2007 extradition of former Peruvian president Alberto Fujimori from Chile meanwhile prompted a researcher at George Mason University with long-standing ties to organizations in Peru to team up with the Lima-based Legal Defence Institute (*Instituto de Defensa Legal*, or IDL) to observe proceedings in Peru. The Mason–IDL team organized conferences in the US and Peru to keep Fujimori's subsequent trial in the public eye and debate its precedent-setting features. The first event, held in Lima in June 2008, analysed the trial against the backdrop of renewed justice activity elsewhere in Latin America.[15] The team organized international observer missions to the trial, playing an important supporting role up to and beyond the 2009 verdict.

Although the Fujimori conviction marked a watershed for accountability in Peru, the slow pace of other trials plus several questionable verdicts in key cases raised important questions. Little official information was available about judicial activity in other human rights cases. Researchers therefore needed to design tools for understanding the broader prosecution effort. Through an Other Americas/ *Otros Saberes* grant from the Latin American Studies Association, work began on

[14] The official counterparts of such records have often been 'lost,' whether deliberately or during posttransitional institutional overhaul.

[15] For conference reports and working papers from this event, see, Human Rights Trials in Peru, http://www.rightsperu.net/fujimori (accessed 18 September 2012).

the development of a case database, for which Human Rights Trials in Peru project organizers consulted closely with the UDP and CELS.

In all three countries, the initial mapping impulse responded to a combination of research- and practice-driven imperatives. For Peru, this combination was reflected in the initial university–NGO partnership. For Chile, whose historical human rights organizations have struggled to survive after transition, the project was launched in a university setting by a researcher with a background in, and strong ties to, the relevant organizations. For Argentina, initial trial mapping was an in-house imperative for one of few national NGOs to have successfully cultivated independent research capacity. For each project, a common aspiration to make Latin American insights available on the international stage was combined with a desire to meet the practical needs of proaccountability actors at home. One aim was to provide tools that would help legal professionals and litigants keep track of developments, improve litigation and advocacy strategies and identify obstacles in judicial practice; another was to become a reliable information source for researchers, the media and grassroots organizations.

One key factor shaping project timing and design was national political change. By the mid-2000s, the Argentine state was broadly institutionally supportive of efforts to prosecute crimes against humanity. In Chile, prosecutorial enthusiasm has always been weak, and the 2010 election of a right-wing government threatened to dissipate it even further. Immediate concerns therefore included a desire to situate information outside state structures, providing an independent 'data bank' where lawyers and case bringers could cross-reference cases, monitor their progress and access existing verdicts. Similar concerns about official backsliding obtained in Peru. The country's president at the project's start was Alan García (2006–2011), whose first administration (1985–1990) was responsible for a portion of the violations under investigation. Rumours of an understanding reached with hard-line sectors of the armed forces were seemingly confirmed when amnesty legislation was attempted, briefly introduced but then revoked.[16]

Case bringers and victims' relatives' associations in each country expressed the belief that systematic data sources would allow them to improve trial strategy within and perhaps also between countries. Trial activity across South America is increasingly international, leading to interjurisdictional requests for extraditions, evidence and testimony. A second stage of this project would therefore aim to accumulate the three existing data sources into one platform and to add Uruguay, Paraguay and probably Brazil into the network.[17] Even allowing for system and penal code differences, one-stop access to regional (Inter-American Commission

[16] Attempts in 2008 to draft bills offering amnesty to military officers accused of human rights abuses were unsuccessful. In 2010, Executive Decree Law DL 1097 was passed. Critics charged that the law was a veiled amnesty, and it was revoked after an international outcry.

[17] Brazil currently has an operative amnesty law and no case universe, but activity surrounding the ongoing National Truth Commission, formally constituted in May 2012, includes significant efforts to break open the judicial arena.

and Court) and other-country data could be valuable.[18] A pilot activity bringing together prosecutors, lawyers and professionals responsible for data collection from five of the six countries was held at CELS in 2010 with promising results, but funding has not been forthcoming to date (see below for further consideration of this and other sustainability questions).

Coordination within, rather than across, borders was understandably the main priority of potential users at the design stage. Chilean lawyers reported that the ability to identify related cases and colleagues and defendants involved in them helped in tracking down potential witnesses and evidence. They felt that easy access to judicial verdicts and/or jurisprudential commentary on them could improve complaint drafting and case argumentation. Instead of having detailed knowledge of their own cases only, lawyers could respond to whole-picture patterns and trends by, for example, incorporating a particular argument that proved successful in other cases. Alternatively, were it to become apparent that some key legal principle, such as the constitutionality of amnesty or the applicability of crimes-against-humanity statutes, was repeatedly being evaded, lawyers could launch a concerted attack on the issue, foregrounding it in each new submission.

