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REPORT No. 269/23
CASE 13.581
REPORT ON FRIENDLY SETTLEMENT

JOSÉ LUIS D'ANDREA MOHR
ARGENTINA

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Argentina. November 30, 2023.

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FRIENDLY SETTLEMENT
JOSÉ LUIS D'ANDREA MOHR
ARGENTINA
NOVEMBER 30, 2023

I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS

1. On March 14, 2008, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by Julia Carolina Viviana Cassano and José Luis D'Andrea Mohr, wife and son, respectively, of the victim José Luis D'Andrea Mohr, represented by the Center for Legal and Social Studies (CELS), (hereinafter "the petitioners" or "the petitioning party"), alleging the international responsibility of the Republic of Argentina (hereinafter "State" or "Argentine State" or "Argentina"), for the violation of the human rights enshrined in Article 13 (right to freedom of thought and expression), in relation to Article 1. (obligation to respect) of the American Convention on Human Rights, (hereinafter "Convention" or "American Convention"), to the detriment of José Luis D'Andrea Mohr (hereinafter "the alleged victim").

2. On March 6, 2022, the Commission notified the parties of the formal initiation of the friendly settlement process. The parties advanced in the negotiations bilaterally, which materialized with the signing of a friendly settlement agreement (hereinafter "FSA" or "agreement") on November 15, 2022. Subsequently, on October 2, 2023 and October 4, 2023, respectively, the State and the Petitioner requested the homologation of said agreement, as established in the FSA.

3. This friendly settlement report, in accordance with Article 49 of the Convention and Article 40(5) of the Commission's Rules of Procedure, contains a summary of the facts alleged by the petitioners and transcribes the friendly settlement agreement signed on November 15, 2022 by the petitioners and representatives of the Argentine State. Likewise, the agreement signed between the parties is approved and it is agreed that this report will be published in the Annual Report to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

4. According to the petition, the writer José Luis D'Andrea Mohr wrote and published, in May 1998, the book "El Escuadrón Perdido" (The Lost Squadron), with a prologue by Federico Eduardo Mittlebach. The petitioner stated that the work is the result of a journalistic investigation into the forced disappearance of one hundred and twenty-nine (129) soldiers of the Argentine Army during the last military dictatorship, and even in the period immediately prior to the 1976 coup d'état. These disappearances, according to the petition, were formalized during those years, under the administrative label of "deserters".

5. The petitioner indicated that the author devoted several years to a serious and dedicated investigation, which made use of precise documentation and sources such as the report prepared by the National Commission on the Disappearance of Persons (CONADEP) and that of the Bicameral Investigating Commission on Human Rights Violations in the Province of Tucumán, among others, which reinforce and confirm the historical description of the facts. The book was published by Editorial Planeta.

6. The petition indicated that on page 188 of the aforementioned work, Héctor Luis Ríos Ereñú is mentioned as the head of the 28th Mountain Infantry Regiment, where one of the disappearances under investigation took place, more precisely that of Corporal José Hernández. In this regard, it was indicated that Ríos Ereñú, who reached the rank of Brigadier General and the position of Army Chief of Staff in 1985, sued D'Andrea Mohr, the book's prologue writer, Mr. Mittlebach, and the publishing house Planeta, alleging that the work had affected his "honor and the public consideration he enjoyed".

