

TECHNICAL INFORMATION SHEET
PETITION 1376 – 19 SILVIA ANGÉLICA FLORES MOSQUERA
FRIENDLY SETTLEMENT REPORT No. 183/22
TOTAL COMPLIANCE
(URUGUAY)

I. SUMMARY OF THE CASE

Victim(s): Silvia Angélica Flores Mosquera
Petitioner(s): Silvia Angélica Flores Mosquera
State: Uruguay
Beginning of the negotiation date: April 5, 2022
FSA signature date: August 10, 2022
Report on Admissibility No. N/A
Friendly Settlement Agreement Report No. 183/22 published on August 15, 2022
Estimated length of the negotiation phase: 4 months
Related Rapporteurship: N/A
Topics: Right to Social Security / Judicial Guarantees / Equal Protection

Facts: According to the allegations in the petition, the petitioner has been declared a victim of State Terrorism pursuant to the provisions of Law 18.596. In her statement, the petitioner held that she was forced to give up her disability pension in order to receive the Special Reparatory Pension (PER), to which she claims she should have had access after the death of her husband Carlos Robles, who was also declared a victim of State Terrorism and entitled to the PER in accordance with the provisions of Article 11 of Law 18.033 and Article 6 of Regulatory Decree 106/007. According to the documentation provided by the petitioner, on January 17, 2019, the petitioner filed a petition with the Executive Branch requesting it to modify Law 18.033. In this regard, the petitioner held that she did not receive a response. Likewise, the petitioner argued that, on August 7, 2019, she filed before the Supreme Court of Justice an action for a declaration of unconstitutionality of subsection 2 of Article 11 of Law 18.033. Subsequently, on December 2, 2019, the Constitutional Court reportedly dismissed the action filed.

Alleged rights: On June 4, 2019, the Inter-American Commission on Human Rights received a petition filed by Silvia Angélica Flores Mosquera, claiming the international responsibility of the Republic of Uruguay for the violation of rights contemplated in several international instruments, for allegedly not having had access to a social benefit established in Law 18. 596 of September 18, 2009, despite having been recognized as a victim of the dictatorship between February 9, 1973, and February 28, 1985.

II. PROCEDURAL ACTIVITY

1. On August 10, 2022, the parties signed a friendly settlement agreement.
2. On August 15, 2022, the IACHR published Report No. 183/22, approving the friendly settlement agreement

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

Clause of the Agreement	Status of Implementation
<p>SECOND: ACKNOWLEDGEMENT OF RESPONSIBILITY: The Uruguayan State recognizes once again the status of Mrs. Silvia Flores Mosquera as a Victim of State Terrorism and widow of Mr. Carlos Robles Iturbides, victim of State terrorism in Uruguay in accordance with the terms of Law 18. 596 dated September 18, 2009, admitting international responsibility for the violation of the rights recognized in articles 5 (humane treatment) and 7 (personal liberty), due to the serious situation of certain facts occurred in a particular historical period between February 9, 1973 and February 28, 1985, in which there has not been a full enjoyment of the guarantees of individual rights. This acknowledgement of international responsibility is limited to the rights indicated in relation to Mrs. Silvia Angélica Flores Mosquera.</p> <p>Without prejudice to the foregoing, it should be noted that in accordance with national legislation this acknowledgement has already been granted by the Uruguayan State and is what has entitled Mrs. Flores Mosquera to receive the Special Reparatory Pension (PER), which implies the State's recognition of the deprivation of liberty suffered by persons detained and prosecuted or who were forced to leave the country or who remained clandestine for more than 180 days for political reasons between February 9, 1973 and February 28, 1985.</p>	<p>Declarative clause</p>
<p>THIRD: SATISFACTION MEASURES</p>	
<p>1. Acts of Acknowledgment of Responsibility: The Uruguayan State shall conduct a Private Act of Signature and Acknowledgement of Responsibility, which shall be carried out in person with the virtual participation and monitoring of the IACHR. The act will be performed in accordance with the acknowledgement of responsibility indicated in this Agreement. This measure shall be in charge of the Ministry of Foreign Affairs.</p>	<p>Total¹</p>
<p>2. Economic Agreement. The State undertakes to pay Mrs. Silvia Angélica Flores Mosquera: i) The total and settled amount of [...]. Said amount shall be paid through a bank transfer to the savings account in Uruguayan pesos in account No. [...] Branch No. 036 of Banco República in the name of Mrs. Silvia Flores Mosquera.</p>	<p>Total²</p>
<p>ii) It is also agreed to deliver a monthly rent of [...]. In all cases, the proof of transfer issued by the remitting bank will be sufficient to accredit the payment. These payments are linked to Mrs. Silvia Angélica Flores Mosquera, therefore they will automatically cease on the date of her death. The successors of Mrs. Silvia Angélica Flores Mosquera at that time shall inform the Services in charge of such payments at the latest during the month following the occurrence of such event. Any payment unduly received after that date shall be subject to restitution action.</p>	<p>Total³</p>
<p>FOURTH. COMPENSATION MEASURES: The State undertakes to initiate the administrative process to make the agreed financial compensation effective within a maximum period of two months as of the date on which the friendly settlement agreement is approved through the issuance of the report under Article 49 of the American Convention on Human Rights.</p>	<p>Total⁴</p>

¹ IACHR, Report No. 183/22, Petition 1376 - 19. Friendly Settlement. Silvia Angélica Flores Moquera. Uruguay. August 15, 2022. <https://www.oas.org/en/iachr/decisions/2022/UR%20SA%20P-1376-19-EN-rev%20EM%20-%20PF-Final%20WEB.pdf>

² See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf

³ See IACHR, 2023 Annual Report, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements, Available at: https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF

⁴ See IACHR, *Annual Report 2022*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available in: https://www.oas.org/en/iachr/docs/annual/2022/Chapters/4-IA2022_Cap_2_EN.pdf

<p>ELEVENTH. CONFORMITY AND HOMOLOGATION BEFORE THE IACHR: The parties request the IACHR to homologate this friendly settlement agreement pursuant to Article 49 of the American Convention on Human Rights and Article 41 of the Rules of Procedure of the Inter-American Commission on Human Rights, once the act of acknowledgment of responsibility set forth in the third clause has been fulfilled.</p>	<p>Declarative clause</p>
--	----------------------------------

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 2023 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The Uruguayan State recognized Silvia Flores Mosquera’s status as a victim of State terrorism and as the widow of Carlos Robles Iturbides, a victim of State terrorism in Uruguay, pursuant to the terms of Law 18,596, dated September 18, 2009. It admitted international responsibility for the violation of the rights recognized in Articles 5 (humane treatment) and 7 (personal liberty), due to the gravity of certain events that occurred in a particular historical period between February 9, 1973, and February 28, 1985, in which individual rights were not fully guaranteed, in accordance with the terms established in the second clause of the friendly settlement agreement.
- The State held a ceremony on August 10, 2022, at the offices of the Ministry of Foreign Affairs in Montevideo, to sign the friendly settlement agreement, recognize its responsibility, and ask forgiveness, with the Inter-American Commission joining virtually.
- The State granted economic compensation to Silvia Flores Mosquera in the agreed terms.
- The State took steps to grant a monthly rent to Silvia Flores Mosquera in the agreed-upon terms and to ensure its provision until her death.