

Update on the Buenos Aires Yoga School

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ABSTRACT: On December 7, 2023, an important development happened in the Argentinian court case of the Buenos Aires Yoga School (BAYS). The Court of Appeals annulled the elevation to trial of the defendants and sent the case back to the investigating judge, urging him to evaluate the new evidence that had surfaced, in dialogue with the parties. The prosecutors filed an appeal in cassation against the Court of Appeals decision. The BAYS case is paradoxical, as the prosecutors insist that several mature women were victimized and compelled to work as prostitutes by the movement. On the other hand, all women deny being victims and having ever worked as prostitutes in their lives. The article insists on the crucial role of the forensic psychological expertises that found the women “normal” and believable. It also emphasizes the dissenting opinion of one of the three appeal judges, who would have simply acquitted all the defendants and closed the case.

KEYWORDS: BAYS, Buenos Aires Yoga School, PROTEX, Brainwashing, Anti-Cult Movement in Argentina.

Introduction

On December 7, 2023, the 2nd Chamber of the National Court of Appeals for Criminal and Correctional Matters of Argentina (hereinafter “Court of Appeals”) rendered three rulings in the Buenos Aires Yoga School (BAYS) case and annulled the elevation to trial of the defendants (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 2023b, 2023c). Seventeen BAYS members were prosecuted for alleged human trafficking for the purpose of sexual exploitation, money laundering, smuggling, and illicit association. The Court of Appeals’ ruling means that the case file must be returned to the lower court. The latter is urged to examine the newly filed evidence and the constitutional exceptions raised by the defense.

The Journal of CESNUR has published detailed reports by Massimo Introvigne and Susan Palmer on the BAYS and its trial (Introvigne 2023a; Palmer 2023). This is an extraordinary case where, based on the accusations of one single anti-cult activist, the prosecutors of the anti-human-trafficking unit PROTEX—who have fully embraced (Introvigne 2023b) the unscientific and discredited theory of brainwashing (Introvigne 2022)—insist that a number of mature women were victimized and forced to work as prostitutes and to transfer the earnings from that activity to the yoga school.

It must be noted that, without exceptions, all the women involved in this case, who are middle-aged professionals, deny being “victims” of the BAYS and having ever worked as prostitutes in their lives. Yet, the prosecutors maintain the paradoxical theory that, having been brainwashed by the BAYS, the women could have been victims and prostitutes without realizing it (Fautré 2023a, 2023b).

Recent Developments

On July 4, 2023, the reports of the psychiatric and psychological assessments of the alleged victims were delivered. The same day the examining magistrate, Ariel Lijo, informed the prosecution office about his intention to close the investigation stage of the case. In the following days, the defense filed a nullity action and a plea for lack of action (absence of crime), with requests for the acquittal of all the defendants.

The first legal action (nullity) argued around the fact that the decision of the judge of first instance to close the investigation was hasty and arbitrary, since there had been no prior dialogue between the parties to evaluate and discuss how worth and valuable the expert reports were. According to the defense, they indicated that there were no victims of human trafficking or other crimes committed.

In addition to this lack of evaluation of key evidence (which was requested by the Court of Appeals when reviewing and partially confirming the indictments), the defense pointed out that Judge Lijo himself in his decision of July 4 indicated that it was still necessary to evaluate and collect evidence on the case.

This was in contradiction with the closing of the investigation and created a possible duplication of the procedure. Whilst the portion of evidence already

filed would be used to go to trial, instead the remaining unexamined body of evidence remained under the evaluation of the investigating judge.

The second motion presented, invoking the exception of lack of action, stated that at that point of the investigation, it was demonstrated that there was no crime committed.

By this motion, the legal representatives asked for the acquittal of the seventeen defendants and the remaining BAYS accused individuals.

This kind of exception may be raised by the defense when, from the description of the alleged facts or from the examination of the evidence, it is evident that no crime has been committed. In this exception, the defense affirmed that the psychological and psychiatric examinations demonstrated, with scientific rigor and unanimously, that the nine women, identified in the case as victims, were instead in good mental health state, without indicators that could be compatible with traumas related to mental subjugation or sexual enslavement. The mental health experts found no traits of disorders in the psychosexual sphere of these women, and a total absence of indicators of vulnerability or any characteristics of submission, emotional dependence, lability, manipulation, or the assumption of a merely passive role in their interpersonal relationships.