For Peru, an incipient case universe grew after the official 2003 Truth and Reconciliation Commission report passed a dossier of 47 crimes against humanity to the justice system. The resulting initial conviction of state agents in 2006, and the subsequent extradition and trial of Fujimori, produced a groundswell of enthusiasm for justice activity, together with concerns about possible politicization to the detriment of due process. It quickly became clear that although Peru's ombudsman's office (*Defensoría del Pueblo*) was monitoring the 47 cases detailed by the Commission, the full number of other cases in the system remained unknown. For the Human Rights Trials in Peru project, tracking this information was key not only to learning the extent of case activity but also for the strategic litigation efforts of human rights defenders.

For Argentina, the utility of active data collection was particularly evident because early record keeping grew organically from everyday litigation needs. CELS' lawyers felt the need for a rudimentary archive once the post-2001 trial universe began to expand as a result of a ruling made in a case for the 1978 disappearance of a couple and the subsequent forcible adoption of their baby daughter. The case could be brought only because extant amnesty provisions excluded the crime of substitution of children's identities. Judge Gabriel Cavallo's ruling that it was nonsensical to investigate the crime against the child without investigating the abduction and torture of her parents was upheld in 2005 by the Supreme Court,

[18] The Due Process of Law Foundation published a region-wide compendium of human rights case jurisprudence in 2010, but, as one of its contributing editors remarked, with events moving so fast, 'it was out of date as soon as we brought it out.' An updated version is currently in the pipeline, but a web-based platform could be more versatile and should be quicker to update. See, Due Process of Law Foundation, *Digest of Latin American Jurisprudence on International Crimes* (2010).

which declared the amnesty laws unconstitutional. This reactivated a host of cases amnestied in the late 1980s and many new claims.[19]

Database Overview and Methodology

The core characteristics of each project's data set are shown in Table 1. The main methodological decisions made at the respective design stages were about case selection, variables, flexibility and replicability.

The development of any statistical record implies defining what information will be recoverable. Here, limits on case selection were partly defined by the complexities and particularities of each judicial process. The Argentina and Chile projects study active, ongoing criminal prosecutions in federal or national courts, respectively. For Peru, the initial scope had to be limited to cases litigated by human rights organizations, though cases reported by the Public Ministry were added later. Perpetrator records cover, at a minimum, individuals who are being officially investigated within ongoing cases.

With criminal cases as the main focus, principal variables were derived from extant criminal procedure. Each project prioritized variables related to case status and changes. The search for common variables, to provide comparability, was subject to national system peculiarities, including type of criminal process (inquisitorial versus accusatory), structuring of the case universe (as a series of stand-alone cases or as main cases with subsidiary episodes), status of amnesty, judicial status of defendants and use of preventive detention or noncustodial sentencing.

Design needed to be flexible enough to allow later incorporation of new variables or redefinition of existing ones in response to issues arising.[20] A simple and flexible core design was chosen, deliberately avoiding the use of costly or complex software and using units of analysis (cases and perpetrators) common to all contexts.

Shaping of Registers by Sociopolitical Context and User Needs

The chronological sequencing of the three projects, a natural consequence of the staggered start dates of the revival of accountability in each country, was a plus for networking because it allowed for incremental learning between the three settings. Each project arose to fill a context-specific set of needs. Nonetheless, there was a shared desire to demonstrate that detailed trial mapping could serve justice system users' practical, strategy-oriented concerns without losing sight of macro-level research questions. Project data offer insights into why trials may happen even after amnesty has initially impeded them and what their main legal

[19] Trials had, until this time, followed a stop-start pattern. The 1983 National Commission on the Disappearance of Persons was followed in 1985 by the famous 'junta trials,' at which the country's *de facto* 1976–1983 military rulers were convicted of state terror crimes. Amnesty provisions, however, were introduced in 1986 and 1987, preventing new cases until the 2001 breakthrough.

[20] For instance, the Chile project considered it important to record Inter-American Court cases as well, which use a different procedure and do not have individual defendants.

Table 1. Main characteristics of each data set

Characteristics	CELS	UDP Human Rights Observatory	Human Rights Trials in Peru
Organization of databases	Three databases internally linked by common variables: 1. By active case 2. By perpetrator formally charged 3. By convicted perpetrator, covering sentence length, specific crime and level of responsibility	Two databases internally linked by common variables: 1. By active case or case concluded after 2000 2. By perpetrator charged or convicted	Three databases internally linked by common variables: 1. By case with human rights organization involvement 2. By perpetrator charged or convicted 3. By victim with open case
Data set format	SPSS for data entry and statistical processing. Data entry fields numerically coded according to a protocol.	Excel for data entry. Data manually entered in text form in spreadsheet column.	Excel for data entry and SPSS for statistical processing. Data entry fields numerically coded according to a protocol.
Sources of information	- Press reports - CELS' own litigation - Other NGOs or case lawyers - Judicial verdicts, case files and prosecutorial data	- Press reports - Judicial verdicts - Contact with case lawyers - Official register of Interior Ministry	- Self-reporting by case lawyers - Press reports - Judicial verdicts and case files
Human resources	- Project leader - Project assistant	- Project leader - Legal researcher - Sociopolitical researcher	- Project leader - Project assistant
Data collection and entry	Reactively as information becomes known	Reactively except Interior Ministry data, which should arrive monthly	On a bimonthly basis
Availability of data set for public in general	Not available because of privacy policies	Partially available on web-based platform (some information reserved)	Partially available on web-based platform (some information reserved)
Dissemination of news and analysis	- Website* - Statistical blog http://www.cels.org.ar/wpblogs/estadisticas - Electronic trial bulletin sent weekly to contacts - Annual report on national human rights situation	- Website - Bimonthly electronic news bulletins incorporating information from the other projects	- Website - Blog reporting on trials - Statistics - Working papers on Fujimori trial and other aspects of current transitional justice practice

