

TECHNICAL INFORMATION SHEET
PETITION P-245-03 WALTER MAURO YÁÑEZ
FRIENDLY SETTLEMENT REPORT No. 39/21
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim(s): Walter Mauro Yáñez
Petitioner(s): Pablo Gabriel Salinas Cavalotti, Alfredo Ramón Guevara, Carlos Valera Álvarez and Diego Jorge Lavado
State: Argentina
Beginning of the negotiation date: July 21, 2005
SA signature date: July 29, 2020
Friendly Settlement Agreement Report N°: 39/21 published on March 19, 2021
Estimated length of the negotiation phase: 15 years
Related Rapporteurship: N/A
Topics: Judicial Protection / Right to life

Facts: The petitioners alleged the international responsibility of the Argentine State for the events of March 11, 2001, when Walter Mauro Yáñez died of a gunshot wound allegedly perpetrated by an Infantry Officer of the Mendoza Police Station, who was the co-owner of a grocery store that had been broken into by four young men, including the alleged victim. According to the petitioners, Daniel Alejandro Cabrillana, an Infantry Officer of the Mendoza Police Station, opened fire without saying the command “Police stop”, as opposed to what he claimed as the reason he felt forced to draw and fire his weapon. According to the petitioners, the judicial process would have resulted in the release from house arrest of Mr. Cabrillana and, later, in the rejection of the statements of those who participated in the attempted robbery on account of their status as defendants in the proceedings of the case. According to the petitioners, on November 26, 2001, the accused was dismissed as the period of the extraordinary extension had expired, and the Judge understood the situation of doubt regarding the facts under investigation had not changed. The petitioners claimed they had appealed the dismissal only to be denied, later, they filed a new appeal, which was also rejected by the judge. When they did not receive a favorable response, the petitioners filed a complaint with the Supreme Court of Justice of the Province of Mendoza, which also rejected the petitioners' appeal.

Rights alleged: The petitioners alleged the Argentine State violated articles 4 (right to life), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention in connection with the obligations established in articles 1(1) and 2 of the same instrument.

II. PROCEDURAL ACTIVITY

1. The IACHR published the report approving the friendly settlement agreement on March 19, 2021, accounting for the full compliance of the friendly settlement agreement and consequently decided to cease its supervision and closed the case.

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

Clause of the Agreement	Status of Implementation
3) In accordance with the statement in the preceding point, the Government of the Province of Mendoza undertakes to make full reparation to the successors in title of Walter Mauro Yáñez, with prior agreement of the Attorney General, as follows:	
a) By the highest authorities of the Province of Mendoza making a public request for an apology to the next of kin of the victim;	Total¹
b) Initiate the corresponding procedures to create a Human Rights Prosecution Unit at the Office of the Public Prosecutor, which would oversee conducting the preparatory criminal investigation of crimes committed by members of the Security and Prison Forces and Penitentiaries.	Total²
c) Permanently train members of the Security and Prison Forces on Human Rights.	Total³
d) Provide compensation in the amount of \$ 135.000 (one hundred and thirty-five thousand pesos) to Ms. Norma del Carmen Yáñez for material and moral damages resulting from the violation of the right to fair trial and judicial protection during the investigation over the death of her son Walter Mauro Yáñez.	Total⁴
e) Pay Ms. Norma del Carmen Yáñez the sum of \$ 40.000 (forty thousand pesos) for professional fees and legal costs and expenses.	Total⁵

IV. LEVEL OF COMPLIANCE OF THE CASE

2. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the Homologation Report 39/21.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State made a public apology to the victim's family.
- The State compensated Mrs. Norma del Carmen Yáñez for the material and moral damages resulting from the alleged facts.
- The State paid for professional fees, costs, and expenses to Mrs. Norma del Carmen Yáñez regarding the processing of the petition.

¹ IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yáñez. Argentina. March 19, 2021. <https://www.oas.org/en/iachr/decisions/2021/ARSA245-03EN.pdf>

² IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yáñez. Argentina. March 19, 2021. <https://www.oas.org/en/iachr/decisions/2021/ARSA245-03EN.pdf>

³ IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yáñez. Argentina. March 19, 2021. <https://www.oas.org/en/iachr/decisions/2021/ARSA245-03EN.pdf>

⁴ IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yáñez. Argentina. March 19, 2021. <https://www.oas.org/en/iachr/decisions/2021/ARSA245-03EN.pdf>

⁵ IACHR, Report No. 39/21, Petition 245-03. Friendly Settlement. Walter Mauro Yáñez. Argentina. March 19, 2021. <https://www.oas.org/en/iachr/decisions/2021/ARSA245-03EN.pdf>

B. Structural outcomes of the case

- The State initiated the corresponding procedures to create a Human Rights Prosecutor Unit in charge of conducting the preliminary criminal investigation of crimes committed by members of the Security and Penitentiary Forces.
- The State has permanently trained members of the Security Forces and Penitentiaries in Human Rights.