The defense added that these reports had been signed in agreement, without exception, both by the experts of the Forensic Medical Corps of the Supreme Court of Justice of the Argentine Nation (CSJN is its Spanish acronym) and by the experts of the defense and of the Public Prosecutor's Office (MPF is its Spanish acronym).

Consequently, the defense affirmed that “by reading the experts’ reports and their convincing conclusions, it is incontrovertibly and categorically demonstrated that [these women] have a normal psychic structure, with a good perception of self-esteem and self-concept, with a level of integration and social insertion that far exceeds their participation in BAYS, and that, fundamentally, they have not been victims of any sexual recruitment or exploitation.” Without victims of exploitation and without the proof of an intention to exploit them, the defense argued that there was no crime of human trafficking, and therefore the whole theory of the prosecution fell to the ground.

The Alleged Victims

The results of the examinations actually confirmed what the nine women had said in their statements in the Gesell Chamber (a room equipped for interviews of victims and criminals, conducted by a psychologist), when they reported details of their lives, such as the good relationships with numerous relatives and friends outside BAYS, and that – until before being exposed by the media and have their careers ruined by the false information reported about them – they had independent jobs and activities.

All of them strongly denied any coercion or compulsion to perform any sexual or other acts. As they affirmed on numerous occasions, they were always in all their decisions free and autonomous women. In addition to the Gesell Chamber and during the expert examinations, they affirmed this very circumstance in interviews with the media and with the renowned scholars Massimo Introvigne, Susan Palmer, and Holly Folk.

It must be considered that the nine women had to appoint a legal representative to be able to provide correct information, since, despite their numerous requests, they were never called to testify by the judge or the prosecutors.

Thus, each one of them was able to enter into the case file their own statements, in which they recounted and documented personal details. It was also possible to visualize through photographs what their personal lives and their family and friends' affections had been like during the last decades. They also filed numerous personal and collective writings, in which they rejected the accusations and the fact that they had been classified as victims, citing jurisprudence on women's human rights, and denouncing the gender bias in the theories of the prosecutors. Not only did they offer these contributions to shed light on this concerning case, but they also filed a formal complaint against the PROTEX prosecutors.

Elevation to Trial

The arguments presented by the defense were rejected by the prosecutor in charge of the case, Carlos Stornelli, and the deputy prosecutor for PROTEX, Alejandra Mángano. On August 7, 2023, they also presented a request for

“partial elevation to trial” of the seventeen defendants. They requested, among other things, that two of the defendants go to trial and at the same time continue to be investigated by the court of first instance. In addition, they suggested that new victims should continue to be identified. The problems already visible in the title of the request (“partial”) were not the only ones, as the prosecutors continued to present evidence in the following days. One of those elements was an “extension of the forensic report” prepared by the Forensic Medicine Unit of the General Directorate of Investigations and Technological Support for Criminal Investigations (DATIP is its Spanish acronym) after their participation in the psychiatric and psychological assessments as experts on behalf of the MPF, dated August 17, 2023.

This document is based on and advocates the application of the pseudo-scientific theory of brainwashing (under the name “coercive persuasion”) in the examinations of “victims of cults” (called “coercive organizations”: see Introvigne 2023b). In this “report,” DATIP officials stated that, although each of them participated in some of the examinations and approved and signed their results—without exception—in agreement with the other experts, the psychological post-effects of “coercive persuasion” are not visible until long after the victims have stopped participating in “coercive organizations.”

Besides, they added, those effects are evident only when examining the victims collectively and not on an individual basis. For that reason, they stated, although these alleged elaborate brainwashing techniques generate a mental slavery that completely annuls the self-perception, reasoning, and will of their victims, along with a marked social isolation, the “normal” forensic experts cannot notice their effects, as they are considered to be not competent enough, and consequently the intervention of “qualified personnel”—meaning those indoctrinated into the anti-cult ideology—is necessary. Thus, after an extensive written elaboration based on pseudo-scientific bibliography on brainwashing, and without detailing what concrete indicators the women presented and that were so strong that would allow to notice a total absence of will or logical reasoning, they concluded that the nine alleged victims of BAYS were unable to realize that they themselves were victims due to the sophisticated brainwashing and manipulation they had been submitted to for decades, through which their exploitation was carried out consistently and relentlessly.

