

TECHNICAL INFORMATION SHEET
CASE 14.714 FRANCISCO SAMUEL NAISHTAT
FRIENDLY SETTLEMENT REPORT No. 215/23
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim(s): Francisco Samuel Naishtat
Petitioner(s): Elena Carmen Moreno and Myriam Carsen
State: Argentina
Beginning of the negotiation date: August 2, 2022
FSA signature date: July 5, 2022
Report on Admissibility No.: 235/21, published on September 7, 2021
Friendly Settlement Agreement Report No.: 215/23, published on October 20, 2023
Estimated length of the negotiation phase: 1 year and 2 months
Related Rapporteurship: Rights of Migrants; Memory, Truth and Justice
Topics: Right to Compensation/ Freedom of Movement and Residence/Right to a Fair Trial/ Right to Equal Protection/ Judicial Protection

Facts: On October 20, 2010, the Inter-American Commission on Human Rights received a petition filed by Francisco Samuel Naishtat, alleging the international responsibility of the Republic of Argentina, for the violation of the human rights, to the detriment of the alleged victim derived from the facts that forced him to go into exile in France during the last civil-military dictatorship in Argentina, as well as for the violation of his rights to fair trial, to judicial protection, and to equality and non-discrimination in the course of the civil proceedings based on Law No. 24,043.

Rights declared admissible: On September 7, 2021, the Commission issued Admissibility Report No. 235/21, in which it declared the petition admissible as well as its competence to hear the claim presented by the petitioners regarding the alleged violation of the rights contained in Articles 8 (fair trial), 24 (equality before the law) and 25 (judicial protection) contained in the American Convention in relation to Articles 1.1 (obligation to respect) and 2 (duty to adopt provisions of domestic law) thereof.

II. PROCEDURAL ACTIVITY

1. On July 5, 2022, the parties signed a friendly settlement agreement.
2. On October 20, 2023, the Commission approved the friendly settlement agreement through Report 215/23.

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

Agreement Clause	Status of Compliance
I. Background	Declarative Clause
II. Measures to be adopted	

1. The parties agree that pecuniary reparation will be granted in accordance with the scheme provided for by Law No. 24,043, considering for this purpose the entire period during which Mr. Francisco Samuel Naishtat remained in forced exile, according to ruling IF-2022-60344908-APN-DNAJIMDDHH#MJ. That is, from June 14, 1976 and October 28, 1983.	Total¹
2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the Decree of the National Executive Power approving this agreement, a ministerial resolution shall be issued granting the reparation benefit provided for in Law No. 24,043, without additional costs or expenses. The amount of the reparation shall be calculated as of the date of the issuance of said ministerial resolution.	Total²
3. Once the petitioner submits to the National Administration of Social Security (ANSES) a valid copy of his national identity document and the form (PS.6.298) requesting the benefit provided for in Law No. 26.913 correctly completed, and signs the affidavit attached as an annex, the Argentine State undertakes to issue the corresponding resolution within three (3) months.	Total³
4. The State also undertakes to comply with the term of Article 30 of the regulation of Chapter V of Law No. 25,344, provided for in Executive Decree No. 1116/2000.	Total⁴
5. Upon payment of the reparation provided for in section II.2 of this agreement, the petitioner definitively and irrevocably waives the right to initiate any other pecuniary claim against the State in relation with the facts which motivated the present case.	Declarative Clause
III. Signature <i>ad referendum</i>	Declarative Clause

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 2024 Annual Report.

¹ See IACHR, Annual Report 2024, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements agreements. Available at: https://www.oas.org/en/iachr/docs/annual/2024/chapters/IA2024_2_EN.PDF.

² See IACHR, Report No. 215/23, Case 14.714. Friendly Settlement. Francisco Samuel Naishtat. Argentina. October 20, 2023. Available at: <https://www.oas.org/en/iachr/decisions/2023/AR%20SA%2014.714%20EN-FINAL%20WEB.PDF>.

³ See IACHR, Report No. 215/23, Case 14.714. Friendly Settlement. Francisco Samuel Naishtat. Argentina. October 20, 2023. Available at: <https://www.oas.org/en/iachr/decisions/2023/AR%20SA%2014.714%20EN-FINAL%20WEB.PDF>.

⁴ See IACHR, Annual Report 2024, Chapter II, Section C. Advances and challenges on negotiation and implementation of friendly settlements agreements. Available at: https://www.oas.org/en/iachr/docs/annual/2024/chapters/IA2024_2_EN.PDF.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- On July 12, 2023, the Minister of Justice and Human Rights of the Nation issued resolution RESOL-2023-743-APN-MJ, through which it resolved to grant Francisco Samuel Naishtat the benefit foreseen in Law No. 24,043, establishing the compensable days and the corresponding compensatory amount.
- On July 3, 2023, the Secretary of Human Rights of the Nation issued resolution RESOL-2023-601-APN-SDDHH.MJ, through which it resolved to grant Francisco Samuel Naishtat the benefit provided for in Law No. 26,913.
- On August 21, 2024, the settlement registered under file No. 20732 was made and the authorization for the payment of benefits and indemnities for pecuniary compensation was issued, in accordance with the framework provided by Law No. 24,043. The disbursement was made available to the beneficiary at the Caja de Valores S.A.