(continued)

Table 1. Continued

Characteristics	CELS	UDP Human Rights Observatory	Human Rights Trials in Peru
Main variables	1. Case database - Generic identifiers (name, file number, judge, prosecutor and plaintiff) - Jurisdiction - Procedural status - Date trial phase began - Dates of initial and final sentence 2. Perpetrator database - Generic identifiers (name, rank and posting) - Current judicial status - Place of detention, if any - Case(s) in which involved 3. Convicted perpetrator database - Case(s) and crime in/for which convicted - Year and length of sentence - Level of responsibility	1. Case database - Generic identifiers (name, case code, title of episode, etc.) - Current status - Dates of sentences and appeals - International or regional norms or jurisprudence cited 2. Perpetrator database - Generic identifiers (name, date of birth, rank and posting) - Current judicial status - Case(s) in which involved - Place of detention, if any (military or nonmilitary) - Benefits conceded, if any	1. Case database - Generic identifiers (name, label, file number, judge, prosecutor and plaintiff) - Jurisdiction - Procedural status - Year, place and type of crime - Date trial phase began - Dates of initial and final sentence 2. Perpetrator database - Generic identifiers (name, rank and posting) - Current judicial status - Case(s) in which involved 3. Victim database - Cases in which victim's name appears - Generic identifiers (name, age, gender and occupation) 4. Sentence database - Crime(s), year and length of sentence and level of responsibility
Main analyses produced	- Number of active and finished cases - Time elapsed before sentence confirmation - Agents by charging status - Trends in trial completion and numbers of defendants charged - Convictions by type and length of sentence	- Number of active and finished cases - Proportion of victims with case - Judicial voting patterns - Use of international law - Agents by charging status - Agents by branch and rank - State prosecutorial involvement in case	- Number of finished trials - Open cases by status (active, under investigation or archived) - Convictions, acquittals and sentences
Content in English	Some online content. Spanish-only graphics.	Some online content, past bulletins and case graphics.	Some online content and database case summaries. Spanish-only data and graphics.

* Sites are mutually linked. The maintenance of separate platforms partly reflects resource limitations. In a second, fully collaborative phase, data would ideally be hosted on a single site.

and sociopolitical drivers might be. To this end, the projects collect information about positive citation of international law in verdicts or the relationship between the involvement of nonstate actors in a case and the speed at which the case progresses through the courts. However, each project retains its idiosyncratic nature as each responds to different underlying concerns. For example, in Chile, a public interface was needed for information about a process already underway. In Argentina, a working tool was necessary for case litigation and lobbying. And in Peru, the project was driven by concern about increasingly unfavourable political conditions.[21] The subsequent shaping of each project by evolving political conditions and user needs is discussed in more detail below.

CELS' case records were created by the organization's lawyers, drawing on direct experience to produce rules of thumb about what information to collect and what trends they expected to see confirmed. There was relatively little explicit methodological thinking about how to verify and collate the data. By 2006, when newly reopened investigations began to reach trial phase, it became obvious that no coherent state prosecutorial strategy existed. Civil society groups began lobbying on the issue, creating a need for data on which to base policy recommendations. CELS accordingly decided in 2007 to rethink data collection with more attention to method. A sociologist was appointed to introduce statistical software, and CELS became a leader in quantitative monitoring. Results were used to improve legal and other strategies to keep cases moving forward. Innovations as simple as keeping track of the dates of particularly sensitive forthcoming hearings allowed the timely drafting of press releases and/or mail-outs to notify relatives entitled to attend.[22]

The reopening of investigations around the country soon exceeded the predictions of initial stakeholders. CELS' first data came from the subset of cases in which CELS itself is involved.[23] Additional information came from similar organizations across the country and from sympathetic public prosecutors.[24] CELS' decision to organize these new records by perpetrator name (rather than, for example, by victim or case) was mainly pragmatic: CELS already had registers organized along these lines accumulated during the dictatorship from survivor testimony and other sources. Most organizations had amassed perpetrator information in this way during this period, seeing it as an imperative even at a time when the idea of prosecution was a distant pipe dream. The immediate goal

[21] Although the leaders of Peru's transitional governments (Valentín Paniagua from 2000 to 2001 and Alejandro Toledo from 2001 to 2006) were not personally associated with past violence, the country's most recent presidents (Alan García from 2006 to 2011 and Ollanta Humala from 2011 to present) have both been linked with atrocities. Charges against Humala, a former military officer, were dropped after witnesses withdrew their testimony.