The document presented by DATIP was strongly criticized by the defense on the basis of its numerous shortcomings. One of the critical points is that the report did not answer the questions submitted to the experts, which had been discussed between the parties and determined by the judge. It alluded to abstract and dogmatic anti-cult theories that did not apply concretely to the subjects of evaluation (the nine women) and did not offer specific indicators for the analysis of their specific cases. In addition to this, the report referred to the nine women as a homogeneous group and did not evaluate each of them individually. The defense also emphasized that DATIP's experts had approved and signed the previous examination results in agreement with the other forensic experts. They reserved the right to file supplementary comments but did not state that they disagreed with the conclusions they co-signed. At this point, in their new report they were contradicting those previous conclusions, in clear disagreement with what they had previously agreed upon and signed together with the other experts.

In practice, the DATIP supplementary report implied that the nine women had been brainwashed in such a perfect way that they had become able to brainwash in turn the experts, including those of DATIP, who only after several weeks realized they had been misled and induced to sign conclusions they did not share.

The defense claimed that, if the DATIP officials did not agree with the results of the expert opinion, they should have presented a dissent report. This would have created the corresponding discussion among all the experts, especially with those of the Forensic Medical Corps of the Supreme Court, who were in charge of the analysis.

The defense also argued that the DATIP supplementary report was included into the file after the request for elevation to trial signed by the prosecutors, which represented a "clear contradiction and a clear violation of rights." This fact, by preventing the debate between the experts and the parties, affected the guarantee of due process and defense in trial in terms of the American Convention on Human Rights and the International Covenant on Civil and Political Rights.

The report was also repudiated by the concerned analyzed women. Each of them presented an individual document exposing the falsity of the statements, denouncing the use of faulty bibliographic sources, and contrasting DATIP's claims with details and accounts of their personal lives. In addition to this, they jointly submitted a document entitled "They Exercise the Right to Be Heard," in

which they reaffirmed their right to self-determination and supported the defense's claim.

Notwithstanding this strong reaction from the defense and the nine women presented as "victims," Judge Lijo supported the prosecutors' opinion. On September 19, 2023, he signed an order of elevation to trial in which he decreed the "partial closure of the investigation" and, as in the document of July 4, 2023, he decided to continue collecting evidence and receiving testimonies in relation to the crimes charged. Finally, he rejected the defense's claims of nullity and lack of action.

Reaction to the Order of Elevation to Trial

In response to the investigating judge's decision, the defense appealed the rejection of the plea of lack of action and the nullity action and, at the same time, filed another appeal against the elevation to trial, in which it claimed the unconstitutionality of article 352 of the criminal procedure code, which declares the elevation to trial unappealable.

The appeal was filed on the grounds that the judge's decision was arbitrary and precipitated. The defense claimed that the interpretation of the evidence by the judge was capricious and biased, and that the decision was issued immediately after the production of new key evidence (the psychiatric and psychological tests) without prior discussion and evaluation of the results between the parties. In fact, they said, the order of elevation to trial only made a generic and brief reference to the reports made by the Forensic Medical Corps of the CSJN and argued that these should be compared with all the evidence in the file, particularly the reports made by the professionals of the National Program for the Rescue and Support of Persons Victims of the Crime of Trafficking (PNR its Spanish acronym) and the DATIP.

In addition to recalling the criticism made of the DATIP report, the defense added that the PNR report was superficial, partial, and biased. It was carried out in the context of a raid where police officers committed demonstrable crimes (including theft of property of the defendants and of the alleged victims, and physical abuse). In fact, several of the women questioned on that occasion, later reported that they felt coerced by the police and by the PNR personnel as they

were threateningly interrogated and urged to talk while their IDs and personal belongings were being withheld. Moreover, the PNR document presented as possible victims only one of the women mentioned in the order of elevation to trial, adding explicitly: “It is noted that none of the persons interviewed were placed under the protection of the Rescue Program.” In other words, the PNR data did not support the judge’s hypothesis.

In addition to this, the defense pointed out that the judge justified his decision with the fact that the Court of Appeals had rejected an appeal against the indictments in November 2022. However, the judge did not take into account that, on that same occasion, the higher court demanded that medical expertise be carried out to evaluate the scope of the charges based on scientific evidence. The expertise should investigate specific and punctual evidence to determine whether or not there had been sexual exploitation. The scientific evidence, the defense pointed out, had now been obtained. It indicated that none of the alleged victims examined showed indicators or evidence of vulnerability, tendency to subjugation, cooptation of the will, or similar problems. Thus, these results contradicted the DATIP and PNR reports, and indicated that not a single instance of human trafficking for the purpose of sexual exploitation had been proven.

