

REPORT No. 168/11
PETITION 11.670
FRIENDLY SETTLEMENT
AMÍLCAR MENÉNDEZ, JUAN MANUEL CARIDE *et al.*
ARGENTINA
November 3, 2011

I. SUMMARY

1. On December 27, 1995, the Inter-American Commission on Human Rights (hereinafter, “the Commission” or “IACHR”) received a petition lodged by Amílcar Menéndez and Juan Manuel Caride with the sponsorship of their attorneys, Sergio Carlos Bobrovsky and Horacio Ricardo González. Until September 30, 1999 the Commission received additional petitions from several natural persons — on their behalf or on behalf of a third-party. Afterwards, the *Centro de Estudios Legales y Sociales* (CELS) and the Center for Justice and International Law (CEJIL) were included among the petitioners.¹ All of the parties mentioned in the foregoing will hereinafter be referred to as “the petitioners”.² The petitions allege that the Republic of Argentina (hereinafter, “the State” or “the State of Argentina” or “Argentina”) violated the right to judicial protection, the right to a hearing within a reasonable time, the right to property and the right to equal protection, which are enshrined in Articles 25.2.c, 8, 21 and 24, respectively, of the American Convention on Human Rights (hereinafter, “the Convention” or “the American Convention”), as pertains to Articles 1.1 and 2 of the Convention. The petitions also claim that the Republic of Argentina violated rights enshrined in the American Declaration of the Rights and Duties of Man (hereinafter, “the American Declaration”), namely the rights to the preservation of health and to well-being (Article XI), to social security as it relates to the duty to work and contribute to social security (Articles XVI, XXXV and XXXVII).

2. Before the petition was filed on behalf of the pensioners of Argentina, complaints were filed with the National Social Security Administration of the Republic of Argentina (*Administración Nacional de Seguridad Social de la República Argentina* and hereinafter, “ANSES”) and with the Argentine courts, seeking readjustment of retirement or pension benefits or to establish their amounts (social security benefits). Because of delays in the substantiation of claims and/or in compliance with judgments made in the cases, Mr. Menéndez and Mr. Caride —and those who subsequently joined with them— decided to lodge a petition with IACHR.

3. This report of friendly settlement, as provided in Article 49 of the Convention and Article 40.5 of the Rules of Procedure of the Commission, gives a summary of the facts alleged by the petitioners and transcribes the friendly settlement agreement, signed on November 4, 2009. Furthermore, the Commission approves the agreement entered into by the parties and agrees to publish this report in the Commission’s Annual Report to the General Assembly of the Organization of American States.

II. PROCEEDINGS BEFORE THE COMMISSION

¹ CEJIL, through a communication on April 7, 2011, notified the IACHR that it had ceased its representation in the case.

² The Admissibility Report of January 19, 2001 admitted 17 petitions from the following persons: Daniel Acevedo; Eduardo Agro; José Heribe Agrofoglio; Pedro S. Ambrosetti; Enrique Domingo Amodeo; Roberto Balciunas; the widow of Juan Manuel Caride (Caride died on December 5, 1999, his widow is the beneficiary of the pension derived from his death and successor to his social security rights); the heiress of Antonio Carmona (Carmona died on February 9, 1995 and his widow subsequently died. Currently, his daughter, Lidia Angélica Carmona, is the beneficiary of the pension derived from his death and successor to his social security rights); the widow of Angel Amadeo Cañaha (Cañaha died on February 22, 2002, his widow is the beneficiary of the pension derived from his death and successor to his social security rights); the widow of Amílcar Menéndez (Menéndez died on August 8, 1998, his widow is the beneficiary of the pension derived from his death and successor to his social security rights); Vittorio Orsi; Angela Otero; the widow of Amancio Modesto Pafundi (Pafundi died on March 20, 1999, his widow is the beneficiary of the pension derived from his death and successor to his social security rights); Pascual Piscitelli; Eduardo A. Rodríguez Arias; María Elena Solari and the widow of Enrique José Tudor (Tudor died on December 23, 2001, his widow is the beneficiary of the pension derived from his death and successor to his social security rights).

4. After receiving the original petitions of Amílcar Menéndez and Juan Manuel Caride, on December 27, 1995, and assigning them the case number 11.670, IACHR received other petitions that it added to the file, given the fact that the matters were closely related.