[22] In Argentina and Peru, some NGOs advertise the time and place of public hearings and urge supporters to attend. In Chile, where hearings are generally not public, this is less common, although certain emblematic moments have drawn crowds outside court buildings.

[23] CELS' legal advocacy work has always included providing free legal representation to victims' relatives and survivors of state terrorism. Most of its cases are in Buenos Aires, but some are in Argentina's provinces.

[24] Argentina changed earlier than Chile to a criminal justice system led by public prosecutors.

had been to underpin national or international denunciations, with the unmasking of real identities behind individual pseudonyms serving to prove the involvement of the regular armed forces.

These early registers were revisited and mined for information that could be cross-referenced against the rapidly growing case universe. Prosecutors, but more often victims' relatives' groups, survivors and NGOs, began to push for opening or reopening of cases. The pattern was unevenly spread across various jurisdictions and courts, and it would be years before any official central case registry was even attempted. An approach starting from known facts about individuals, rather than from the many unknowns about new cases, therefore seemed more immediately viable. Because CELS' archives contained clues to agents' real identities, they also gave a partial picture of who had been posted to certain police or army units in particular districts at particular times. These facts were supplied to lawyers, speeding up the bringing of charges where perpetrators' identities were previously unknown. CELS' archives, based on privileged access to survivor testimony, accordingly filled the gap left by military refusal to supply duty rosters to prosecutors. This issue arose in Peru as well, where civil society-based initiatives enjoy a similar strategic advantage over state prosecutors in more often having the confidence of survivors.

Over time, CELS' perpetrator archive was complemented by a second and third register, respectively organized by case and conviction. The shift was made so that CELS could accurately identify how many cases a defendant was involved in and what stage of investigation each case was at. This was not possible from existing records because cases did not follow an invariable pattern. In some jurisdictions, 'mega cases' were created through the accumulation of separate investigations. In others, each individual criminal complaint became a case in its own right. The resulting somewhat chaotic scenario presented challenges for record-keeping and CELS accordingly augmented its data collection on cases. The new data set enabled CELS not only to map the total number of pending cases but also to count what proportion were reaching trial stage, monitor Supreme Court performance when cases reached final appeal and keep track of accumulations. Later, as the number of convictions grew, CELS decided to keep a separate record of defendants finally convicted, allowing calculation of charging and sentencing patterns.

Judicialization, rather than truth or memory, quickly became the new dominant idiom for discussion of state terrorism in Argentina. Defendants, as well as petitioners, became better versed in it. Individuals cited by prosecutors began in 2002 to use *habeas* data requests to demand access to information held on them in CELS' files. The prospect of a slew of requests and/or potential libel actions from individuals disputing the files' contents would have posed significant problems for CELS' legal team. CELS' immediate reply was that *habeas* data legislation was applicable to state and/or commercial interests rather than public interest organizations. The incident nonetheless contributed to a decision to switch primarily to case-based tracking within which perpetrators are individualized (i.e., using

names rather than reporting statistical aggregations) only once they have been formally charged. The same policy was adopted preemptively by the Chile and Peru projects to avoid similar difficulties.

The next significant rethink for CELS, in form if not in content of data, came about because of the current three-country collaboration. Consultancy work by CELS with the UDP in 2009 generated interesting challenges, including how to describe domestic trials in a way that would be meaningful for Argentina–Chile comparisons as well as comprehensible to those not familiar with the Argentine judicial system. The data presentation on CELS' dedicated weblog was modified, and in early 2011 significantly expanded, to provide more detail about the meaning of different stages of the judicial process and give breakdowns by geographical area, branch of the armed forces and current whereabouts of perpetrators. The choice of which analyses to run, and which data to present, was made in dialogue with the other two projects. The aims were to improve comparability and mutual comprehensibility by offering homologous data on each project site and by peer evaluation of ease of use of existing graphics and records.

In Peru, the database was developed in close collaboration with human rights organizations representing victims. This was particularly important to gain a full picture of the ratio of complaints made to 'live' cases because it was widely believed that many victims' complaints were falling by the wayside. Close consultation also gave some idea of how many cases were scattered around ordinary criminal jurisdictions as opposed to clustered in the special prosecutorial offices created in 2005.

The first detailed discussions with case bringers were aided by long-standing links between the project's director and the *Coordinadora Nacional de Derechos Humanos*, a coalition of 79 regional human rights organizations throughout Peru. Most groups representing victims are members of the *Coordinadora*, and many case lawyers coordinate their work with the *Coordinadora*. An initial sweep of these groups produced detailed information on 215 cases. This number is now at approximately 250 and includes all known cases before the courts. A week-long session with project team members and a researcher from CELS in 2010 consolidated the project's comparability with the Argentina and Chile projects.