7. The petitioner's account mentions that during the first months of 1999 Héctor Luis Ríos Ereñú filed a claim for damages against José Luis D'Andrea Mohr, Federico Eduardo Mittlebach, and Editorial Planeta Argentina S.A.C.i., alleging that he felt aggrieved by the contents of the book "El Escuadrón Perdido" (The Lost Squadron). As indicated, he based his claim on the fact that, on the date of the disappearance of Corporal Hernández, he had not yet taken charge of Regiment No. 28, the post to which he had been assigned. The petitioner's account goes on to state that, in addition to this circumstance, he considered himself aggrieved by a series of qualifications that both the author of the book and the prologue writer made with respect to the military personnel involved in the illegal repression carried out by the last military dictatorship and by his inclusion in the list of military personnel mentioned in the book. It was added that the publisher was also sued on the basis of its alleged duty to control what the book said, together with the alleged validation of the content of the book that Ríos Ereñú considered included on the back cover. Thus, it was stated that he specifically requested: (a) that the defendants indemnify him with 50,000 Argentine pesos (US\$ 50,000 at the time), plus interest from the date of publication and that they bear the costs of the trial; (b) that they pay for the publication of an extract of the judgment in the newspaper La Nación and in the Army Public Gazette; and (c) that "the inaccurate and false information and slanderous and defamatory mentions that motivate these proceedings be suppressed in the editions of the book subsequent to the judgment, under penalty of the seizure and destruction of the copies".

8. On October 18, 2000, the National Civil Court No. 11 reportedly rejected the claim and the judgment allegedly imposed legal costs, on the grounds that the different interpretations allowed by the text could have led Ríos Ereñú to believe that he had the right to sue. According to the petitioner, Ríos Ereñú appealed the first instance decision, and D'Andrea Mohr also appealed the decision, insofar as it did not impose the full costs of the trial on the plaintiff.

9. On September 3, 2001, the National Civil Court of Appeals, Chamber "B", again rejected the claim against D'Andrea Mohr, confirming the first instance judgment. Regarding the costs of the trial, the Court of Appeals modified its criteria and imposed them on the plaintiff, Ríos Ereñú, in both instances. In view of this decision, it was stated in the petition that the plaintiff filed an extraordinary appeal for arbitrariness of the judgment, which was rejected by the Court. Against this decision, the plaintiff filed a direct appeal or a complaint for denial of the extraordinary appeal before the Supreme Court of Justice. Subsequently, on June 29, 2004, the Supreme Court –made up of substitute judges, since, according to the petitioner, several of the judges had decided to excuse themselves– decided, by a majority, to uphold the complaint and declare the extraordinary appeal admissible, leaving the judgment without effect with the indicated scope regarding costs.

10. In the petition it was alleged that, as a consequence of this ruling, the case returned to the Court of Appeals and on March 23, 2005, the "A" Chamber of said Court reversed the first instance ruling and granted the claim. In said sentence, José Luis D'Andrea Mohr and/or his heirs and Federico Eduardo Mittlebach were ordered to pay General Ríos Ereñú a compensation of 25,000 Argentine pesos and \$10,000 Argentine pesos respectively, plus interest and the costs of the trial. At the same time, the claim against Editorial Planeta was rejected.

11. The petitioner argued that after D'Andrea Mohr's death, his successors appealed this decision by means of an extraordinary appeal, which was denied by the Chamber on February 6, 2006. For this reason, a direct appeal or complaint for denial of an extraordinary appeal was filed before the Supreme Court of Justice. However, it was claimed that on August 28, 2007, the Court, without giving any argument and making use of *certiorari*,¹ dismissed the appeal.

¹ According to the petition, in 1990, Law 23.774 was enacted, which introduced the figure of *certiorari* –understood as the discretionary power of the Highest Court of Justice of the Nation to reject any extraordinary federal remedy, with no other basis than the sound discretion of the judges that compose it–. The petition states that this law enables the Supreme Court of Justice of the Nation to dismiss the appeal and, thus, put an end to the lawsuit with the mere invocation of Section 280. The expert added that currently, the Supreme Court, with the purpose of restricting its competence and limiting the cases in which it is called upon to intervene –among which are freedom of speech cases– has repeatedly applied a *certiorari*.