5. After requesting additional information from the State and from the petitioners on various occasions, the IACHR approved the admissibility of this case on January 19, 2001 (Report No. 03/01), concerning Articles 1.1, 2, 8.1, 21, 24 and 25.2.c of the Convention and the rights enshrined in the American Declaration under Article XI and those considered jointly under Articles XVI, XXXV, and XXXVII.

6. In October 2003, during the 118th Period of Sessions, a process of dialogue began between the parties.

7. The petitioners also filed communications with the Commission on the following dates: January 19, 2001, February 15, 2001, August 6, 2001, August 14, 2001, September 4, 2001, October 9, 2001, January 22, 2002, February 22, 2002, August 25, 2003, October 6, 2003, January 9, 2004, February 24, 2004, March 2, 2004, March 5, 2004, August 9, 2004, August 10, 2004, January 12, 2005, July 8, 2005, September 1, 2005, October 12, 2005, October 19, 2006, May 3, 2007, March 11, 2008, March 26, 2009, April 6, 2010, May 14, 2010 and November 8, 2010.

8. For its part, the State presented communications on the following dates: November 15, 2001, November 24, 2003, May 3, 2004, December 27, 2004, January 14, 2005, January 28, 2005, March 2, 2005, March 3, 2006, July 12, 2007, February 14, 2008, March 12, 2008, January 27, 2009, May 22, 2009, October 19, 2009, April 13, 2010, September 28, 2010 and July 1, 2011.

9. Within the context of a friendly solution the following meetings were held: on March 5, 2004, during the 119th Regular Period of Sessions; on October 26, 2004, during the 121st Regular Period of Sessions; on February 25, 2005, at the offices of Argentina's Minister of Foreign Affairs, on March 2, 2005, during the 122nd Regular Period of Sessions; on October 19, 2005, during the 123rd Regular Period of Sessions; on March 8, 2006, during the 124th Regular Period of Sessions; on October 20, 2006, during the 126th Regular Period of Sessions; on July 19, 2007, during the 128th Regular Period of Sessions and on March 11, 2008, during the 131st Regular Period of Sessions.

10. On November 4, 2009, during the 137th Regular Period of Sessions of the IACHR, the parties signed a friendly settlement agreement. For the signing of the agreement, the petitioners were represented by the attorneys Sergio Bobrovsky, Horacio González, Andrea Pochak with the *Centro de Estudios Legales y Sociales* (CELS) and Liliana Tojo for the Center for Justice and International Law (CEJIL). The National Director for Legal Affairs in Human Rights Matters of the Undersecretariat for Human Rights Protection of the Nation (*Directora Nacional de Asuntos Jurídicos en Materia de Derechos Humanos de la Subsecretaría de Protección de Derechos Humanos de la Nación*), Dr. Andrea Gualde the Director of Human Rights (International Litigation) of the Foreign Ministry of Argentina (*Director de Derechos Humanos (Contencioso Internacional) de la Cancillería Argentina*), Dr. Javier Salgado; Staff Advisor of the Foreign Ministry of Argentina (*Asesor de Gabinete de la Cancillería Argentina*), Dr. Jorge Cardozo; and the Coordination and Control Manager of the National Social Security Administration (*Gerente de Coordinación y Control de la Administración Nacional de la Seguridad Social (ANSES)*), Dr. María Taboada, represented the State for the signing of the agreement.

11. On February 2010, in a meeting called by Cristina Fernández de Kirchner, President of Argentina, the Rapporteur for that country, Commissioner Luz Patricia Mejía Guerrero, received the first compliance report on the friendly settlement agreement signed in November 2009, during a working visit to Argentina.

12. Lastly, on October 27, a follow-up meeting was held during the 140th Period of Sessions of the Commission.

III. THE FACTS

13. The petitioners allege that during proceedings brought against ANSES and later in the nation's courts, whereby they sought the readjustment of their retirement benefits, they were subjected to an administrative and legal process that was circuitous and endless, which in most cases did not result in the enforcement of the rights to which they are entitled. Furthermore, Articles 16 and 22 of Law 24.463, known as Social Security Solidarity Law (*Solidaridad Previsional*) allowed the State to claim limited resources as an argument to exempt itself from payment, thus postponing indefinitely the collection of the adjusted retirement benefits.

