

TECHNICAL INFORMATION SHEET
CASE N° 12.710 MARCOS GILBERTO CHAVES AND SANDRA BEATRÍZ CHAVES
FRIENDLY SETTLEMENT REPORT N° 102/14
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim (s): Marcos Gilberto Chaves and Sandra Beatríz Chaves
Petitioner (s): National Public Defender, Sandra Beatriz Chaves and Martín Adolfo Diez
State: Argentina
Admissibility Report N°: **66/09**, published on August 4, 2009
Friendly Settlement Agreement Report N°: **102/14**, published on November 7, 2014
Related Rappoteurship: Persons Deprived of Liberty/Rights of Women
Topics: Torture/Criminal Due Process

Facts: The case concerns alleged violations of the right to a fair trial, right to privacy, right to equal protection and the right to judicial protection, in relation to the general obligation to respect rights, enshrined in Articles 8, 11, 24, and 25, respectively, of the American Convention on Human Rights, to the detriment of Mr. Marcos Gilberto Chaves and his daughter, Ms. Sandra Beatrix Chaves, who were sentenced to life imprisonment for the alleged homicide of Ms. Chaves' husband.

Rights Declared Admissible: The Commission decided that it was competent to hear the present case and that the petition was admissible in accordance with Articles 46 and 47 of the American Convention, in connection with the alleged violations of the rights enshrined in Articles 8 (right to a fair trial), 11 (right to privacy), 24 (right to equal protection) and 25 (right to judicial protection), in relation to the general obligations set out in Articles 1 and 2 of the American Convention of Human Rights (ACHR).

II. PROCEDURAL ACTIVITY

1. On October 18, 2012, the parties signed a friendly settlement agreement.
2. On November 7, 2012, the Commission approved the friendly settlement agreement, in Report No.101/14. The parties signed two memorandum of Commitment to the Friendly Settlement on October 18, 2012, and September 19, 2017.

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

Agreement Clauses	Status of Compliance
A. HUMANITARIAN ASSISTANCE MEASURES	

1. The Government of Salta Province, through Decrees No. 2.281 and 2.283, dated August 4, 2014, called for the commutation of the sentences for life imprisonment for Sandra Beatriz Chaves and Marcos Gilberto Chaves, for the prison terms effectively served by both at the time the commutation is granted. These decrees call for the immediate release of the petitioners, with no restrictions of any kind. A certified copy of said decree is attached as Annex II.	Total¹
ANNEX I Memorandum of Commitment to a Friendly Settlement	
II. Humanitarian Assistance Measures Commutation of the sentences against Sandra Beatriz Chaves and Marcos Gilberto Chaves	
The Government of Salta Province undertakes to move forward with measures to grant the commutation of the life imprisonment sentences ordered to Sandra Beatriz Chaves and Marcos Gilberto Chaves on June 8, 2001, by the Third Criminal Chamber of the Salta Province, for the term effectively served by the Chaves at the time the commutation is granted.	Total²
II. Said measure shall be adopted in no more than fifteen (15) working days, counted from the signing of this friendly settlement agreement, which shall allow Sandra Beatriz Chaves and Marcos Gilberto Chaves to regain their personal liberty, with no restrictions of any kind.	Total³
B. Non-pecuniary reparation measures	
B.1. Medical and Psychological treatment:	
Commitments established in the friendly settlement agreement adopted in Report No.102/14	
1. The Government of Salta Province undertook the commitment to immediately provide, in keeping with current law and subject to the prior request and agreement of the beneficiaries, the medical and psychological assistance that may be necessary for Marco Gilberto Chaves, Sandra Beatriz Chaves, and her children Luz María and Marcos Nicolás González Chaves, in accordance with point III.B of the Memorandum of Commitment to the Friendly Settlement, included as Annex I.	Total⁴
ANNEX I Memorandum of Commitment to the Friendly Settlement II. Humanitarian Assistance Measures Medical and Psychological Treatment	
1) In order to facilitate the social reintegration of both persons, and based on evidence of their vulnerable situation and that of their nearest family group, the Government of Salta Province undertakes the commitment to immediately provide, in keeping with current law and subject to prior request and agreement of the beneficiaries, the medical and psychological assistance that may be necessary for Ms. Sandra Beatriz Chaves and Mr. Marcos Gilberto Chaves and her children, Luz	Total⁵

¹ See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with recommendations and Friendly Settlements in individual cases, paras. 284 - 306.