III. FRIENDLY SETTLEMENT

12. On November 15, 2022, the parties signed a friendly settlement agreement in the Autonomous City of Buenos Aires, the text of which establishes:

FRIENDLY SETTLEMENT AGREEMENT

The parties in case 13.581 "José Luis D'Andrea Mohr", of the registry of the Inter-American Commission on Human Rights (hereinafter "IACHR"): Mrs. Julia Cassano and the Centro de Estudios Legales y Sociales, represented in this act by Diego Morales (hereinafter, "the petitioning party"), and the Government of the Argentine Republic (hereinafter, "the State"), in its capacity as State party to the American Convention on Human Rights, (hereinafter, "the Convention"), acting by express mandate of Articles 99(11) and 126 of the Constitution of the Argentine Nation, and in accordance with the provisions of Article 28 of the Convention, represented by the Secretary of Human Rights of the Nation, Horacio Pietragalla Corti, and the Director of International Human Rights Litigation, A. Javier Salgado, have the honor to confer with the Government of the Argentine Republic (hereinafter "the State"), in its capacity as State party to the American Convention on Human Rights, (hereinafter "the Convention"). Javier Salgado, have the honor to inform the IACHR that they have reached an Agreement for a Friendly Settlement of the petition, the contents of which are set forth below, and request that, in light of their consensus, said agreement be accepted and the consequent report provided for in Article 49 of the Convention be adopted.

I. Background

Regarding the life and work of José Luis D'Andrea Mohr

1. José Luis D'Andrea Mohr was born in Buenos Aires in 1939. He graduated from the Military School in 1961.
2. He was forced into mandatory retirement in 1976 for refusing to comply with certain orders issued by the de facto government, among them, refusing to testify in an investigation ordered by then General Jorge Videla. He served almost 200 days of arrest and then a Court of Honor for Army Chiefs and Officers sanctioned him with a "reprimand for a serious offense to honor".
3. He wrote the books *Memoria debida* and *El escuadrón perdido*, and published regularly in the newspapers "Sur" and "Página/12" of Argentina.
4. José Luis D'Andrea Mohr was a member of the Center of Military for Democracy [*Centro de Militares por la Democracia in Spanish* -CEMIDA-], formed in 1984, which reported and documented the Argentine repression.

Facts of the case

5. In May 1998, Mr. D'Andrea Mohr wrote and published the book "El Escuadrón Perdido" [*The Lost Squadron in Spanish*], with a prologue by Federico Eduardo Mittelbach. The work was the result of a journalistic investigation on the forced disappearance of one hundred and twenty-nine (129) soldiers of the Argentine Army during the last military dictatorship, and even in the period immediately prior to the 1976 coup d'état.
6. In his investigation, Mr. D'Andrea Mohr made use of precise documentation and sources such as the report prepared by the National Commission on the

Disappearance of Persons (CONADEP) and that of the Bicameral Investigating Commission on Human Rights Violations of the Province of Tucumán, among others, which reinforce and confirm the historical description of the facts. It also consulted the Army's Reserved Bulletin for the appointments, transfers and retirements of military officers at the time of the events. The book was published by Editorial Planeta.

7. On page 188 of the aforementioned work, Héctor Luis Ríos Ereñú is mentioned as the head of the 28th Infantry Regiment of Monte No. 28, where Corporal José Hernández disappeared.
8. In 1999, Ríos Ereñú, who attained the rank of Brigadier General and the position of Chief of Staff of the Army in 1985, sued Mr. D'Andrea Mohr, the book's prologue writer and the Planeta publishing house for damages, alleging that the work had affected his "honor and the public consideration he enjoyed", since, at the time of Corporal Hernández's disappearance, he had not yet assumed the position of chief of Regiment No. 28. However, this circumstance did appear in the Army's Reserved Bulletin.
9. On October 18, 2000, the National Civil Court No. 110 rejected the claim. In the judgment, the first instance court considered that "actual malice, malice aforethought or negligence, the accreditation of which is required by article 1109 of the Civil Code" had not been proven. Ríos Ereñú appealed the decision.
10. On September 3, 2001, the National Civil Court of Appeals, Chamber "B", again rejected the claim. It determined the absence of malice aforethought or negligence on the part of the author of the book and the lack of grounds for the plaintiff's allegations.
11. Ríos Ereñú filed an extraordinary appeal for arbitrariness of the judgment, which the Court rejected. Against such resolution, he filed a direct appeal or complaint for denial of the extraordinary appeal before the Supreme Court of Justice of the Nation.
12. On June 29, 2004, the Supreme Court –made up of substitute judges, since several of the judges had decided to excuse themselves– decided, by majority, to annul the judgment and ordered the Court of Appeals to issue a new decision.
13. On March 23, 2005, José Luis D'Andrea Mohr was ordered to pay General Ríos Ereñú an indemnity of 25,000 Argentine pesos plus interest and court costs. Mr. D'Andrea Mohr died on February 22, 2001, and his successors appealed this decision. The appeal was denied by the Chamber on February 6, 2006, which led to the filing of the direct appeal before the Supreme Court of Justice. However, the Supreme Court dismissed the appeal on August 28, 2007, applying article 280 of the Argentine Code of Civil and Commercial Procedure.

