

TECHNICAL INFORMATION SHEET
CASE 11.796 MARIO HUMBERTO GÓMEZ YARDEZ
FRIENDLY SETTLEMENT REPORT N° 16/10
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victims (s): Mario Humberto Gómez Yardez

Petitioner (s): Diego Lavado and Carlos Varela Álvarez

State: Argentina

Admissibility Report No.: **91/00**, published on October 10, 2000

Friendly Settlement Agreement Report No.: **16/10**, published on March 16, 2010

Related Rapporteurship: N/A

Topics: Arbitrary Detention/Judicial Guarantees/Judicial Protection

Facts: On August 5, 1997, the IACHR received a petition in which the petitioners alleged that in 1990, the victim had suffered arbitrary detention and torture committed by police officers in the course of an investigation for aggravated robbery, aggravated rape and attempted homicide. They also maintain that the State of Argentina was responsible for various violations during 1990 of the right to a fair trial and due process guarantees suffered by the alleged victim during his prosecution by the Mendoza Courts. The petitioners further contend that the competent authorities had allowed a lengthy amount of time to elapse since the commission of the crimes without handing down judgment, as a result of which the accused police officers benefited from the application of the statute of limitations.

Rights Declared Admissible: The Commission declared its competence to hear the present case and that the petition was admissible under Articles 8 (right to a fair trial) and 25 (right to judicial protection), in relation to Articles 1.1 and 2 of the American Convention.

II. PROCEDURAL ACTIVITY

1. On December 5, 2006, the parties signed a friendly settlement agreement.
2. On March 16, 2010, the Commission approved the friendly settlement agreement signed by the parties in Report No.16/10.

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

Agreement Clause	Status of Agreement
1. ACKNOWLEDGEMENT OF RESPONSIBILITY:	
The petitioner and the Government of the Province of Mendoza agree to sign a	

friendly settlement agreement containing the State’s acknowledgement of its responsibility in this matter and the establishment of an Ad Hoc Arbitration Tribunal to determine reparations, measures of non-repetition, and compensation.	Declarative Clause
2. MEASURES OF PECUNIARY REPARATION:	
The petitioner and the Government of the Province of Mendoza agree to convey the aforesaid Agreement to the Ministry of Foreign Affairs, International Trade, and Worship, within a period of no more than five business days, with the composition and regulations of the Arbitration Tribunal, for it to be forwarded to the Inter-American Commission on Human Rights for its formal adoption (acceptance).	Total¹
3. The Government of the Province of Mendoza reserves the right to refer the Agreement as formally approved by the Inter-American Commission on Human Rights to the Provincial Legislature for its assent.	Declarative Clause

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance of the case and ceased monitoring of the friendly settlement agreement in its Annual Report 2011.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE.

A. Individual outcomes of the Case

- The State acknowledged its responsibility for committing violations of human rights;
- The State granted economic reparation, according to the decision of the arbitral award; as agreed, the State published the friendly settlement agreement.

¹ See IACHR, Annual Report, Chapter III, Section D: State of Compliance with IACHR’s Recommendations, paras. 159-164.