Through ongoing consultations with the ombudsman's office and the Public Ministry, the Human Rights Trials in Peru project has documented hundreds of cases that have yet to move beyond the preliminary investigation stage (partly due to limited human and financial resources at the Public Ministry) and hundreds of others that have been archived (48% of all complaints) mainly owing to lack of information about perpetrators. The project developed secondary but interconnected databases, focused on perpetrators and victims, at the request of litigators and survivors' groups. Finally, the project compiled a database of sentences and is producing analysis of sentencing patterns in response to sharp criticism levelled at Peru's Special Criminal Court since 2010 for a spate of acquittals. Some data is available online, but funding limitations have impeded

the development of web-based access to the full range of information the databases contain.

For the Chile project, the UDP assembled an interdisciplinary team from sociology, political science and law to amass reliable case information. Immediate goals included placing this information in the public domain for survivors, relatives, lawyers, human rights organizations and the general public. Medium-term analytical goals included testing existing claims and counterclaims about sentencing patterns and the patchy application of international law by Chilean judges. An additional analytical interest was measurement of the impact of trials on public opinion about past atrocity, through collaboration with the university's public opinion polling unit.[25] Standardized, methodologically valid polling work at the level of general populations is expensive and technically complex, yet it would seem a necessary direction for future research to take. Large-scale, national-level justice innovations decades after violence has occurred offer a unique empirical testing ground for often overblown claims about the positive effects of domestic prosecutions.[26]

The database itself was designed after a series of focus groups with target users to diagnose specific access needs and preferences. It became clear that the information collected would have to be sufficiently broad, and its format sufficiently flexible, to respond to a wide range of requirements. Some relatives wanted a micro-level focus to enable them to ascertain and understand the current status of their loved one's legal case. Others, including journalists, wanted a macro-level view giving a quick and accurate reading of overall case numbers and activity. The decision to opt for almost exclusively web-based dissemination was dictated by resource constraints but legitimized by Chile's relatively high Internet take-up- and access – an advantage that projects in other countries or regions might not enjoy.

Consultancy work with CELS transformed these varied needs into specific database variables defining the information required. An intense phase of data collection and entry followed, using both official and nonofficial sources. The main official source was the Interior Ministry's Human Rights Programme, set up in the 1990s to assist relatives in recovering remains of the disappeared and executed. The programme produces a monthly in-house spreadsheet showing movement in the cases in which it is involved. This was designed, however, as a working tool for programme lawyers rather than for public consumption.

[25] See, http://www.icso.cl/observatorio-derechos-humanos; http://www.encuesta.udp.cl/. At the request of the Peru project, the Public Opinion Institute of Peru's Catholic University conducted a nation-wide poll in December 2010 concerning public perceptions of the Fujimori trial and broader prosecution efforts. See, Jo-Marie Burt, 'Pocos quieren ese indulto,' *La República,* 30 January 2011, http://www.larepublica.pe/columnistas/debates/pocos-quieren-ese-indulto-30-01-2011 (accessed 18 September 2012).

[26] The Chile project is currently aware of related opinion poll work on the Sierra Leone hybrid court, attitudes to authoritarian legacies in Russia and in Spain and survivors' attitudes to amnesty in West Africa. The specific experience of large-scale, exclusively domestic trials across related settings, however, is presently limited to South America.

Months of negotiation were required to gain full access, and correct interpretation of the spreadsheet requires a certain level of expertise.

In parallel with these activities, the UDP project commissioned a custom-made web platform search engine that allows users to retrieve and display selected data in a simplified, printable format and to amass a written record of detailed consultations by case, victim or perpetrator name. The particular information (variables) to be included in the display was defined by ongoing conversations with user groups who also helped to 'road test' accessibility. The problem of obscure or technical legal language was addressed using a 'tool tips' function – a concise, clickable online lexicon providing a short explanation of legal terms appearing in search results. Subsequently, the databases have been permanently updated and used to produce a bimonthly bulletin as well as analyses on demand from national and international researchers.

Nationally, the UDP team embarked in 2011 on a series of user group workshops offering training in use of the site and discussion of current case numbers and progress. Intricacies of relevant Chilean case law were explored, and participants invited to debate the possibilities for strategic litigation and the pros and cons of formal justice as compared to other kinds of activism. Early workshop participation was limited to civil society actors, but the project gained traction among state actors via specific outreach and the electronic bulletin. Judicial actors engaged in dialogue with the project regarding its case analyses, with discrepancies in case numbers leading one senior judge to ask the project to run a comparison with his own case register. In early 2012, CELS was invited to present a workshop on witness experiences that led the Human Rights Observatory to co-convene a midyear interinstitutional seminar for national justice system operators, including detective police, forensic scientists and judges.

