

TECHNICAL INFORMATION SHEET
CASE 14.770 ALICIA MARÍA JARDEL
FRIENDLY SETTLEMENT REPORT No. 211/23
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim(s): Alicia María Jardel
Petitioner(s): Elena Carmen Moreno and Myriam Carsen
State: Argentina
Beginning of the negotiation date: September 26, 2022
FSA signature date: July 5, 2022
Report on Admissibility No.: 302/21, published on November 4, 2021
Friendly Settlement Agreement Report No.: 211/23, published on October 20, 2023
Estimated length of the negotiation phase: 1 year
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: The petitioner alleged that Alicia Jardel left for exile on November 22, 1978; her husband, Alejandro Polanco, was expelled from the country by Resolution 963 of April 7, 1978, ordering his pretrial detention. The aforementioned departure into exile originated in the persecution of which they were victims not only with the detention and expulsion of her husband, but also with the impediment to continue with their journalism studies, the permanent harassment, and the monitoring by state security forces and paramilitary groups, within the sphere of the state terrorism that took place in the country. The petitioner was dismissed from the General Secretariat of the Ministry of Education of Mendoza where she worked; both the petitioner and her husband were expelled from the School of Journalism where they were studying; many of Jardel's colleagues and her husband's colleagues were detained and killed for political reasons. On March 14, 1979, she was granted final asylum by the United Nations High Commissioner for Refugees (UNHCR), at which time they were already residing in Belgium. In view of the above, on September 10, 1998, Mrs. Jardel requested to be included in the reparation policies implemented by the Argentine Republic within the scope of Law 24.043, on the grounds that the deprivation of her liberty to remain in her country of origin constituted an impairment of her liberty comparable to the cases provided for in the aforementioned law. Said petition was rejected by means of a resolution issued by the Ministry of Justice and Human Rights under the National Executive Branch.

Rights declared admissible: On November 4, 2021, the Commission issued Admissibility Report No. 302/21, in which it declared the petition admissible as well as its competence to hear the claim raised by the petitioners with regard to the alleged violation of the rights contained in Articles 8 (fair trial), 24 (equality before the law) and 25 (judicial protection) of 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 211/23.

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 shall be granted in accordance with the scheme provided for by Law No. 24,043, considering for this purpose the entire period during which Mrs. Alicia María Jardel remained in forced exile, according to ruling IF-2022-61478535-APN-DNAJIMDDHH#MJ. That is, from November 22, 1978, to 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 such ministerial resolution.	Total²
3. Once the petitioner submits to the National Administration of Social Security (ANSES) a legitimate copy of her national identity document and the form (PS.6.298) for requesting the benefit provided for in Law No. 26,913, correctly filled in, 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 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. Following payment of the reparation provided for in section II.2 of this agreement, the petitioner waives, definitively and irrevocably, any other pecuniary claim against the State in relation to the facts which motivated the present case.	Declarative Clause
III. Signature <i>ad referendum</i>	Declarative Clause

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. 211/23, Case 14.770. Friendly Settlement. Alicia Maria Jardel. Argentina. October 20, 2023. Available at: <https://www.oas.org/en/iachr/decisions/2023/AR%20SA%2014.770%20EN-FINAL%20WEB.PDF>.

³ 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.

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.

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.

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-2023-747-ANP-MJ, through which it resolved to grant Alicia María Jardel the benefit foreseen in Law No. 24,043, establishing the compensable days and the corresponding compensatory amount.
- On November 30, 2023, Resolution RESOL-2023-1150-APN-SDDHH#MJ was issued, through which the benefit under Law No. 26,913 was granted in favor of Mrs. Alicia María Jardel.
- On April 8, 2024, the settlement registered under file No. 20794 was made and the authorization for the payment of benefits and indemnities for pecuniary reparation 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.