II. Satisfaction measures

1. Acknowledgement of international responsibility and request for apology

According to the opinion of the Human Rights Secretariat IF-2022-119720933-APN-DNAJIMDDHH#MJ, dated November 7, 2022, and the conformity of the Ministry of Foreign Affairs, International Trade and Worship, the State assumes international responsibility for the violation of the right to freedom of expression recognized in Article 13 of the American Convention on Human Rights, in relation to the obligation to respect the rights contemplated in Article 1.1 of the same instrument, to the detriment of José Luis D'Andrea

Mohr and his family members. The above, by virtue of the fact that he was sentenced to compensate damages in the framework of the lawsuit filed by Héctor Luis Ríos Ereñú, for having written and published the book "El Escuadrón Perdido", in which he denounced the forced disappearance of 129 soldiers during the last civil-military dictatorship.

Due to the death of José Luis D'Andrea Mohr, the State presents its sincere apologies to his family for the violation of his rights.

2. Plaque in honor of José Luis D'Andrea Mohr and in reference to Cpl. Hernández

The design of both plaques must be made in consensus between the parties and they must be placed within a maximum period of six months after the publication of the decree approving this agreement.

a) Plaque in honor of José Luis D'Andrea Mohr

The State will place a plaque commemorating José Luis D'Andrea Mohr in a visible place in the Casa de la Memoria y Vida de Castelar (former Seré mansion), with the prior consent of the petitioners.

The State shall inform when the plaque is placed to the petitioning party, accompanying photographs as evidence. There shall be no unveiling event. The text of the plaque shall be as follows, and shall include the month and year of its placement:

"José Luis D'Andrea Mohr, a graduate of the Military College, wrote the books *Memoria de vida* and *El escuadrón perdido*, which contributed key information on the conduct of the civil-military dictatorship from 1976 to 1983 and proved invaluable for future judicial investigations in the search for truth and justice in Argentina."

The parties agree that, with the presentation to the IACHR of the evidence proving the placement of the plaque, there will be "total compliance" with this clause and, consequently, the IACHR's supervision of its execution will cease.

b) Plaque in commemoration of Corporal José Hernández

The State will place a plaque in a visible place in the town of Ingenio San Pablo, province of Tucumán, in commemoration of Corporal Hernández. The act of unveiling the plaque shall be carried out in consensus with the petitioners and the family of Corporal Hernández.

The text of the plaque shall be as follows and shall include the month and year of its placement:

"On November 11, 1975, Corporal 1° José Hernández, a native of Ingenio San Pablo, Tucumán, was last seen alive in Santa Lucía, Tucumán. The Army declared him a deserter, and so informed his family when they went to inquire about his whereabouts. Subsequent investigations showed that Corporal Hernández did not desert, but was the victim of the crime of forced disappearance. This crime against humanity was committed within the framework of State terrorism. To date, he continues to be detained/disappeared."

The parties agree that, with the presentation to the IACHR of the evidence proving the placement of the plaque, there will be "total compliance" with this clause and, consequently, the IACHR's supervision of its execution will cease.