² See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with recommendations and Friendly Settlements in individual cases, paras. 284 - 306.

³ See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with recommendations and Friendly Settlements in individual cases, paras. 284 - 306.

⁴ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

⁵ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

<p>María and Marcos Nicolás González Chaves. The State shall, therefore, provide free and immediate medical and psychological treatment that may be necessary. The treatments shall be provided for as long as they are needed and shall include medication and, where applicable, other resources that are directly related and strictly necessary.</p> <p>2) Psychological or psychiatric treatment shall be provided by specialized state personnel and institutions. Should the Government of Salta Province lack these services, it shall resort to specialized private or civil society institutions. The provision of said treatment shall take into consideration the specific circumstances and needs of each beneficiary, so as to provide them with family and individualized treatments, as agreed with each of them following an individual evaluation. Finally, the treatment shall be provided, where possible, in the facilities closest to their residence.</p>	
<p>B.2. and B.3. Training and Working Integration Measures:</p>	
<p>2. The Government of Salta Province agreed to provide the means for Ms. Sandra Beatriz Chaves and her children Luz María and Marcos Nicolás González Chaves, to receive education through the completion of higher education, be it technical or university studies, in the terms agreed in point III.C.1 of the memorandum of commitment to the friendly settlement, included as Annex I.</p>	<p>Total⁶</p>
<p>3. The Government of Salta Province committed to adopt effective reintegration measures, particularly in the work arena, with respect to Sandra Beatriz Chaves, in accordance with point III.C.2 of the memorandum of Commitment to the Friendly Settlement, included as Annex I.</p>	<p>Total⁷</p>
<p style="text-align: center;">ANNEX I Memorandum of Commitment to Friendly Settlement II. Humanitarian Assistance Measures C. Training and Work Reintegration Measures</p>	
<p>1) The Government of Salta Province and the representative for the alleged victims agree that the Provincial State shall provide the means for Ms. Sandra Beatriz Chaves and her children, Luz María and Marcos Nicolás Gonzalez Chaves, to receive education through the completion of higher education, be it technical or university studies. The beneficiaries or their legal representatives shall notify the State, within six months, counted from the date of signing of this agreement, of their requests for training or, where appropriate, scholarships to study, depending on the educational opportunities in the Province.</p>	<p>Total⁹</p>
<p>2) In the specific case of Sandra Beatriz Chaves, given that Marcos Gilberto Chaves is currently retired, the Government of Salta Province is committed to quickly adopt effective reintegration measures, particularly in the work arena, according to her needs. To this end, the Government of Salta Province undertakes to provide</p>	<p>Total¹¹</p>

