

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-144/2020 English

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I/A Court H.R. Protecting Rights

ARGENTINA IS RESPONSIBLE FOR NOT GRANTING AN INDEMNITY TO A PERSON FOR THE SUFFERING OF A REGIME OF SUPERVISED FREEDOM DURING THE DICTATORSHIP

San Jose, December 17, 2020. Today the Inter-American Court of Human Rights released its Judgment on the Case of Almeida v. Argentina, accepting the full acquiescence delivered by Argentina, and consequently found the State responsible for violating Mr. Rufino Jorge Almeida's right to a fair trial, right to equal protection and right to judicial protection (articles 8(1), 24 and 25(1) of the American Convention on Human Rights, in conjunction with articles 1(1) and 2 thereof).

The official summary of the Judgment can be found [here](#) (Only in Spanish), and the complete text of the Judgment is available [here](#) (Only in Spanish).

Mr. Almeida and his wife were abducted by members of the armed forces on June 4, 1978 while Argentina was under dictatorship. He spent 54 days missing and in detention in a clandestine holding camp. He was eventually released on July 27, 1978 and placed under a form of surveillance similar to *de facto* probation, subject to visits by guards from the detention camp and telephone calls to monitor him. The probation status remained in effect until April 30, 1983. The November 27, 1991 enactment of law 24.043 granted benefits to persons who had been in the hands of the executive branch under the dictatorship, and Mr. Almeida received compensation for the days he was in the detention camp but not for the time he was under *de facto* surveillance.

The State had submitted a plea in response to the application, admitting responsibility for the alleged actions and violations and accepting pecuniary redress; but it objected to the institutional measures on the grounds that, due to changes already made in judicial and administrative jurisprudence, the claims of *de facto* probation had already been accounted for in granting the benefits given under law 24.043.

The Court in its Judgment accepted the admission of responsibility, and on the basis thereof, held Argentina internationally responsible for violating the right to a fair trial, the right to equal protection and the right to judicial protection for not having granted Mr. Almeida compensation for the time he was under *de facto* probation.

It ordered measures of redress including payment of compensation for the days he was held under this probation program, and measures of satisfaction, payment of pecuniary and nonpecuniary damage, and court costs and legal fees. As a guarantee of non-recurrence, the State was ordered to have the administrative jurisdiction review the status of all petitioners who may be in the same material situation as Mr. Almeida, applying the jurisprudential standards developed in the *Noro* and *Robasto* cases. It therefore ordered that this measure be publicized to inform anyone with a potential claim to it.

The Judges sitting on the Court for this case were: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice president (Ecuador); Judge Eduardo Ferrer Mac-Gregor (Mexico); Judge Humberto Antonio Sierra Porto (Colombia) and Judge Ricardo Pérez Manrique (Uruguay). Judge Eduardo Vio Grossi did not participate in the deliberation or signing of the judgment owing to reasons beyond his control, duly accepted by the full Court. Judge Eugenio Raúl Zaffaroni, who is Argentinian by nationality, did not take part in the deliberation or signing of the Judgment, in accordance with the provisions of Articles 19(1) and 19(2) of the Rules of Procedure of the Court.

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Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.