Over time, official bodies that initially supplied data became users of the UDP's information, as the project overtook existing registers in accuracy and completeness. A police initiative to create an investigations archive with some public access was abandoned after 2010 earthquake damage, the Interior Ministry is focused on the subset of cases that involve death or disappearance, the judicial branch does not oversee sentence compliance and the prison service concerns itself only with the minority of convicted offenders who actually serve custodial sentences. The UDP project accordingly became a referent for those searching for a relatively complete overview of cases and outcomes, receiving a steady stream of requests for up-to-date statistics. Anecdotally, on at least one occasion, public officials at an international seminar displayed project data, unaccredited, believing it to be 'official' information because it had been supplied to them by other government offices. The project's ongoing critical dialogue with these sources has had concrete effects as well. Discrepancies between prison service and ministry detainee figures led to the 2011 discovery that prison parole committees were authorizing early release without judicial or public knowledge. The work also has exposed long-running problems, including the lack of central updated victim registers,

and prompted the prison service's access-to-information officer to impede project access to the service's statistical office.[27]

Technical Considerations and Ethical and Access Issues

Various methodological, practical and ethical dilemmas arose in the construction of each project and the networking of the three. Design-stage audits of data availability revealed very different national realities, but a lack of reliable official information was a constant. In Argentina, for example, although a special state prosecutor's office had been formed to steer and take part in cases once reopened, there was no dependable information management strategy. Official nationwide monitoring was instituted only in 2010, almost four years after the first trials were held, largely at the insistence of CELS and other civil society bodies. The prosecutor's office and the Supreme Court (the other main official interlocutor engaged by CELS) acknowledge that the resulting dialogue helped them recognize the need to produce reliable data for both external and internal consumption. Resource issues and staff turnover, however, have impeded improvement over time. In particular, in Argentina as in Chile, data management has been carried out by legal or administrative personnel who lack the requisite technical or methodological expertise. The network responded by holding a workshop at CELS in late 2010 during which state representatives and civil society actors from five countries discussed the uses of trial mapping.[28] The meeting showcased work already being done and encouraged both state and civil society entities in other countries to initiate similar record keeping.

Experience suggests that parallel state and civil society mapping is the ideal. Basic democratic rule of law principles dictate that state sources should proactively inform citizens about national justice processes. International obligations to prosecute and punish gross human rights abuses add an extra layer of imperative where violations have been committed. Pushing for this information to be collated can itself have a positive impact in driving case progress.[29] State records, however, are only as accurate as their sources. Most draw solely from other official entities, whose information is often out of date. Factual errors and inconsistencies can be multiplied where information is simply centralized without being verified. Civil society monitoring projects that are well inserted into domestic realities can therefore serve a specific purpose in crosschecking official information. Civil society actors often prove a more accurate source of micro-level information about the specific case(s) in which they are engaged.

[27] The prohibition, which occurred in 2011, came days after the Human Rights Observatory made public the early release incidents.

[28] The workshop '*Mapeando juicios por crímenes de lesa humanidad en la región*' was held in Buenos Aires on 31 August and 1 September 2010, with support from the International Center for Transitional Justice and the European Union. Participants came from Argentina, Chile, Paraguay, Peru and Uruguay.

[29] The Argentine Supreme Court representative told the 2010 network meeting that simply instituting regular requests for case updates from regional courts had demonstrably speeded up the glacial pace of many investigations.

In this regard, it is interesting that state prosecutors at the 2010 meeting remarked on the value of civil society-based projects in facilitating contact with litigators and survivors 'under the radar' of official institutions. The high levels of trust and legitimacy that the three projects enjoy among survivors' and relatives' groups has on occasion allowed individual prosecutors to overcome reticence or generalized mistrust of officialdom. In settings where formal justice systems are leaky, careless or worse about witness protection, mapping projects can be well placed to carry out this role of guarantor or 'honest broker.' This service also can provide committed state prosecutors or other sympathetic state employees with moral and practical support in the face of patchy or absent political will. The ethical implications of serving as a conduit for exchange between state investigators and witnesses nonetheless need to be carefully considered and risk assessed.[30]

The readiness of certain human rights-friendly 'enclaves,' including the Human Rights Brigade of the national detective squad, to cooperate from an early stage with the UDP project owed much to concerns about changes that might be made by the incoming right-wing administration. These fears were partly realized, with the precipitate transfer of the brigade's most experienced officers and withdrawal of an earlier invitation to view some investigative records. Senior management and some lawyers of the Interior Ministry's Human Rights Programme were also replaced. Despite a commitment to maintaining and even improving previously agreed upon cooperation, the timeliness and quality of the official ministry spreadsheet has suffered under the new dispensation.[31] Owing to its parallel access to independent sources, the UDP project was increasingly able to detect and rectify these errors or omissions in official data, reversing the initial direction of knowledge flow.

Peru's mapping project has proved a necessary complement to other initiatives in various important ways. For example, the ombudsman's office last published case progress reports in 2008. The cessation coincided with intensified political pressure against prosecution efforts from conservative sectors of the armed forces and some high-placed politicians. The mapping project became an even more essential source of information. The Public Ministry, a key partner, has supplied raw data about the overall complaints universe but lacks the detailed access to claims needed to explain facts that at present it merely reports, such as the closure of more than 1,400 complaints due to 'lack of information.' The Peru project was able to investigate this shortfall via its access to claim bringers, and in March 2012 participated with the Pro-Human Rights Association in a thematic hearing before the Inter-American Commission for Human Rights on the issue of access to official information in relation to human rights prosecutions.