As well as the grounds for appeal, as mentioned above, the defense claimed that the impossibility of appealing the judge’s decision violates the right legally provided for in the Criminal Code to appeal to a higher court to resolve possible contradictions between the parties before the case is sent to trial. The defense argued that “although there was double conformity in relation to the indictment, the truth is that this double conformity is not complete insofar as we are not allowed to have the effectiveness of the evidence obtained after the indictment assessed by a higher body than the judge,” even more so when obtaining this evidence had been ordered by the Court of Appeals. Then, the defense added, “the issue cannot be remedied at a later date without serious prejudice to this party, insofar as it obliges our defendants to remain involved in a court case that will be extended in time.”

In fact, the defense claimed, “the discussion in oral proceedings results in the fact of delaying the course of the process (violating the right to be judged within a reasonable period of time) as we will have to discuss the value of this evidence only in a final argument.”

This also causes “economic damages derived from the fact that the seizures ordered by the judge are seriously affecting the subsistence of our defendants.”

Thus, “the subsequent review will not be effective. It may, eventually, prevent further damage from being caused; but it will not be able to remedy all the damage that has been caused up to now and that which will be caused until the case is decided.”

The defense considered that not being able to appeal the elevation to trial was contrary to the guarantees of the right to defense in court and due process, since it contradicted the provisions of the American Convention on Human Rights and the case law of the Inter-American Court of Human Rights. The latter had established that “Every individual subject to criminal proceedings has the right to appeal any ‘important procedural order.’” This should include the order of elevation to trial, which is “the jurisdictional acceptance, against the request for its rejection, of the request for elevation to trial,” thus becoming the most important step between the two stages of the criminal proceedings. Therefore, the defense asserted, the order of elevation to trial should be considered an “important procedural order” for the purposes of the Convention, and for that reason article 352 (which prevents its appeal) should be considered unconstitutional.

The examining magistrate rejected the arguments, and the defense appealed to the Court of Appeals.

The Rulings of the Court of Appeals

On December 7, 2023, the Court of Appeals issued three rulings regarding the appeals filed by the defense (two on appeal and one on complaint: Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 2023b, 2023c).

1. Ruling on the appeal of the rejection of the nullity action and the complaint on the rejection of the appeal against the elevation to trial.

In response to these defense appeals, by majority vote, the opposition to the elevation to trial and the nullity of the closing of the investigation were accepted by the Court of Appeals (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 2023b, 2023c). In the

evaluation of these issues, the arguments of the defense were analyzed in depth. It was concluded that Judge Lijo had acted hastily when he granted a hearing to the prosecution to close the investigation. In his opinion, Judge Martin Irurzun pointed out that, after the decree of July 4, the investigative activity had continued, since the MPF presented new elements and an additional report to which the defense objected. He also indicated that the magistrate himself, when ordering the partial closure and the elevation to trial, stated that the seized documentation and electronic elements were still being analyzed and that he had just received the new reports from the MPF. In fact, the latter judge's order took place only two days after the DATIP report was filed. In other words, at the time of its closing, the investigation was by no means complete. On the other hand, Judge Irurzun remarked that the evaluation of the expert results by the Forensic Medical Corps of the CSJN and the elements introduced by the MPF only took place in the order of elevation to trial which, as mentioned earlier, is non-appealable. This way, Judge Lijo limited the possibility of the parties to comment on the incidence or validity of such new documents (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 2–3, 2023c, 1–3).

In his turn, Judge Roberto Boico clarified that, according to standard procedure, when new evidence has surfaced that affects the procedural situation of the accused after a final indictment, there must be a possibility of open bilateral debate, in accordance with the principle of congruence and the right to defense in court.

This is provided for in the law and, for that reason, it is foreseen that the indictment may be mutable in such circumstances and may be modified *ex officio*. He explained that in this way, as a guarantee, a “dialogic procedural instrument” is instituted prior to the closing of the investigation, allowing the parties to discuss and question the evidentiary aspects that may affect the situation of the accused. Therefore, according to him, the closing of the possibility of discussion in the face of new evidence is contrary to the law, otherwise the elevation to trial should logically be appealable to safeguard the rights of the defense (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023c, 12).

In the particular case that was the object of the complaint, Boico pointed out that the need for a bilateral discussion was evident, given that on November 4,

2022 “when reviewing the indictment, the majority of the court that confirmed it held that it was necessary to exhaust several pending evidentiary proceedings, especially the one referring to the expert opinions/Gesell Chamber statements of the alleged victims. This evidence was especially indicated as pending by the reviewing judicial body, and this circumstance makes the debate that did not take place even more audible” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023c, 12).

