



National University of Political Studies and Public Administration

Promoting Institutional Judicial Innovation in the Pursuit of Corporate Accountability and Transitional Justice in Latin America

Buenos Aires, 7-10 June 2023

This intersectoral workshop brought together prosecutors, investigative judges, justice activists, and scholars from Latin America and Europe to discuss obstacles and opportunities to advance corporate judicial accountability for gross human rights violations, from war crimes and genocide to massive destruction of environment and economic dispossession of indigenous groups across the globe. It included over 30 participants from a variety of countries, such as Argentina, Brazil, Chile, Colombia, Ecuador, Italy, Mexico, Netherlands, Romania and United Kingdom. The event particularly aimed to promote institutional innovation to pursue corporate accountability for crimes against humanity committed during authoritarian governments and civil conflicts, but extended to corporate abuses in democratic systems. Since the companies involved in human rights violations in the past are strong economic actors in the present, developments to accountability are likely to occur only if civil society and judicial actors are strong enough to overcome the veto power of corporations. The workshop thus aimed to strengthen judicial innovation and civil society demand, and encourage strategies that are able to balance on the side of victims rather than economic actors with veto power, at both national and international level.

The workshop discussed the following key themes:

- Strategies of civil and criminal litigations, including among others: the Argentinean law cases of La Fronterita, Mercedes Benz, Ford, Veloz del Norte, Techint Group etc.; the Brazilian civil law suit against Volkswagen; Dutch law suits concerning the role of economic actors in the Rwandan genocide and against massive destruction of environment in Nigeria.
- Strategies of using and adapting constitutional law to defend marginalized and endangered communities, and human rights and environmental activist (including victims of new inequities generated in the Global South by the global transition to renewable energy).
- The role and limits of due diligence laws recently adopted in Europe.



- The importance of transnational and intersectoral cooperation to fight impunity and achieve stronger international system of corporate accountability and a more inclusive global justice system.

The workshop produced two outcomes: it enhanced transnational cooperation between legal practitioners, justice activists, and academics and facilitated dialogue and feedback on a draft document of Guidelines and Principles of Strengthening Corporate Accountability in Latin America. Participants voiced an urgent need for legal tools and strategies to advance corporate accountability, to increase access to justice, to reduce impunity, and to provide a support system for prosecutors and judges who have faced intimidation and threats in their advocacy on behalf of victims and survivors of these crimes.

Follow-up:

- We aim to publish and widely circulate The Guidelines and Principles of Strengthening Corporate Accountability by mid-2024.
- We intend to organize a series of events and activities to discuss the guidelines and promote bridges between institutional innovators from Latin American, Africa and Asia.
- We plan the organizations of further smaller, informal meeting between prosecutors and investigate judges to share the experience and innovative techniques on different cases of corporate accountability.

Since various participants at the workshop belong to repressed and at-risk communities of activists, the organizers decided not to disclose the names of the participants. Chatham House rules were applied to allow for open conversation.

The workshop was organized by Andhes Argentina, in collaboration with The Advancing Human Rights Initiative (AHRA) from the University of Oxford, Amnesty International and the National University of Political Science and Public Administration in Bucharest.

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