[30] In Chile, complainants' identities are withheld from search results (although they are technically part of the public record and do appear in official verdicts). Requests for contact details of private institutions or individuals are assessed on a case-by-case basis and are always dealt with by supplying the enquirer's details to the person sought, rather than vice versa.

[31] By September 2012, the spreadsheet was running nine months behind real time.

Initial Insights and Conclusions

The projects described here were born from national realities but consciously developed using horizontal transfer of knowledge and expertise among the researchers and institutions involved. They show how valuable shared insights can be gained through painstaking 'ground-up' dialogue, with common features emerging from empirical realities rather than being artificially imposed through the superposition of a preexisting model. This method also helped ensure that differences and absences, themselves analytically significant, were not missed. Early examples include the definition of 'cases' as the base unit for counting and comparisons of legal activity.

Argentine cases entail very large and complex episodes, some with thousands of victims and hundreds of survivors.[32] Some Peruvian cases, especially highland massacres from the early years of the conflict, have a large number of victims, while others involve only one or two.[33] Chilean cases tend historically to be 'smaller' units in which one single repressive episode might give rise to a dozen separate investigations.[34] Thus, a simple numerical comparison of the total of open cases across the three settings would be misleading. It would tend to give an inflated picture of the amount of activity in Chile, where a similar absolute number of cases probably covers substantially fewer victims and perpetrators than in Argentina and Peru. The finding suggests that raw case numbers should not, for example, be used for large-*n* studies without some attempt to control for these differences. Likewise, the number of open cases year on year cannot be taken as a proxy for proaccountability attitudes. Cases that run on for decades as a result of deliberate obstructionism or foot-dragging should not be interpreted as signals of official compliance with the duty to investigate. Only on-the-ground monitoring can accurately read the qualitative signals needed to draw correct inferences.[35]

Even the apparently simple case numbers dilemma proves difficult to resolve methodologically. The Chile project opted to express levels of judicial activity as

[32] One example is the 'ESMA' case, a labyrinthine judicial investigation of mass torture and disappearance practiced for a number of years at the Navy Mechanics School in Buenos Aires.

[33] One example of a current case with multiple victims is the Los Cabitos Military Base episode, dealing with the arbitrary detention, torture, extrajudicial execution and forced disappearance of 53 victims in 1983. Similar cases from later years have not yet come before the courts.

[34] This is because the limited legal recourse available during the dictatorship did not include criminal complaints but writs of *habeas corpus* or simple notifications of a disappearance under the figure of 'suspected misadventure' (*presunta desgracia*). These actions, designed to ensure against definitive disappearance by signalling that the case was known about, were lodged in victims' home jurisdictions, leading to a scattered, individualized pattern of complaints that began to cohere only after the late 1990s case revival. See, Collins, supra n 11.

[35] Thus, for example, the general perception, often uncritically reproduced by observers, that there is 'more' or 'better quality' accountability activity in Argentina than in Chile founders when numbers of actual final convictions are compared – 15 and around 250, respectively – but is nuanced by differences in average custodial sentence length (from more than 35 years to approximately nine years), by the extensive use of noncustodial sentences in Chile and by the fact that inordinate delays between court of appeals and Supreme Court levels in Argentina are a systemic problem not specific to human rights cases.

the proportion of officially acknowledged victims of death or disappearance whose cases have been or are being investigated. This nonetheless excludes cases brought by survivors, numerically few but symbolically and analytically significant.[36] The 'solution' also is not replicable across the network for political reasons. In both Argentina and Peru, the 'numbers question' is highly contested. In Argentina, victims' relatives' associations have successfully constructed 30,000 as the accepted total of victims of disappearance, but the official National Commission on the Disappearance of Persons documented only approximately 9,000 cases.[37] Peru's Truth and Reconciliation Commission used statistical projections to calculate a victim total of 69,280, but conservative sectors accuse the Commission of 'cooking' the numbers to the specific detriment of the armed forces.

Equally significant differences in the form and function of legal activity among the three countries were detected during early project exchanges. Argentina and Peru have a generally dispersed geographical case distribution, whereas in Chile, investigations were centralized from 2005 onwards via the appointment of specially designated judges. This alternative, which was supposed to facilitate speedy resolution, has limited systemic learning, and it may be no coincidence that observers repeatedly find the Chilean judiciary's broader rights record disappointing.[38] These findings are important in signalling the limits of the usefulness of past atrocity jurisprudence as indicators of broader rights change.

