

TECHNICAL INFORMATION SHEET
CASE 13.020 CARLOS ANDRÉS FRATICELLI
FRIENDLY SETTLEMENT REPORT No. [220/23](#)
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim(s): Carlos Andrés Fraticelli
Petitioner(s): Carlos E. Edwards y Aurelio Cuello Murúa
State: Argentina
Beginning of the negotiation date: May 28th, 2016
FSA signature date: August 29, 2023
Report on Admissibility No.: **10/16** published on April 14, 2016
Friendly Settlement Agreement Report No.: **220/23** published on October 22, 2023
Estimated length of the negotiation phase: 7 years and 4 months
Related Rapporteurship: Rights of Persons Deprived of Liberty
Topics: Right to Personal Liberty/ Right to a Fair Trial/ Right to Equal Protection/ Right to Participate in Government/ Judicial Protection

Facts: The petitioners argued that Mr. Carlos Andrés Fraticelli and his former wife, María Graciela Diesser, were unjustly declared liable for the death of their daughter Natalia Fraticelli, 15 years of age, in the province of Santa Fe; she was found deceased in her room on May 20, 2000. According to the petitioners, since the beginning of the investigations the analysis of the case was characterized both by the influence of public opinion and by the pre-judging of the matter by the judges in charge. The petitioners alleged that, as a result of the judicial process for the death of his daughter, Mr. Fraticelli was arbitrarily removed from his position as magistrate, through a process in which his judicial guarantees and judicial protection were violated.

Rights declared admissible: On April 14, 2016, the Commission issued Admissibility Report No. 10/16, in which it declared the petition admissible as well as its competence to hear the claim presented by the petitioners with respect to the alleged violation of the rights enshrined in Articles 7 (personal liberty), 8 (fair trial), 23 (right to participate in government), 24 (equality before the law) and 25 (judicial protection) of the American Convention in connection with the obligation established in Articles 1.1 and 2 thereof.

II. PROCEDURAL ACTIVITY

1. On August 29, 2023, the parties signed a friendly settlement agreement.
2. On October 22, 2023, the IACHR published Report No. 220/23, approving the friendly settlement agreement and accounting for its full compliance, and consequently decided to cease its supervision and close the case.

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

Clause of the Agreement	Status of Implementation
<p>I. The friendly settlement process between the petitioner and the Government of the Province of Santa Fe.</p> <p>A. As duly communicated to the Illustrious Inter-American Commission on Human Rights, the petitioning party and the provincial authorities opened a space for dialogue aimed at exploring a friendly solution to the matter.</p> <p>B. In that scope, the Province of Santa Fe and the petitioning party reached a definitive understanding based on the provisions of Decree No. 2133 of August 20, 2016. In this regard, the province and the petitioning party signed an agreement dated September 7, 2016, within the context of FILE NUMBER: 00115-0006560-4 of the Ministry of Government and State Reform of the Province of Santa Fe.</p> <p>C. In said document, all current and/or future conflicts are deemed to be resolved, through the total and absolute waiver of any current and/or future claim, national or international, administrative, or judicial, arising from its exercise in the provincial sphere, in accordance with the petitioner's own wishes, especially with respect to Case No. 13,020 of the Inter-American Commission on Human Rights (fs. 125 to 126). [...]</p>	Total¹
<p>II. Friendly settlement Agreement</p> <p>A. The petitioner states that the measures agreed upon with the Government of the Province of Santa Fe have been fully complied with and, consequently, it is appropriate to sign the final agreement between the petitioners and the Argentine State.</p> <p>B. Likewise, the Petitioner declares to definitely and irrevocably waive any other claim of any nature with the Argentine State in relation to the present case.</p>	Declarative clause
<p>III. Petition</p>	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 2023 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- An ordinary retirement to Mr. Carlos Andrés Fraticelli was granted considering the requirements of the law applicable as of November 8, 2014.
- The determination of the base retirement benefit with 72% with 120 months in the tertiary teaching position and 60 simultaneous months in the position of District First Instance Judge was made.
- It was established that March 1, 2016, was the date of payment of the retirement benefit.

¹Report No. 220/23, Case 13.020. Friendly Settlement, Carlos Andrés Fraticelli. Argentina, October 22, 2023, available at <https://www.oas.org/en/iachr/decisions/2023/AR%20SA%2013.020%20EN-FINAL%20WEB.PDF>

- The personal contributions in the position of judge for the period corresponding to June 2010 to July 2015 which correspond to the amount of \$937,385.00 (nine hundred and thirty-seven thousand three hundred and eighty-five thousand Argentine pesos) was paid and became effective with a 10% monthly discount of his retirement benefit until its total cancellation.