

**TECHNICAL INFORMATION SHEET**  
**PETITION 2829-02 INOCENCIO RODRÍGUEZ**  
**FRIENDLY SETTLEMENT REPORT N° 19/11**  
**TOTAL COMPLIANCE**  
**(ARGENTINA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** Inocencio Rodríguez

**Petitioner (s):** Rodolfo M. Ojea Quintana

**State:** Argentina

**Friendly Settlement Agreement Report No.:** 19/11, published on March 23, 2011

**Related Rapporteurship:** Unit on Memory Truth and Justice

**Topics:** Judicial Guarantees/ Torture/ Judicial Protection/ Persons deprived of liberty/ Police violence

**Facts:** The petitioner alleged that during the last military dictatorship, Mr. Inocencio Rodríguez had been deprived of his liberty for more than four years in a prison controlled by the army. He added that the alleged victim had been systematically tortured by agents of the State, and that the conditions of his incarceration had been unacceptable. The petitioner also noted that once the rule of law had been reestablished, several reparations laws were enacted, including Law No. 24.043 and No. 24.906, under which Mr. Rodríguez applied for reparations in 1996. That same year, the Ministry of Interior granted reparations for the period of 14 days from the time of the alleged victim's arrest until he was turned over to the custody of the federal court, but refused to concede reparations for the remainder of Mr. Rodríguez' incarceration, on the grounds that a non-military court had convicted him in regular legal proceedings. The petitioner contends that the Argentine justice system would have therefore considered Mr. Rodríguez an ordinary prisoner and not a political victim of the *de facto* authoritarian regime. The petitioner argued that denying reparations to Mr. Rodríguez would be tantamount to discrimination and had deprived him of a right to which he is entitled under the law. The petitioner argued that the judicial remedies pursued were ineffective and that the authorities acted arbitrarily.

**Alleged Rights:** The petitioner alleged that the Republic of Argentina was responsible for violation of the rights enshrined in the Convention in Articles 8 (right to a fair trial), 21 (right to property), 24 (right to equal protection) and 25 (right to judicial protection) in relation to the obligation to respect rights set out in Article 1.1 of the same legal instrument.

**II. PROCEDURAL ACTIVITY**

1. On August 16, 2007, the parties signed the friendly settlement agreement, subsequently ratified by National Executive Decree 568, of April 4, 2008.

2. On August 16, 2007, the parties signed the friendly settlement agreement. On March 23, 2011, the Commission approved the friendly settlement agreement, in Report No.19/11.

### III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
<b>III. MEASURES TO BE ADOPTED</b>	
1. The parties hereby agree that Mr. Inocencio Rodríguez should be granted monetary reparations in accordance with the scheme envisaged in Law No. 24.043, for the whole period during which he was detained and not compensated within the framework of file MI No. 345.041/92. The administrative procedure will be initiated by filing a complaint with the Secretariat of Human Rights of the Ministry of Justice and Human Rights of the Nation, according to the provisions of said law regarding jurisdiction in such matters. The Ministry will have to adopt all the measures required to certify the period of time that was effectively detained Mr. Inocencio Rodriguez according to law 20.840.	<b>Total<sup>1</sup></b>
2. The State also undertakes to prepare, through its Secretariat of Human Rights of the Ministry of Justice, Security and Human Rights of the Nation, a draft amendment to Law No. 24.043 in order to include, under conditions deemed appropriate, cases in which a person is deprived of his freedom in accordance with the provisions of Law No. 20.840 as grounds for compensation under its regulatory framework. The State also undertakes, to the best of its ability, to refer the amendment to the Argentine Congress as soon as possible.	<b>Total<sup>2</sup></b>
3. The petitioners definitively and irrevocably renounce their right to file any other claim of any kind against the national State, in connection with this case.	<b>Declarative Clause</b>

#### IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring of the friendly settlement agreement in its Annual Report 2016.

#### V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

##### A. Individual outcomes of the case

- The State made a payment as financial compensation by crediting Seventh Series Consolidation Bonds to an account at the *Caja de Valores S.A.*, in an account to the order of the First Instance Court No.3 of Santa Rosa, La Pampa, in the case “Rodriguez Inocencio, Intestate Succession.”

##### B. Structural outcomes of the case

- On November 25, 2009, the State adopted Law No.26.564, whereby it incorporated as beneficiaries thereof “anyone (...) detained, tried, convicted, and/or subject to military justice or courts-martial, in accordance with the provisions of Decree 4161/55, or the State’s Plan on Internal Disruptions, and/or Laws 20.840, 21.322, 21.323, 21.325, 21.264, 21.463, 21.459, and 21.886.

<sup>1</sup> See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with the recommendations of the IACHR, paras. 194-205.

<sup>2</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with the recommendations of the IACHR, paras. 168 -173.