

TECHNICAL INFORMATION SHEET
PETITION 4554-02 VALERIO CASTILLO BÁEZ
FRIENDLY SETTLEMENT REPORT N° 161/10
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim (s): Valerio Castillo Báez

Petitioner (s): Valerio Oscar Castillo Báez, Pablo Gabriel Salinas Cavalotti, and Rosa Irene Viudez

State: Argentina

Friendly Settlement Agreement Report No.: 161/10, published on November 1, 2010

Related Rapporteurship: Rapporteurship on the right of Persons Deprived of their Liberty/
Memory Truth and Justice Unit

Topics: Judicial Guarantees/right to equal protection/right to judicial protection/freedom of
association

Facts: According to the petitioners, during the military dictatorship the alleged victim was detained and held under arrest from May 5, 1980 to April 13, 1982, accused under federal law of infringing Law No. 20,840 that established it was a crime to participate in political parties considered to be subversive, and was absolved of the charges on April 13, by Federal Court No. 1 of Mendoza. The petitioners also requested, without success, that the competent authorities compensate Valerio Oscar Castillo Báez for damages in view of the fact that Law 24,043 provides that a compensation must be paid to anyone who was placed under the authority of the National Executive Power or deprived of their freedom under orders issued by military courts or authorities.

Alleged Rights: The petitioners alleged that the Republic of Argentina was responsible for violation of the rights enshrined in Articles 8 (right to a fair trial), 21 (right to property), 24 (right to equal protection), and 25 (right to judicial protection) of the American Convention on Human Rights, in relation to the provisions of Article 1.1 (obligation to respect rights) and Article 2 (domestic legal effects) of the same instrument.

II. PROCEDURAL ACTIVITY

1. On October 2, 2008, the parties signed a Friendly Settlement Agreement.
2. On November 1, 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 Compliance
III. MEASURES FOR ADOPTION	
<p>1. The parties hereby agree that Mr. Valerio Oscar Castillo Báez should be granted monetary reparation in accordance with the scheme stipulated in Law 24,043, for the whole period during which he was detained and which he was not compensated within the framework of file MI No. 329.637/92. 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 Secretariat must then adopt the necessary measures to certify under Law 20,840 effectively the period of time that Mr. Castillo was held under detention.</p>	Total¹
<p>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 24,043 in order to include, under conditions deemed appropriate, cases in which a person is deprived of his freedom in accordance with the law. The State also undertakes, to the best of its ability, to refer the amendment to the Argentine Congress as soon as possible.</p>	Total²
<p>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.</p>	Declarative Clause

IV. LEVEL OF COMPLAINT OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2013.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State made a payment of 153,575 pesos in bonds as monetary reparations to the victim through Resolution No.0062 of January 9, 2007, issued by the National Defense Ministry.

B. Structural outcomes of the case

- The State approved Law 26.564, enacted on December 15, 2009, expanding the definition of beneficiaries entitled to the protection of Laws 24.043 and 24.211. It was expressly ordered that the beneficiaries considered under those laws include political prisoners, victims of forced disappearance, or persons who died between June 16, 1955 and December 9, 1983. Also included, among others, were the victims of the uprisings of 1955, as well as soldiers who did not join the rebellion against the Constitutional government and because of this became the victims of defamation, marginalization, and/or dismissal.

¹ See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with the recommendations of the IACHR, paras. 165-175.

² See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with the recommendations of the IACHR, paras. 182-188.