3. Publicity of the friendly settlement agreement

The State shall publish the complete friendly settlement agreement in the Official Gazette and on the website of the Ministry of Justice and Human Rights. It shall also publish a gazette prepared jointly with the petitioning party in a newspaper of national circulation; and shall take all possible steps for the publication of the same gazette in the magazine “*Soldados*” and in the newspaper “*Tiempo Militar*”. The publication on the web page shall be displayed in a visible and easily accessible place for the public, and shall be active for a period of not less than one year.

The parties agree that, upon presentation to the IACHR of the evidence proving the aforementioned publications and the steps taken, there shall be “total compliance” with this clause and, consequently, the IACHR’s supervision of its execution shall cease.

4. Publication of works by José Luis D’Andrea Mohr in the Argentine Legal Information System.

The State, through the Argentine Legal Information System, will publish the works “*El Escuadrón Perdido*” and “*Memoria Debida*”, by Mr. José Luis D’Andrea Mohr, in an electronic version with permanent free access.

Likewise, 500 copies of the edition of each book will be printed and distributed to libraries, schools and other educational centers in the country, determined in consensus with the petitioners.

The parties agree that, upon presentation to the IACHR of the evidence attesting to the aforementioned publications, there shall be “total compliance” with this clause and, consequently, the IACHR’s supervision of its execution shall cease.

The parties also agree that the Argentine Legal Information System shall begin the execution of this clause upon receipt of the following documentation and information through the National Secretariat of Human Rights:

- a) The petitioning party shall attach the declaration attached to this agreement (Annex I), completed and signed by Editorial Planeta and Editorial Colihue.
- b) Authorization for the edition and publication of both works in an open and free manner by the heirs of Mr. José Luis D’Andrea Mohr, accompanying the documentation that accredits their condition as such (declaration of heirs).
- c) The text of both works digitized, in Word format, along with any other text that they decide to include (for example, the text of the agreement and/or forewords, introductions or introductory words).
- d) The designation by the heirs of Mr. José Luis D’Andrea Mohr of a contact person who will liaise with the Argentine Legal Information Service to approve possible changes, cover design, etc., as well as for the final approval of the work.

The parties agree that, upon presentation to the IACHR of the evidence proving the aforementioned publications, there shall be “total compliance” with this clause and, consequently, the IACHR’s supervision of its execution shall cease.

III. Creation of a registry of decisions of the Inter-American Human Rights System against Argentina and their dissemination in the Judiciary

The State shall create a section within the web page of the National Secretariat of Human Rights, which shall contain a register of all friendly settlement agreements and compliance with recommendations signed by the Argentine Republic. The registry will provide the following information: the full text of the agreement, the homologation reports (if any), the national or provincial decrees approving each agreement (if any), the last technical follow-up sheet prepared by the IACHR in its annual reports, and a brief summary of the case.

The section will also contain a link to the Inter-American Court of Human Rights' site for monitoring compliance with judgments rendered against the Argentine Republic, together with a description explaining the link and its contents. The section will be updated regularly.

The State assumes the commitment to formally inform the creation of the registry of decisions to the Judiciary of the Nation, the Council of the Judiciary of the Nation, the Honorable Senate of the Nation and the Honorable Chamber of Deputies of the Nation, as well as to disseminate it in the Federal Council of Human Rights, and to communicate it to the Federal Board of Courts and Superior Courts of Justice of the Argentine Provinces and the Autonomous City of Buenos Aires.

The parties agree that, with the presentation to the IACHR of the creation of the registry and of the evidence accrediting the aforementioned communications, there shall be "total compliance" with this clause and, consequently, the supervision of the IACHR with respect to its execution shall cease.