14. Therefore, on one hand, legal proceedings through which the petitioners sought to have their retirement benefits adjusted or established were taking excessive amounts of time from the moment the administrative complaint was filed until payment was finally adjudicated and made firm. On the other hand, even after judgments were firmly established and had the force of *res judicata*, the State agency charged with making the payments, ANSES, raised countless hurdles and obstacles to releasing the payments.

15. On the date the admissibility report was adopted, the petitioners Eduardo Agro, José Heribe Agrofoglio, Pedro Ambrosetti, Enrique Domingo Amodeo and Amancio Modesto Pafundi indicated that the legal agencies of jurisdiction were taking longer than six years to reach definitive judgments about their retirement benefits. These petitioners filed an administrative complaint against ANSES and, after hearing nothing from the administration or, once a judgment with which they disagreed had been made, they filed an appeal, claiming readjustments to benefits or to have their benefits established, but no definitive judgment was pronounced. In some cases, once they received a favorable ruling from the Social Security Chamber, ANSES filed an extraordinary appeal with the Supreme Court of Justice of the Nation, which had not yet issued its definitive ruling at the time the petition was filed with the IACHR.

16. In the case of Daniel Acevedo, Angel Amadeo Cañaha, Amílcar Menéndez, Vittorio Orsi, Angela Otero, Pascual Piscitelli, Eduardo A. Rodríguez Arias and María Elena Solari, domestic legal proceedings were delayed without justification for up to seven years before a definitive judgment was given. Furthermore, the execution of that judgment was indefinitely postponed because the State established an order of preference that hinged on the availability of funds sufficient to pay the benefits it owed.

17. In the cases of Juan Manuel Caride, Antonio Carmona, and Enrique José Tudor, court proceedings were delayed by at least seven years, from the date the case was filed to the date of definitive judgment. Also, in these three cases and that of Roberto Balciunas, ANSES was late and inadequate in its execution of the judgments. In some cases the petitioners had to exhaust other domestic remedies to obtain the execution pursuant to the provisions of the very judgment they sought to have executed. The delays until the judgments were correctly executed lasted between three and ten years.

18. It is important to note that enforcement of Law 24.463 only aggravated the situation of the retirees, because ANSES used (Article 16) to defend itself in the courts, in cases regarding the readjustment or establishment of the retirement benefits, claiming limited budget resources needed to execute court rulings that declared a case to have standing and extending the application of this argument to other analogous cases. In such cases, ANSES could offer as legitimate evidence a report by the Office of the General Auditor of the Nation (*Auditoría General de la Nación*) (Article 17) and claim limited resources to defend itself from having to comply with judgments handed down against the social security administration (Article 22).

19. As a result, retired persons were dying without having enjoyed their right to dignified life in old age. According to the information in the files, at least the following victims died during the litigation or prior to execution of favorable judgments: Juan Manuel Caride, Antonio Carmona, Angel Cañaha, Amílcar Menéndez, Amancio Modesto Pafundi, and Enrique José Tudor.

20. By virtue of the foregoing, the petitioners requested that the State of Argentina be declared responsible for the violation of the rights enshrined in Articles 25.2.c, 8, 21, and 24 of the American Convention, in relation to the obligations contained in Articles 1.1 and 2 of that Convention, and the rights enshrined in Articles XI, XVI, XXXV, and XXXVII of the American Declaration of the Rights and Duties of Man.

IV. FRIENDLY SETTLEMENT

21. On November 4, 2009, the petitioners and representatives of the Government of the Republic of Argentina signed an agreement, the text of which sets forth the following:

FRIENDLY SETTLEMENT AGREEMENT

The parties in petition No. 11.670 of the registry of the Inter-American Commission on Human Rights (hereinafter, "IACHR" or "the Inter-American Commission") – Case MENÉNDEZ and CARIDE – Sergio BOBROVSKY and Horacio GONZÁLEZ, attorneys representing the victims and their successors, the Center for Legal and Social Studies (CELS), represented in this act by Andrea POCHAK, and the Center for International Justice and Law (CEJIL), represented in this act by Liliana TOJO, in the character of petitioners, and the Government of the Republic of Argentina, in its character of Party State to the American Convention on Human Rights (hereinafter, "the American Convention", "Convention", or "ACHR"), represented by the Deputy Secretary for the Protection of Human Rights of the Nation, Dr. Luis Hipolito ALEN, the National Director for Legal Matters on Human Rights, Ms. Andrea GUALDE; the Director for Human Rights (International Litigation) of the Argentine Ministry of Foreign Affairs, Mr. Javier SALGADO; the Adviser to the Minister of the Argentine Foreign Ministry, Mr. Jorge CARDOZO; the Manager of Coordination and Control of the National Social Security Administration (ANSES), Dr. María TABOADA, have the honor of reporting to the illustrious Inter-American Commission on Human Rights that they have reached a friendly settlement agreement to the petition, whose content is set forth below requesting that considering the consensus reached, it be accepted, that the report provided in Article 49 of the American Convention be adopted, and that a follow-up mechanism be provided.

