

**TECHNICAL INFORMATION SHEET**  
**CASE N° 11.708 ANÍBAL ACOSTA AND OTHERS**  
**FRIENDLY SETTLEMENT REPORT N° 20/11**  
**TOTAL COMPLIANCE**  
**(ARGENTINA)**

**I. SUMMARY OF THE CASE**

**Victims (s):** Aníbal Acosta, Ricardo Luis Hirsch and Julio César Urien  
**Petitioner (s):** Rodolfo M. Ojea Quintana and, subsequently, attorney Tomás Ojea Quintana was added as petitioner  
**State:** Argentina  
**Friendly Settlement Agreement Report No.:** 20/11, published on March 23, 2011  
**Related Rappporteurship:** Persons Deprived of Liberty  
**Topics:** Judicial guarantees/ judicial protection/ right to equal protection  
**Facts:** According to the petitioners, the alleged victims were members of the military personnel of the School of Mechanics of the Argentine Navy, serving as officers, with the rank of navy cadets, and, because they had participated, on November 17, 1972, in the group that promoted the return of former constitutional president Juan Domingo Perón, were prosecuted in a military trial. Nevertheless, once constitutional order was restored in Argentina, the Congress adopted an amnesty law in 1973, which considered the actions attributed to the alleged victims and closed the summary military proceedings in which they were defendants, with no verdict reached. The petitioners added that, despite this, the Executive Power, by decree of July 1974, ordered the compulsory discharge of the alleged victims, on the basis of the 1972 charges, for which they had already been granted amnesty. The petitioners add that the alleged victims requested that this administrative ruling be vacated. This motion was denied despite a legal precedent on an identical case, and that the courts had rejected their claims on procedural grounds without ruling on the merits of the case.  
**Rights Alleged:** The petitioners alleged that the Republic of Argentina was responsible for the violation of rights protected by the Convention in Articles 8 (right to a fair trial), 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 April 21, 2010, the parties signed a friendly settlement agreement.
2. On March 23, 2011, the Commission approved the friendly settlement agreement, in Report No.20/11.

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

Agreement Clause	Status of Compliance
------------------	----------------------

<b>III. MEASURES ADOPTED BY THE ARGENTINE STATE</b>	
1. Accordingly, 33 years after the events reported, on November 17, 2005, the Argentine president signed Decree No. 1404, providing as follows:	
a. To declare null the compulsory discharge of the petitioners from the Argentine Navy, as of July 1, 1974, and to reinstate them under compulsory retirement status;	<b>Total<sup>1</sup></b>
b. To grant the petitioners the rank of frigate lieutenant under effective compulsory retirement status, as of July 16, 1974;	<b>Total<sup>2</sup></b>
c. To grant the petitioners retirement pay based on 35 years of basic military service; and	<b>Total<sup>3</sup></b>
d. To recognize the pay due to the petitioners as of five years prior to the date of issuance of the decree.	<b>Total<sup>4</sup></b>

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

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2014.

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

##### **A. Individual outcomes of the Case**

- The State annulled the compulsory discharge of the petitioners from the Argentine Navy, and ordered their reinstatement under compulsory retirement status.
- The State granted the petitioners the rank of Frigate Lieutenant under effective compulsory retirement status, with retirement pay equivalent to 100% of monthly pay and general supplements for said rank.
- In Executive Decree 1404 of November 17, 2005, the petitioners gained effective compulsory retirement status and were accorded backdated pay effective from July 16, 1999. The State acknowledged to the petitioners lost pay for the five years prior to the date of the Decree's enactment.

<sup>1</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras., 174-179.

<sup>2</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras., 174-179.

<sup>3</sup> See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras., 173-181.

<sup>4</sup> See IACHR, Annual Report 2014, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras., 173-181.