IV. Approval clause

The parties shall request the Inter-American Commission on Human Rights to homologate the friendly settlement agreement and the publication of the friendly settlement report when the measures of satisfaction set forth in II.2 and II.3 are complied with.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

13. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to "reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention." The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.² It also wishes to reiterate that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

14. The Inter-American Commission has closely followed the development of the friendly settlement reached in this case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

15. In light of the provisions of Section IV of the agreement and of the confirmation of the State dated October 2, 2023 regarding compliance with clauses II.2. (Placement of plaque in honor of José Luis D'Andrea Mohr and in reference to Corporal Hernández) and II.3. (Publicity of the friendly settlement agreement) of the friendly settlement agreement, as well as the request of the petitioning party of October 4,

² Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1969), Article 26: "**Pacta sunt servanda**" *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

2023, to move forward with its homologation, it is appropriate at this time to assess compliance with the commitments established in this instrument.

16. The Inter-American Commission positively highlights the recognition of the international responsibility of the Argentine State, included in the declaratory clause II.1, for the violation of the right to freedom of expression recognized in Article 13 of the American Convention on Human Rights, in relation to the obligation to respect the rights contemplated in Article 1.1 of the same instrument, to the detriment of José Luis D'Andrea Mohr and his next of kin.

17. With regard to subparagraph a. (*Placement of plaque in honor of José Luis D'Andrea Mohr*) of clause II.2. the Commission notes that on October 2, 2023, the State reported that on April 5, 2023, a plaque commemorating José Luis D'Andrea Mohr was placed at the Casa de la Memoria y Vida de Castelar (former Seré Mansion), in the presence of the petitioner, as can be seen in the article published on the web page of the National Secretariat for Human Rights, which contains photos of the event that took place.³ In this regard, the petitioner, in a note dated October 4, 2023, expressed its agreement with the information provided by the State. Therefore, the Commission considers that paragraph a. of clause II.2. has been fully complied with and so declares.

18. On the other hand, in relation to subparagraph b. (*Plaque in commemoration of Corporal José Hernández*) of clause II.2., the State reported that on September 20, 2023, in the town of San Pablo, Tucumán, a plaque was placed in commemoration of Corporal Hernández. It also indicated that the ceremony was attended by relatives of the corporal and Mrs. Julia Cassano, wife of Mr. D'Andrea Mohr, as noted in an article published on the web page of the National Secretariat for Human Rights. In this regard, the petitioner, in a note dated October 4, 2023, expressed its agreement with the information provided by the State. Therefore, the Commission considers that subparagraph b. of clause II.2. regarding the plaque in commemoration of Corporal José Hernández has been fully complied with and so declares. Consequently, the Commission considers that clause II.2 (*Commemorative plaques*) of the FSA has been fully complied with and so declares.

19. In relation to clause II.3. *Publicity of the friendly settlement agreement*, the State reported that on February 22, 2023, the agreement was published in the Official Gazette and that it is posted on the website of the National Secretariat for Human Rights. Likewise, it was indicated that on March 3, 2023, the gazette agreed upon with the petitioner was published in the newspaper *Página 12*.

20. Regarding the publication of the same gazette in the magazine "*Soldados*" and in the newspaper "*Tiempo Militar*", the State reported that on March 15, 2023, a note was sent to the Ministry of Defense of the Nation, requesting that the necessary means be taken to publish the same gazette in the magazine "*Soldados*". Regarding the publication in the newspaper "*Tiempo Militar*", it informed that "the petitioner - upon becoming aware of the difficulties to carry out the procedures with said newspaper - decided to desist from said measure".⁴

21. Therefore, taking into account the information provided jointly by the parties, the Commission considers that this aspect of the agreement has a partial substantial level of compliance and so declares. In this regard, the Commission awaits updated information from the parties on the publication of the agreement in the magazine "*Soldados*".