1. BACKGROUND

On December 27, 1995, Juan Manuel CARIDE and Amílcar MENÉNDEZ, with the sponsorship of attorneys Sergio Carlos BOBROVSKY and Horacio Ricardo GONZÁLEZ, filed a petition against the State of Argentina for violation of a number of rights and guarantees protected under the American Convention on Human Rights. On January 16, 1997, CELS and CEJIL filed as co-petitioners.

Before lodging the petition, the retirees or pensioners of Argentina had sought readjustment of benefits through legal proceedings in Argentine courts. Because of the delay in substantiation of claims and/or noncompliance with judgments issued in those proceedings, the presenters Juan Manuel CARIDE and Amílcar MENÉNDEZ – to whom other cases were added under the same terms – claimed the violation of the rights to an effective recourse and to a hearing within a reasonable time, as provided in Articles 25 and 8, respectively, of the American Convention. They also claimed the violation of their rights to property (Article 21 of the ACHR) and equal protection (Article 24 of the ACHR), all of which are related to Articles 1(1) and 2 of the ACHR. The petitioners also claim the violation of the rights to the preservation of health and to well-being (Article XI), to social security as it relates to the duty to work and contribute to social security (Articles XVI, XXXV and XXXVII), as provided the American Declaration of the Rights and Duties of Man.

In particular, the petition contested the judicial procedure set forth in Law 24.463, known as the Social Security Solidarity Law, insofar as the law permitted the Government of Argentina to delay proceedings to readjust benefits and to postpone compliances with judgment based on the lack of budget resources.

On January 19, 2001, the Inter-American Commission on Human Rights, through Report No. 3/01, declared the petitions of several of the petitioners admissible in reference to the alleged violations of rights provided in Articles 1(1), 2, 8(1), 21, 24 and 25(2)(c) of the American Convention on Human Rights, and of the rights enshrined in Article XI and those considered jointly in Articles XVI, XXXV, and XXXVII of the American Declaration of the Rights and Duties of Man.

The friendly settlement process

In the context of the 118th Regular Period of sessions of the Inter-American Commission on Human Rights, in October 2003, the State of Argentina and the petitioners agreed to engage in a dialogue aimed at exploring the possibility of a friendly settlement of the petition, all without prejudice to the arguments of fact and law put forth by the parties in the course of the procedure.

On that occasion, the parties agreed to develop a tentative working agenda that would include the evaluation of various regulatory and administrative measures related both to the legal framework in force on matters of social security and to the individual situations of the petitioners.

The process initiated contributed decisively to the reform of Law 24.463 on Social Security. As a result, on April 6, 2005, the Congress of the Nation, through Law 26.025, revoked Article 19 of the contested law. Months later, on October 26, 2006, Law 26.153 was passed, revoking Articles 16, 17, 20 and 23 of the contested law, and reformulated Article 22 in terms agreed among the parties. With these reforms to the law a substantial portion of the petitioners' original complaint was satisfied: the revocation of a regulation that had become an obstacle to prosecuting lawsuits.

The international proceedings also influenced the Supreme Court of Justice of Argentina, in its new composition, to reestablish constitutional doctrine in matters of social security and its compatible interpretation with international human rights treaties. Thus, in the ruling on "Itzcovich" (CS, 221312005, 1.349.XXXIX) the Supreme Court declared unconstitutional Article 19 of Law 24.463, which would then be revoked by Congress. Later, through its ruling on "Sánchez" (CS, 171512005, S.2758.XXXVIII) the Court caused the doctrine of the "Chocobar" case to be of no consequence (CS, 2711211996, C.278.XXVIII), reestablishing the validity of the constitutional right to retirement benefit adjustments and the in the cases known as "Badaro" (CS, 8/8/2006 y 2611 112007, B.675.XLI) the Court declared unconstitutional Article 7 item 2 of Law 24.463, which subjugated the application of readjustments of retirement benefits to the allocation of budget resources.