Thus, the magistrate affirmed that the order of elevation to trial is not the appropriate place to evaluate new evidence that was not duly discussed in previous procedural instances. He then concluded that “the complaint raised here is admissible to the extent that the defense demands, and rightly so, the possibility of a review for aspects that it was not able to dispute/discuss with the prosecution” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023c, 14).

Finally, Boico agreed with Irurzun that Judge Lijo himself, in his order of elevation to trial, ordered to continue receiving statements and producing evidence on the facts under investigation. This situation was contradictory to the action of closing the investigation stage and showed that the decree issued on July 4, 2023, lacked support (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023c, 14–6).

Consequently, the majority resolved to declare null and void the act by which the prosecutor’s office was heard for the closing of the investigation (July 4, 2023) and all the consequent acts, as well as to entrust the judge with the examination and treatment of the arguments made by the parties regarding the validity or otherwise of the new elements submitted. Judge Lijo was also instructed to deal with the objections of a constitutional nature introduced by the defense: the right to freedom of choice, freedom of thought, and freedom of religion or belief.

2. Ruling on the appeal of the rejection of the exception for lack of action.

In the exception for lack of action, as previously mentioned, the defense argued that the facts investigated did not constitute a crime because the medical (psychiatric and psychological) experts scientifically demonstrated that there were no victims of human trafficking. This, together with the fragility of the prosecution’s arguments, meant that all the defendants should be acquitted. In

relation to these arguments, after revoking the elevation to trial, the Court of Appeals decided by a majority to order Judge Lijo to reexamine the plea of lack of action once the preceding orders had been complied with.

It is interesting to review the opinion of Judge Eduardo Farah, who in dissent from his two colleagues, voted for the acquittal of all the defendants (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 3–45).

In his opinion, Judge Farah made a detailed review of his previous vote on the occasion of the appeal to the indictments in November 2022, in which he evaluated the difficulties and risks of judging private and intimate decisions in relation to the religious and spiritual beliefs of individuals, which are protected by the Argentinian Constitution and the international covenants the country has signed and ratified. Thus, the magistrate observed, “the procedural object of this case touches—in my opinion—very delicate issues that affect principles and rights essential to our constitutional model” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 5).

What is at stake, Judge Farah wrote, is “freedoms such as those of self-determination, of expression of ideas, of worship, of association for useful purposes, of teaching and learning, and those contained in articles 14 and 19 of the National Constitution and in different provisions of the American Declaration of the Rights and Duties of Man, of the Universal Declaration of Human Rights, of the American Convention on Human Rights, and of the International Covenant on Civil and Political Rights” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 5).

After this, Judge Farah pointed out the evidentiary shortcomings he had indicated on that occasion, and again mentioned the weakness of the report produced with very little information by the PNR, in which certain assertions were made about psychological subjugation of “victims” allegedly practiced by “cults,” which in his opinion were not persuasive. He then developed a detailed evaluation of the medical expert reports and took into account the active participation of the alleged victims, who consistently supported the position of the defense. As he explained, all the statements of the nine women were consistent over time and emphatic in affirming their self-determination and their anger at the quality of victims that had been imposed on them by the prosecutors and the judge.

Based on this analysis, Judge Farah observed that the alleged victims did not show symptoms or signs of psycho-pathological disorders or alterations, nor psychotic disorders or intellectual deficits. He added that “there were no symptoms compatible with post-traumatic stress or indicators of trauma related to sexual subjugation or enslavement or any form of ‘depersonalization’ or ‘brainwashing’ as alleged in the accusation in the case file” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 42).

Thus, he concluded, it was possible to affirm that the mental faculties of these women were normal. On the other hand, the judge concluded that the alleged victims’ membership and participation in the BAYS was always voluntary and that this had not impeded or affected their full social integration.

In addition to this, Judge Farah pointed out that no indicators of vulnerability or any other situation were identified that would allow to sustain that the women were manipulated, unduly influenced, or controlled. The magistrate also stated that these conclusions were reflected in the impression he had gained from the statements made by the alleged victims in the hearings held before the court, “in which they emphatically denied having been victims of trafficking or any imposition to do, not do, or tolerate anything against their will. They defended their own ideals and life choices, just as they had done in their statements made in the Gesell Chamber” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 43). All this led Farah to rule out that the nine women’s own accounts in the case could be disqualified on scientific grounds.