22. Regarding clause II.4. on the *Publication of works by José Luis D'Andrea Mohr in the Argentine Legal Information System*, the State reported that the petitioner sent the necessary material related to the works "*El Escuadrón Perdido*" and "*Memoria Debida*" by Mr. José Luis D'Andrea Mohr and that all the files were duly submitted for publication through the Argentine Legal Information System. Taking into account the elements

³ See Website of the National Ministry of Justice and Human Rights. [The Secretariat unveiled a plaque in memory of José Luis D'Andrea Mohr at the House of Memory and Life of Castelar, located in the Quinta Seré estate](#). Last visited on November 2, 2023.

⁴ In the report submitted by the State on October 2, 2023, a communication dated May 3, 2023 was annexed, whereby the petitioner indicated that having become aware of certain difficulties in carrying out the steps to publish a summary of the friendly settlement agreement in "*Tiempo Militar*", although it considered the provisions of the clause to be important, it withdrew its compliance only on that point.

of information provided jointly by the parties, the Commission considers that this aspect of the agreement has reached a level of partial compliance and so declares. In this regard, the Commission is awaiting the evidence of the publications.

23. In relation to Clause III. *Creation of a registry of decisions of the Inter-American Human Rights System against Argentina and its dissemination in the Judiciary*, the Commission notes that, as reported by the State, a section was created within the web page of the Secretariat of Human Rights of the Nation, with a registry of all friendly settlement agreements and compliance with recommendations signed by the Republic of Argentina that also contains the link to the site of the supervision of compliance with the judgments issued against the Republic of Argentina by the Inter-American Court of Human Rights.

24. On the other hand, the petitioner confirmed the creation of the registry as reported by the State and indicated that the communications to formally inform the creation of the registry of decisions to the agencies of the judiciary indicated in the agreement have not yet been disseminated. Consequently, taking into consideration the information provided by the petitioner, the Commission considers that this aspect of the FSA is at a level of partial substantial compliance and so declares. In this regard, the Commission awaits updated information from the parties on the dissemination of communications sent to the judiciary.

25. Therefore, the Commission concludes that clause II.2 (*commemorative plaques*) has reached a level of full compliance and so declares. Likewise, the Commission concludes that clauses II.3 (*Publicity of the friendly settlement agreement*) and III (*Creation of a registry of decisions of the ISHR*) have reached a level of substantial partial compliance and so declares. Finally, the Commission concludes that clause II.4 (*Publication of works by José Luis D'Andrea Mohr*) has been partially complied with and so declares. In this sense, the Commission considers that the friendly settlement agreement has a level of partial substantial implementation and will continue to monitor the implementation of the aforementioned execution clauses until they are fully implemented. Finally, the Commission reiterates that the rest of the content of the agreement is of a declarative nature and therefore its supervision by the Commission is not appropriate.

V. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

2. Based on the considerations and conclusions contained in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. Approve the terms of the agreement signed by the parties on November 15, 2022.
2. To declare total compliance with clause II.2 (*Commemorative plaques*) of the friendly settlement agreement, according to the analysis contained in this report.
3. To declare partial substantial compliance with clauses II.3 (*Publicity of the friendly settlement agreement*) and III. (*Creation of a registry of ISHR decisions*) of the friendly settlement agreement, according to the analysis contained in this report.
4. To declare partial compliance with clause II.4 (*Publication of works by José Luis D'Andrea Mohr*) of the friendly settlement agreement, according to the analysis contained in this report.

5. To declare that the friendly settlement agreement has a partial substantial level of compliance, according to the analysis contained in this report.

6. To continue to supervise compliance with clauses II.3 (*Publicity the friendly settlement agreement*), II.4 (*Publication of works by José Luis D'Andrea Mohr*) and III (*Creation of a registry of decisions of the ISHR*) of the friendly settlement agreement, according to the analysis contained in this report. To this end, the parties are reminded of their commitment to report periodically to the IACHR on their compliance.

7. To publish this report and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on the 30th day of the month of November, 2023. (Signed:) Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, Vice President; Roberta Clarke, Second Vice President; Julissa Mantilla Falcón, Stuardo Ralón Orellana, Carlos Bernal Pulido and José Luis Caballero Ochoa, Commissioners.