⁶ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

⁷ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

⁸ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

⁹ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

<p>counseling and professional mentoring to Sandra Beatriz Chaves in order to allow her to obtain a small business loan from the Ministry of Environment and Sustainable Protection to finance a project she will define, corresponding to the Productive Development Line – Micro-businesses of the Provincial Investment Fund, pursuant to the current laws and up to a maximum of fifty-thousand pesos (\$50,000).</p>	
<p>Annex II. Memorandum of Commitment for compliance with Friendly Settlement of September 19, 2017</p>	
<p>In relation to Marcos Nicolás Chaves:</p> <ul style="list-style-type: none"> - The Government of the Province of Salta, through the Secretary of Justice of the Ministry of Human Rights and Justice, provided advice to Marcos González Chaves in order to fulfill the requirements to apply for a taxi driver's license. To date, said application is pending the random allocation of permits. - - The Province of Salta undertook to cover the cost of Galeno or the similar cost of other prepaid medicine services for Marcos Nicolás Gonzalez Chaves, until he has gained formal paid employment, or his professional taxi driver license is issued. - - The Salta government undertook to appoint Luz Maria González Chaves to the political office Level 3, under the Ministry of Human Rights and Justice, for a minimum of one year, with a remuneration of \$ 16,000 sixteen thousand pesos per month. 	<p>Total¹²</p>
<p>B.4. Justice Operators and Security Forces Training</p>	
<p>4. The Government of Salta Province committed itself to further implementation of ongoing programs and training courses on gender perspective in the administration of justice and prohibition of discrimination, according to the terms of Point III.D of the Memorandum of Commitment to a Friendly Settlement, included as Annex I.</p>	<p>Total¹³</p>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in Annual Report 2018.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- Commutation of the life imprisonment sentences imposed on Sandra Beatriz Chaves and Marcos Gilberto Chaves;
- The State has provided psychological and medical assistance in favor of Marco Gilberto Chaves, Sandra Beatriz Chaves, and her children Luz María and Marcos Nicolás González Chaves;
- The State has adopted effective reintegration measures, particularly in the work arena, with regard to Sandra Beatriz Chaves and Marcos González Chaves;

¹¹ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

¹⁰ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

¹² See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets.

¹³ See IACHR, Annual Report 2016, Chapter II, Section D: Status of Compliance with recommendations and Friendly Settlements in individual cases, paras. 284 - 306.

- The State provided advice to Marcos González Chaves to obtain the necessary requirements to apply for a taxi driver's license. Subsequently and at the request of the petitioner, the State granted him the position of Intermediate Administrator, Administrative Grouping, Subgroup 2, under the Private Secretariat Program of the Ministry of Government, Human Rights and Justice;

- The Salta government trained Luz Maria González Chaves as a community mediator with a training course and subsequently assigned her to the political position Level 3, under the Ministry of Human Rights and Justice, with a remuneration of \$ 16,000 sixteen thousand pesos per month.

B. Structural outcomes of the case

- A social public emergency on the grounds of gender violence was declared by the Governor of the Province of Salta through Decree of Necessity and Urgency No. 2,654/14, later provincial law No.7.857. This declaration prompted the creation of 5 specific family and gender violence dedicated courts. Additionally, the call for applications and appointment of judges dedicated to domestic and gender violence was completed, and they have been in office since August 31, 2015. Similarly, 1 criminal prosecutor position, 5 domestic and gender violence defender positions were created; and the Gender Violence Risk Assessment Unit was set up within the scope of the Public Ministry;

- A Temporary Protection Refuge for women victims of violence and their minor children was inaugurated; panic buttons were delivered, and a provincial plan for the prevention, addressing and eradication of gender-based violence was developed, among other measures;

- The Observatory for Violence Against Women was created through Law No. 7,863 for the design and implementation of public policies aimed at preventing and eradicating violence against women;

- The Ministry of Justice gave courses and workshops on gender perspective and domestic and gender violence, aimed at provincial security forces, health workers, teachers and the general public. These activities were developed in Salta and surrounding neighborhoods, and in various municipalities;

- Collaboration agreements were signed with institutions related to this issue, including the Agreement for Cooperation, Technical Assistance signed with the National Human Rights Observatory on April 27, 2015. Within the framework of said agreement a Workshop on Administration of Justice with Gender perspective and another on Human Trafficking for the purpose of sexual exploitation were carried out, with the participation of state agents and civil society;

- Eighteen (18) training sessions were carried out, of which 14 had a gender perspective component. The total of the training sessions with a gender perspective included 1,400 participants from different state agencies such as the Municipal Police Corps, Professionals of Municipal Health Centers, the Provincial Police Corps, the Federal Police Corps, the National Border and Airport Patrol, the Rescue and Accompaniment Office of Victims of Human Trafficking, Journalists, Communication Science students, Prison Service Personnel, Family Court Personnel, among others.