Furthermore, through Resolution 23 of 2004, the Secretariat of Social Security (SESS) instructed ANSES – the agency of the Ministry of Labor, Employment, and Social Security responsible for administering the funds of the national retirement and pension regimes, among others – to comply strictly with firm legal judgments, thus preventing this artificial mode of litigiousness that prolonged legal proceedings on retirement income cases, to the clear injury of the retirees.

Moreover, during the friendly settlement proceedings, ANSES took the measures necessary to resolve the individual specific cases of the petitioners in this case.

Therefore, the parties view positively the constructive dialogue engaged and the reforms achieved to date. However, there are pending issues that must be resolved, making it necessary that the drafting of this friendly settlement agreement include concrete commitments to be assumed by the State of Argentina and a follow-up process that includes periodic meetings, and that it be monitored by the Inter-American Commission on Human Rights.

FRIENDLY SETTLEMENT AGREEMENT

In view of the progress made so far, the parties express their satisfaction and mutual acknowledgement of the efforts made by both in order to reach a friendly settlement to this petitions, which once again ratifies the high value and potency of the Inter-American system in protecting human rights and, particularly, of the friendly settlement construct as a legitimate mechanism for early warning and for the effective instrumentation of measures that improve the institutions of the State.

However, without prejudice to the positive assessment of the constructive dialogue engaged and the reforms achieved to date, some pending issues remain to be resolved. In particular, there are some administrative practices that do not comply with current law and that require special attention to effectively protect the human rights affected in this case in order to restore to all current and future Argentine retirees their rights to social security and to effective and timely judicial protection.

1. Therefore, the State of Argentina – through the National Social Security Administration – commits to adopt all measures necessary to guarantee compliance with the resolutions and

regulations decreed as a result of this friendly settlement process, as mentioned in the foregoing paragraph. In particular, these measures must include:

a) Strict compliance with all provisions contained in Resolution No. 23 of 2004, of the Secretariat of Social Security, complemented by Resolution No. 955 of 2008 (in force since 13/8/2008) of the Secretariat of Social Security, which is attached to this agreement. Especially that which sets forth that all judgments still awaiting execution, except there be provisions to the contrary contained in the firm judgment itself, must be fulfilled without other limitations than those provided by the law, pursuant to the provisions of Circular 1. Any other limitation introduced through infra-regulatory interpretations will not be applicable.

b) To formalize a system to liquidate payroll settlements of court judgments that will guarantee compliance with the terms and time frames specified in the final rulings of the court.

c) Not to appeal court judgments in the trial and appeals phase that were ruled in favor of the beneficiaries on allegations of fact on which the Supreme Court has already ruled.

d) To desist, within sixty calendar days of the signing of this agreement, from appeals that have been filed with the Supreme Court or the Federal Chamber of Social Security Appeals contesting judgments in favor of the beneficiaries on allegations of fact on which the Supreme Court has already ruled in similar cases.

2. The State of Argentina obliges itself to establish a mechanism for the periodic follow-up on the commitments made in this agreement, in which the various public agencies involved will participate, and that this mechanism be coordinated by the Foreign Ministry of Argentina. Except in the case of a special request by any of the parties, working meetings will be held every two months at the headquarters of the Foreign Ministry of Argentina.

3. This mechanism will include the systematic production and systemization – every six months – of essential information for this purpose, with respect to the points of commitment in this agreement: a) liquidating judgments; b) cases appealed by ANSES; c) the cases desisted by the ANSES before the Supreme Court; and d) compliance with judgments with executions still pending.

III. PETITION

1. The Government of the Republic of Argentina and the petitioners celebrate the signing of this agreement, manifest their complete conformity with its content and scope, and mutually value the goodwill made manifest in the negotiation process.

2. The parties thank the illustrious Inter-American Commission on Human Rights for its ongoing collaboration and follow-through on this case and request the approval of the friendly settlement agreement reached through the adoption of the report provided in Article 49 of the American Convention on Human Rights.

3. Lastly, the parties request that the illustrious Inter-American Commission continue to monitor the process of execution of the agreement until all aspects contained therein have been satisfied.

Washington, DC, November 4, 2009.

V. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

22. Pursuant to Article 48.1.f of the Convention, the purpose of this proceeding is “to reach a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” The acceptance to carry out this proceeding expresses the good faith of the State to comply with the purposes and objectives of the Convention, by virtue of the *pacta sunt servanda* principle. Concerning this, IACHR wishes to reiterate that the friendly settlement procedure provided in the Convention allows for individual cases to be resolved in a non-litigious fashion, and in cases related to various countries has demonstrated itself to be an important and effective vehicle for solutions, which can be utilized by both parties.

23. The Commission highly values the efforts engaged by the parties to reach this settlement, particularly in the reform of Law 24.463 on Social Security and in the reestablishment, by Argentina's Supreme Court of Justice, of the constitutional doctrine on matters of social security and the compatibility of their interpretation with international human rights treaties, conducted in the context of this friendly settlement process.

24. Concerning compliance with the points of the agreement, the petitioners indicated in their communication of April 6, 2010 that they had not received any information on the matter from the State. On April 13, 2010, the State presented to the IACHR the first report on the status of compliance with the agreement. The report indicates that ANSES is consenting to the judgments in favor of the beneficiaries, desisting from the appeals it had filed, and pushing for the immediate liquidation of firm judgments in cases related to the readjustment of benefits supported by Laws 18.037, 18.038 and other special laws, for the period 2002 to 2006. The State further indicated that the National Administration is currently consenting to all those judgments that contained the doctrine in the allegations mentioned (point 1.a and point 1.c of the agreement). Furthermore, the State indicates that it has been implementing a process to take inventory, exempting missing procedural elements, and compiling them to be sent to the Management for Liquidation of Judgments (point 1.b of the agreement). The State also reported the creation of the General Coordinating Unit under the Management of Legal Affairs, which will be responsible for follow-through on the agreement, producing and systemizing information related to the liquidation of judgments, the status of cases appealed and desisted by ANSES, and compliance with judgments for which execution is still pending (points 2 and 3 of the agreement).

25. In their communication on May 14, 2010, the petitioners indicated that the mechanism for periodic follow-up has not yet been formalized despite this being the only means by which they can monitor progress in compliance with the agreement (point 2 of the agreement). Furthermore, they indicated that ANSES continues to appeal trial and appeals judgments in favor of elderly retirees and the lack of liquidation of firm judgments, even after having signed the agreement with the petitioners (point 1.c of the agreement). Lastly, the petitioners indicated that there had not yet been installed a system for liquidation of judgments that would guarantee compliance with the 120 calendar-day term provided in Law 24.463, as modified during the friendly settlement process. Retirees were once again obliged to file suits to have the judgments executed (point 1.b of the agreement).

26. On September 28, 2010, in response to the observations made by the petitioners concerning the status of compliance with the agreement, the State indicated that it had held a meeting with the petitioners on July 22, 2010, for the purpose of establishing a commission to provide periodic follow-through on the agreement. At that meeting it was determined that the commission would meet every two months, the first of which was scheduled to take place on September 22, 2010 (point 2 of the agreement). However, according to the communication by the petitioners on November 8, 2010, the State suspended the scheduled meeting and did not reschedule it.

27. On July 1, 2011, the State indicated that a new working meeting had been scheduled for June 15, 2011. However, through a communication on that same date, the State reported that the petitioners had not been able to attend due to cancellations of domestic flights because of *force majeure*, and that the meeting had been postponed until further notice.

28. The Commission will continue to follow up on all points of the agreement for which compliance is still pending, in particular as these relate to working meetings that must be held as part of the periodic follow-through mechanism to ensure compliance with the commitments made in the Friendly Settlement Agreement.

VI. CONCLUSIONS

29. Based on the foregoing considerations and by virtue of the procedures provided in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its deepest appreciation for the efforts engaged by the parties, and its satisfaction with the achievement of a friendly settlement agreement in this case, based on the object and purpose of the American Convention.

30. By virtue of the considerations and conclusions set forth in this Report

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**DECIDES:**

1. To approve the terms of the friendly settlement agreement signed by the parties on November 4, 2009.

2. To continue the monitoring and supervision of the friendly settlement agreement and, in this context, remind the parties of their commitment to periodically report to IACHR on compliance with that agreement.

3. To make this report public and to include it in the Commission's Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 3rd day of November, 2011. (Signed): José de Jesús Orozco Henríquez, First Vice-President; Rodrigo Escobar Gil, Second Vice-President; Paulo Sérgio Pinheiro, Felipe González, Luz Patricia Mejía Guerrero, and María Silvia Guillén, Commissioners.