Joint efforts at interpretation of case progress through the lens of these discoveries produce interesting results.[39] Strikingly few cases in Argentina and Peru have reached the final, Supreme Court stage when compared to Chile. Taken out of context, this might suggest relative celerity and severity on the part of Chilean judges. Comparative sentencing analysis nonetheless shows that in terms of charging and sentencing policy, Chile is the most lenient of the three. Defendants are charged exclusively with the common crimes of homicide, kidnapping, criminal conspiracy, illegal burial or the euphemistic 'undue ill treatment' (for torture), and sentencing routinely invokes a host of mitigating circumstances and benefits to reduce tariffs. Accordingly, only one-third of convicted defendants in Chile actually receive sentences long enough to ensure prison time. In Argentina, judges more often adduce repeat offending and other aggravating factors to impose sentences in the range of 16 years to life. Peru has by far the highest proportion

[36] As of early 2012, out of a total case universe of more than 1,500, there were 24 cases brought by survivors.

[37] Both the National Human Rights Secretariat and the official Monument to Victims of State Terrorism have since considered additional cases, but neither register currently tops the 10,000 mark.

[38] Lisa Hilbink, *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile* (Cambridge: Cambridge University Press, 2007); Marny A. Requa, 'A Human Rights Triumph? Dictatorship-Era Crimes and the Chilean Supreme Court,' *Human Rights Law Review* 12(1) (2012): 79–106.

[39] For more details, see the 2011 and 2012 annual national human rights reports produced by the Human Rights Observatory and by CELS.

of acquittals of the three, with conviction rates slowing over time.[40] In total, one-third of the Supreme Court's human rights case activity has been to annul lower court acquittals and order retrials, reflecting substantial disagreement among Peruvian judges with regard to definitions of human rights violations and the applicability of international law.[41]

Comparative analysis of the whereabouts of defendants shows that Argentine judges often use preventive detention, whereas suspects in Chile are routinely granted bail and suspects in Peru are often released on their own recognizance until trial. This discovery brought to light a previously undetected discrepancy concerning fugitives from justice. In Argentina, 2 percent of a total 1,610 trial-stage defendants were classified as having absconded as of August 2012. Chile has seen only three or four known instances of this phenomenon.[42] The more extensive use of pretrial detention by Argentine judges may reflect this difference, although more substantial final sentences also contribute to making flight an attractive recourse. An alternative and little-discussed possible explanation is the evident misuse of preventive detention requests by some human rights lawyers as an alternative punishment where they fear defendants are likely to be acquitted.

Given the measurable contribution of these projects to national accountability work to date, it is particularly unfortunate that the sustainability of at least two of them is seriously in question. We have found it particularly difficult to engage funders with the horizontal knowledge transfer and South–South scholarship and advocacy development that are the projects' main strengths. The potential of the network *per se* has had to be unlocked via creative leveraging of opportunities provided by other project work or academic conference agendas. These limited but extremely productive exchanges include conference presentations in Europe, Argentina and the US in 2011 and 2012, allowing the network's founders to engage in discussions with alternative, large-*n* studies. The projects also organized bilateral exchanges through practitioner-oriented conferences in Chile and Peru, with the participation of CELS in each, exploring specific aspects of judicialization such as witness treatment. The Chile and Argentina projects have additionally taken part in exploratory meetings and exchanges around the Brazilian National Truth Commission, and have advised incipient mapping projects in Uruguay and Central America, demonstrating a range of possibilities for theoretical and practice-oriented 'mining' of current Latin American trial experiences on the regional and international stage.[43] These experiences illustrate how this type of

[40] This indicator cannot, however, be directly used to deduce the relative rigorousness or 'quality' of trials in each setting because many specific evidentiary and due process factors enter into play.

[41] Although similar disagreement exists in the Chilean Supreme Court, its criminal bench presently votes narrowly in favour of upholding convictions.

[42] In three of which the suspect was finally located. There have, however, been a handful of suicides of agents while under investigation, accentuating debate about case delays.

[43] In November 2011, the Peru and Argentina projects organized a public conference in Lima at which state prosecutors, judges, lawyers and activists discussed obstacles and strategies for prosecution in each country. In April 2012, the Chile and Argentina projects gathered justice system

work can both stimulate future research agendas and feed immediate advocacy needs, demonstrating the practical benefits of methodologically rigorous data collection, often neglected in civil society activism as a result of time and resource constraints.

Engaging with the justice system and flexing citizenship 'muscles,' these projects offer forward linkages to other rights issues and to the exercise of bottom-up accountability and transparency, often and rightly identified as pressing issues in quality-of-democracy debates. They suggest that the process of requesting data about formal judicial outcomes from public bodies can generate positive synergies in advancing an access-to-information agenda. Challenges in other regions may be quite distinct and may include the creation of state capacity or the extension of bureaucratic reach to the whole of the national territory. Nonetheless, these pilot experiences can be built on for further intra- and inter-regional dialogue about formal accountability and the role of rigorous social-scientific enquiry in informing activism and policy.

actors to reflect on the witness treatment protocol discussed above. In November 2012, CELS and the UDP presented the first fully comparative bilateral results of database-led comparison to an audience of judges and prosecutors in Brazil, and CELS and the Peru project presented a similar comparative study to judges and prosecutors in Peru.