

**TECHNICAL INFORMATION SHEET**  
**CASE N° 11.833 RICARDO MONTERISI**  
**FRIENDLY SETTLEMENT REPORT N° 21/11**  
**TOTAL COMPLIANCE**  
**(ARGENTINA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** Ricardo Monterisi

**Petitioner (s):** Ricardo Monterisi

**State:** Argentina

**Friendly Settlement Agreement Report No.:** 21/11, published on March 23, 2011

**Related Rapporteurship:** N/A

**Topics:** Judicial Guarantees/ Judicial Protection/ right to privacy/ right to property.

**Facts:** On October 27, 1997, the IACHR received a petition in which the petitioner claimed that he was retained by the Central Bank of the Republic of Argentina between 1981 and 1988 to provide professional services as legal counsel to Banco Patagónico, to represent it in all trials to come, because Banco Patagónico was in bankruptcy proceedings by the Central Bank. Accordingly, he brought three lawsuits seeking to have the Central Bank to be found obligated to pay his fees. He noted that the first one of these cases concluded on May 6 with a judgment of the Supreme Court of Justice (hereinafter the “Supreme Court” or “Federal Supreme Court”). While the Supreme Court found in this judgment that the Central Bank was responsible for paying his fees, it also found that Law 24.144 could be applied retroactively in the execution phase of the proceedings, thus precluding him from receiving payment for his professional services. According to the petitioner, said law was also applied in the two other lawsuits, wherein the Court found that the Central Bank did not have to pay the fees. The petitioner argued that the principles of an impartial and independent judiciary were disregarded in these decisions.

**Rights Alleged:** The petitioner alleged a violation of Articles 8 (right to a fair trial), 11 (right to privacy), 21 (right to property) and 25 (right to judicial protection) of the American Convention on Human Rights.

**II. PROCEDURAL ACTIVITY**

1. On October 27, 2010, the parties signed a friendly settlement agreement.
2. On March 23, 2011, the Commission approved the friendly settlement agreement in Report No.21/11.

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

Agreement Clause	Status of Compliance
<p>[...] Nonetheless, the petitioner notes that the measures taken by the Argentine State in the administration of justice as of May 25, 2003 and henceforth - particularly the process of turnover of the members of Supreme Court and instituting impeachment proceedings against and the subsequent removal for improper performance of duties of justices Eduardo Moliné O'Connor and Antonio Boggiano of the National Supreme Court - constituted an adequate response to the subject of the petition, considering himself to have received total satisfaction and redress for the possible violations of the right to a fair trial and effective judicial protection that may have been committed in the aforementioned cases. Considering this, the petitioner waives any other potential reparation arising from this petition.</p>	<p><b>Total<sup>1</sup></b></p>
<p>Furthermore, the petitioner appreciates the self-imposed limitations on the appointment of justices to the Supreme Court of the Nation, implemented by the National Executive Branch under decree 222/03, which he considers positive proof of the political will of the Argentine government to properly fulfill the international obligations it pledged to uphold in this matter.</p>	<p><b>Declarative Clause</b></p>

#### IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance of the case and ceased monitoring the friendly settlement agreement in its Annual Report 2012.

#### V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

##### A. Structural outcomes of the Case

- The State through the National Executive Branch, issued Decree No.222/03, whereby the appointment of justices of the National Supreme Court of Justice was limited.
- The composition of the Supreme Court of Justice changed, particularly, after the institution of impeachment proceedings against, and the subsequent removal of, Drs. Eduardo Moliné O'Connor and Antonio Boggiano on the grounds of improper performance of their duties.

<sup>1</sup> See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 180-183.