Based on these assessments, Judge Farah considered that the exposure of private matters of the nine women concerning their personality, their intimacy, and their life choices was “more than enough to rule out the need for any further inquiry, interrogation or molestation in the future, which I reaffirm based on the impression I gathered from the statements made by these persons in the hearings held before the Court” (Sala 2 de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina 2023a, 43).

For the above reasons, then, his vote proposed to revoke the appealed resolution, to uphold the exception filed and to dismiss the charges against all the accused in relation to the facts for which they were investigated and prosecuted.

Conclusion

On December 22, 2023, the prosecutors filed an appeal in cassation against the decision of the Court of Appeals.

Unless this appeal in cassation is accepted, the concrete consequence of the above rulings will be the return of the case file back to the judge of first instance, Ariel Lijo, so that he may properly evaluate the evidence collected so far, with special reference to the psychiatric and psychological examinations of the alleged victims performed by experts of the Forensic Medical Corps of the Supreme Court. In addition, Judge Lijo was urged to re-examine the defense's plea of lack of action and the objections of a constitutional nature introduced by the defense. These circumstances could lead to a re-evaluation of the indictments issued and of the procedural situation of the other defendants who provided statements and documentary evidence and who have not yet received a response from the prosecution or by the judge. In the event of an unfavorable ruling for the defendants, the defense may appeal again to obtain a review by the higher court before reaching the elevation to trial.

Appendix: A Chronology of Recent Events

September 8, 2022. Judge Lijo pronounces nineteen indictments.

November 4, 2022. The Court of Appeals partially confirms 17 indictments (revoking some of the charges in 10 of them), finds lack of merit in the other two, orders the release of all detainees, and urges Judge Lijo to hear the alleged victims and especially to conduct psychological and psychiatric tests.

July 4, 2023. The expert examination of the alleged victims is concluded, with results signed in agreement by all the intervening experts of the Supreme Court of Justice of the Nation and the experts on behalf of the parties (the experts on behalf of MPF add to their agreement the clause "We reserve the right to expand"). Judge Lijo schedules a hearing for the prosecutors to conclude the investigation.

July 7, 2023. The defense files an exception for lack of action (absence of crime). They also file a nullity action (asking for the annulment of the hearing of July 4).

August 7, 2023. The prosecutors present their request for partial elevation to trial.

August 15, 2023. The defense opposes the elevation to trial and offers new evidence. The defense counsels present scientific and journalistic articles. They attach a letter from twelve NGOs (*Bitter Winter 2023*) expressing concern. They comment on the results of the forensic reports. They explain that the so-called “sleep cures” practiced by BAYS that prosecutors regarded as a sinister means of brainwashing are normal procedures and are even fashionable, with publications about them. They state that many other people who requested to be heard, as well as people who can provide key information such as clients of the companies under investigation, have not been called to testify. They present the written testimonies of more than fifty individuals; and they criticize in detail the arguments of the prosecution, questioning the veracity and coherence of the conclusions it presented.

August 17, 2023. The nine alleged victims file a brief opposing the elevation to trial. The prosecutors file a “supplementary report,” prepared by their expert witnesses (DATIP), in which they argue that the nine women are under “coercive persuasion.”

August 21 to 27, 2023. The nine alleged victims submit several briefs strongly criticizing DATIP’s “supplementary report.”

September 19, 2023. Judge Lijo signs the order of elevation to trial for the seventeen defendants. At the same time, he rejects the exception for lack of action and the nullity claim of the defense.

September 21 to 25, 2023. The defense counsels appeal the rejection of the exception for lack of action and the nullity claim. In addition, they appeal the elevation to trial order and ask for a declaration of unconstitutionality of article 352 criminal procedure code that establishes the prohibition to appeal an elevation to trial.

September 26, 2023. Judge Lijo passes the appeals for nullity claim and lack of action to Court of Appeals.

October 2, 2023. Judge Lijo rejects the appeal to elevation to trial and unconstitutionality of Article 352. The defense resubmits it in a complaint before Chamber 2 of the Court of Appeals.

December 7, 2023. The Court of Appeals rules the nullity of the decree closing the preliminary investigation and the consequent elevation to trial of defendants and sends the case back to Judge Lijo. In a dissenting opinion, Judge Farah states that he believes all the defendants should be acquitted and the case closed, while the other two judges argue that the issue of lack of crime cannot be dealt with until the validity or otherwise of the new elements submitted has been discussed.

December 22, 2023. The prosecutors file an appeal in cassation against the Court of Appeals decision of December 7.

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Note: I also relied on a collection of trial documents the defendant's lawyers kindly allowed me to consult.

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