

TECHNICAL INFORMATION SHEET
CASE 12.159 GABRIEL EGISTO SANTILLÁN
REPORT ON FRIENDLY SETTLEMENT N° [79/09](#)
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim(s): Gabriel Egisto Santillán

Petitioner(s): Mirta Liliana Reigas

State: Argentina

Beginning of the negotiation date: January 2, 2004

FSA signature date: May 28, 2008

Report on Admissibility No. [72/03](#), published on October 22, 2003

Friendly Settlement Agreement Report No. [79/09](#), published on August 6, 2009

Estimated length of the negotiation phase: 5 years

Related Rapporteurship: Children and adolescents

Topics: Excessive use of force/investigation/ police violence

Facts: The petitioners asserted that the State was responsible for the death of Gabriel E. Santillán, which happened on December 8, 1991, when he was 15 years old. The victim died from a bullet wound he sustained on December 3, 1991, when members of the Buenos Aires Provincial Police were in pursuit of unidentified persons accused of stealing a vehicle. The complaint also alleges that judicial protection and guarantees were denied by virtue of the lack of due diligence in the investigation into the facts and failure to punish those responsible for the death of Gabriel E. Santillán.

Rights declared admissible: The Commission concluded that it was competent to take cognizance of the instant matter and that the petition was admissible, pursuant to Articles 46 and 47 of the American Convention insofar as the alleged violations of the rights of Gabriel Egisto Santillán under Articles 1(1), 4 (right to life), 5 (humane treatment), 8 (due process) and 25 (judicial protection) of the American Convention on Human Right are concerned.

II. PROCEDURAL ACTIVITY

1. On May 28, 2008, the parties signed a friendly settlement agreement.
2. On August 6, 2009, the Commission approved the agreement signed by the parties, by means of Report No. 79/09.

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

Agreement clauses	Status of compliance
II. Primary Responsibility of the Province of Buenos Aires. Attendant International Responsibility of the Argentine State.	Declarative clause
III. Measures to be Adopted	
A. Monetary Reparation Measures	Total¹
B. Non-Monetary Reparation Measures	
1. The Government of the Argentine Republic pledges to publish this agreement—once it has been officially approved by the Inter-American Commission on Human Rights, in accordance with the provisions of Article 49 of the American Convention on Human Rights—by means of a notice in the “Official Gazette of the Argentine Republic” and in a nationally distributed newspaper. The text of the notice shall be agreed in advance with the victim’s relatives.	Total²
2. The Government of the Argentine Republic undertakes to invite the Government of the Province of Buenos Aires to report on the status of the following cases being heard by courts in the provincial jurisdiction until their final conclusion: a. Case 5-231148-2, entitled “Perpetration of Crime and Resisting Authority, along with Assault with Weapons, Homicide, and Discovery of Vehicle. Victim: Santillán, Gabriel Egisto,” before the Second Transitional Court of the Court of First Instance for Criminal and Correctional Matters of the Morón Judicial District, Buenos Aires Province. b. Cases 3001-2014/99, entitled “Ministry of Justice. Santillán, Gabriel Egisto. Case report No. 23.148/91,” and 3001-465/05, entitled “Executive Power of Buenos Aires Province – Sub-Secretariat of Justice Remits Case 12.159—Santillán, Gabriel Egisto,” both before the Supreme Court of Justice of Buenos Aires Province.	Total³
3. The Government of the Argentine Republic commits to carrying out its best efforts to hold an academic event, as soon as possible, on questions having to do with the interaction and coordination between the Federal State and the Provincial States in the area of compliance with international obligations, in light of the provisions of Article 28 of the American Convention on Human Rights.	Total⁴

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2022 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State made economic reparation, as agreed in the arbitral award;
- The State published the friendly settlement agreement, as agreed.

¹ See IACHR, 2012 Annual Report, Chapter II, Section D. Status of Compliance with the Recommendations of the IACHR, paras. 105-117.

² See IACHR, 2018 Annual Report, Chapter II, Section G. Status of compliance with the recommendations issued by the IACHR in merits reports and friendly settlement agreements approved by the IACHR, Available at: <http://www.oas.org/es/cidh/docs/annual/2018/docs/IA2018cap.2-es.pdf>

³ See IACHR, 2022 Annual Report, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements, Available at: [4-IA2022_Cap_2_EN.pdf \(oas.org\)](http://www.oas.org/es/cidh/docs/annual/2022/docs/IA2022_Cap_2_EN.pdf)

⁴ See IACHR, 2018 Annual Report, Chapter II, Section G. Status of compliance with the recommendations issued by the IACHR in merits reports and friendly settlement agreements approved by the IACHR, Available at: <http://www.oas.org/es/cidh/docs/annual/2018/docs/IA2018cap.2-es.pdf>

- The State invited the Government of the Province of Buenos Aires to report on the status of the case files found in public agencies of the provincial jurisdiction until they are definitively closed.

B. Structural outcomes of the case

- The State organized regional meetings on "the relationship between the 2030 sustainable development agenda and international recommendations arising out of the third cycle of the universal periodic review." The idea had been to disseminate the recommendations of the treaty bodies and the UPR and to raise awareness of the need to include a federal perspective in country reports.