

TECHNICAL INFORMATION SHEET
CASES No. 10.288, 10.310, 10.436, 10.496, 10.631 and
10.771 MIGUEL VACA NARVAJA AND OTHERS
FRIENDLY SETTLEMENT REPORT N° 1/93
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim (s): Miguel Vaca Narvaja, Bernardo Bartoli, Guillermo Alberto Birt, Gerardo Andrés Caletti, Silvia Di Cola, Irma Ferrero de Fierro, José Enrique Fierro, Marta Ester Gatica de Giuliani, Héctor Lucio Giuliani, Jorge Abelardo Olivares, Rubén Héctor Padula, José Mariano Torregiani and Guillermo Rolando Puerta.

Petitioner (s): Miguel Vaca Narvaja, Bernardo Bartoli, Guillermo Alberto Birt, Gerardo Andrés Caletti, Silvia Di Cola, Irma Ferrero de Fierro, José Enrique Fierro, Marta Ester Gatica de Giuliani, Héctor Lucio Giuliani, Jorge Abelardo Olivares, Rubén Héctor Padula, José Mariano Torregiani and Guillermo Rolando Puerta.

State: Argentina

Admissibility Report No.: N/A

Report on Friendly Settlement Agreement No.: [1/93](#), published on March 3, 1993.

Related Rappporteurship: N/A

Topics: Judicial Guarantees / Judicial Protection

Facts: The petitioners argued that they were victims of arbitrary detention during the Military Dictatorship that ruled Argentina from 1976 to 1983. All these arrests were made without a court order, varying between 3 months and 7 years of confinement. In addition, most of the petitioners were detained under oppressive conditions, in an atmosphere of torture.

On the other hand, the petitioners tried to obtain justice, but argued that the decisions of the Argentinian Supreme Court applied the statute of limitations to their actions thus violating the right to a fair trial and to judicial protection, enshrined in Articles 8 and 25 of the American Convention of Human Rights.

The victims' petition did not pertain to issues relating to the detentions or conditions thereof, but to the violation of the rights contained in Articles 8 and 25 of the Convention, since the detention and torture occurred prior to the ACHR's coming into force in Argentina.

II. PROCEDURAL ACTIVITY

1. On May 11, 1990, the State reported its interest in providing comprehensive reparation to the victims. On April 26, 1990, the State had established by decree an *ad hoc* commission to draft a bill to provide the petitioners with the compensation they deserved.

2. On January 10, 1991, the State enacted Decree 79/91, wherein it recognized the victims' right to an award of adequate compensation and the State indicated that the Interior Ministry was the entity authorized to deal with the compensation.

3. On September 11, 1991, the parties signed a consent agreement whereby they acknowledged that the compensation awarded by Decree 70/91 satisfied all the petitioners' claims.

4. The petitioners finally accepted the following compensation:

Vaca Narvaja, Miguel - 56,511 pesos
Bartoli, Bernardo - 36,855 pesos
Birt, Guillermo Alberto - 71,739 pesos
Caletti, Gerardo Andrés - 24,921 pesos
Di Cola, Silvia - 58,212 pesos
Ferrero de Fierro, Irma Carolina - 4,401 pesos
Fierro, José Enrique - 20,655 pesos
Gatica de Giuliani, Marta Ester - 28,377 pesos
Giuliani, Héctor Lucio - 80,514 pesos
Olivares, Jorge Abelardo - 46,899 pesos
Padula, Rubén Héctor - 56,403 pesos
Torregiani, José Mariano - 37,773 pesos
Puerta, Guillermo Rolando - 67,284 pesos

5. The parties held hearings with the Commission on September 19, 1991, January 31, and September 19, 1992, to keep abreast of fulfillment of the commitments undertaken.

III. LEVEL OF COMPLIANCE OF THE CASE

6. Both the State and the petitioners expressed their satisfaction with the friendly settlement procedure and requested the Commission to close the cases.

7. On March 3, 1993, the Commission issued Friendly Settlement Report No. 1/93 approving the agreement reached between the parties and concluding supervision of the cases.

IV. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State of Argentina granted financial compensation to 13 victims.