

**TECHNICAL INFORMATION SHEET**  
**CASE 14.669 MARIANO BEJARANO**  
**FRIENDLY SETTLEMENT REPORT No. [350/22](#)**  
**TOTAL COMPLIANCE**  
**(ARGENTINA)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Mariano Bejarano  
**Petitioner(s):** Elena Carmen Moreno y Myriam Carsen  
**State** Argentina  
**Date of start of negotiations:** June 16, 2022  
**Date of signature of FSA:** February 23, 2022  
**Admissibility Report N°:** [190/21](#)  
**Friendly settlement agreement report No.:** [350/22](#), published on December 11, 2022  
**Related Rapporteurship:** N/A  
**Topics:** Judicial Guarantees / Equality before the Law/ Judicial Protection

**Facts:** The petitioning party complains that Mariano Bejarano was forced to spend his childhood outside of Argentina due to acts of political persecution carried out by State agents against his father. It points out that the alleged victim filed a suit to request reparation for the forced exile, but it was denied because the competent court considered that he had not shown proof of the persecution giving rise to his exile. In 2004, the alleged victim requested, based on Law 24,043, economic reparation from the State for the forced exile he had undergone. Two years later, in 2006, after the State had paid several compensations in favor of victims of forced exile, the Inspector General (*Procurador del Tesoro de la Nación*) ruled that economic compensation should not be paid on this account, since it was not contemplated in Law 24,043. The request for reparation filed by the alleged victim was denied for this reason.

**Rights declared admissible:** On September 7, 2021, the IACHR declared the petition admissible in relation to articles 8 (fair trial), 24 (equality before the law) and 25 (judicial protection) of the American Convention in relation to article 1.1 (obligation to respect rights) and 2 (domestic legal effects) of the same instrument.

**II. PROCEDURAL ACTIVITY**

1. On February 23, 2022, the parties signed a friendly settlement agreement.
2. On December 11, 2022, the Commission approved the friendly settlement agreement in Report No. 350/22.

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

Clause of the Agreement	Status of Implementation
<b>II. Measures to be adopted</b>	
1. The parties agree that pecuniary compensation will be granted in accordance with the scheme provided in Law No. 24,043, to which end the entire period during which Mrs. Silvia Mónica Severini remained in forced exile will be considered, in keeping with opinion IF-2022-11155626-APN-NAJIMDDHH#MJ. That is, from August 2, 1976, to October 28, 1983.	<b>Total<sup>1</sup></b>
2. The Argentine State undertakes that, within three (3) months from the publication in the Official Gazette of the Argentine Republic of the executive decree approving this agreement, a ministerial resolution will be issued granting the reparation benefit provided for in Law No. 24,043, without any additional costs or expenses. The amount of the reparation will be calculated at the date of issuance of said ministerial resolution.	<b>Total<sup>2</sup></b>
3. The State also undertakes to comply with the term of Article 30 of the regulations on Chapter V of Law No. 25,344, as provided in Executive Decree No. 1116/2000.	<b>Total<sup>3</sup></b>
4. Once the petitioning party submits to the National Administration of Social Security (ANSES) a true copy of the alleged victim's national identity document and the correctly completed form (PS.6.298) requesting the benefit provided for in Law No. 26.913, and signs the affidavit attached as an annex, the Argentine State undertakes to issue the corresponding resolution within three (3) months.	<b>Total<sup>4</sup></b>
5. Upon payment of the reparation provided for in section II.2 of this agreement, the petitioning party definitively and irrevocably waives the right to initiate any other pecuniary claim against the State in relation to the facts that gave rise to the instant case.	<b>Declarative clause</b>

### 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

- On October 21, 2022, the Minister of Justice and Human Rights of the Nation issued resolution RESOL-2022-1593-APN-MJ by which it resolved to grant Mariano Bejarano the benefit provided by Law No. 24.043, as well as establishing the days for which compensation was due and the appropriate compensation amount.
- On July 3, 2023, Resolution No. RESOL-2023-627-APNSDDHH#MJ was issued, granting the benefit provided for in Law N° 26.913 in favor of Mr. Mariano Bejarano.
- On May 23, 2022, the settlement registered under Number 19707 was carried out by the Reparation Law Payment Unit and the corresponding Instruction for the Payment of Benefits

<sup>1</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_2\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF)

<sup>2</sup> IACHR, Report No. 350/22, Case 14.669. Friendly Settlement. Mariano Bejarano. Argentina, December 11, 2022. Available at: [https://www.oas.org/en/iachr/decisions/2022/ARSA\\_14.669\\_EN.PDF](https://www.oas.org/en/iachr/decisions/2022/ARSA_14.669_EN.PDF)

<sup>3</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_2\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF)

<sup>4</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_2\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF)

and Compensation was issued for pecuniary reparation in accordance with the arrangements established by Law No. 24,043.