

Jorge Omar Gutiérrez and Family v. Argentina

ABSTRACT¹

This case is about the murder of a police commissioner by members of the police force he was investigating. Argentina admitted responsibility but rejected the suggestion that corruption of its police forces (local and federal) is a systemic problem. Eventually, the Court found Argentina in violation of the Convention but fell short of addressing the question of institutional corruption.

I. FACTS

A. Chronology of Events

August 1994: 41-year-old Jorge Omar Gutiérrez (“Mr. Gutiérrez”), a married father of three, works as the Assistant Commissioner of Police of Buenos Aires, in Avellaneda Police Precinct No. 2.²

August 29, 1994: After completing a work shift, Mr. Gutiérrez boards a train to travel home to Quilmes, Buenos Aires Province.³ An unidentified assailant shoots Mr. Gutiérrez in the back of his neck, killing him.⁴ The assailant leaves Mr. Gutiérrez’s service pistol, police shield, ring, and gold watch undisturbed but rifles through his briefcase.⁵ A security guard finds Mr. Gutiérrez’s body and reports it to the Railroad Security Supervision Division of the Argentine Federal Police.⁶ The Criminal and Correctional Court No. 5 opens criminal case No.

1. Matthew Follett, Author; Diane Chang, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 271, ¶ 41 (Nov. 25, 2013).

3. Gutiérrez v. Argentina, Admissibility Report, Report No. 1/03, Inter-Am. Comm’n H.R., ¶ 15 (Feb. 20, 2003).

4. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 42

5. *Id.* ¶ 43.

6. Gutiérrez v. Argentina, Report on Merits, Report No. 63/11, Inter-Am. Comm’n H.R., Case No. 12.221, ¶ 49 (Mar. 31, 2011).

10,888.⁷ Commissioner Jorge Luis Piazza is charged with investigating the murder.⁸ He visits the crime scene with three agents of the Second Sectional Police Precinct of La Plata, Buenos Aires Province.⁹ Experts in chemical analysis, ballistics, photography, and fingerprinting from the Special Technical Investigations Service also arrive and examine the crime scene.¹⁰

September 9, 1994: The Directorate General of Judicial Affairs, Buenos Aires Province, declares that Mr. Gutiérrez's murder occurred because of his service as a police officer.¹¹

September 22, 1994: One eyewitness helps investigators reconstruct the crime scene.¹² He also tells investigators that he knew Mr. Gutiérrez by sight, and that he knows the murderers are federal agents because they charge a "toll" to vendors on the train.¹³ He claims to have witnessed federal agent Daniel Santillán ("Mr. Santillán") shoot Mr. Gutiérrez.¹⁴ The other witness states that she ran after witnessing the shooting, but that Mr. Santillán and another agent stopped her.¹⁵ She states they asked for her documents, told her they were police officers, and instructed her not tell anyone what she witnessed.¹⁶

September 23, 1994: After the two witnesses identify him in a photographic lineup, Mr. Santillán is arrested and charged for Mr. Gutiérrez's murder.¹⁷ Prosecutors ask that he be sentenced to life imprisonment.¹⁸

September 24, 1994: Police arrest two adolescent boys after they confess to Mr. Gutiérrez's murder.¹⁹ They release the boys after learning they confessed to the murder because federal agents had tortured them.²⁰ They boys claim that, while in a video store, federal agents arrested them for

7. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 45

8. *Id.*

9. *Id.* ¶ 44.

10. *Id.*

11. *Id.* ¶ 50

12. *Id.* ¶ 45.

13. Gutiérrez v. Argentina, Report on Merits, ¶ 53

14. *Id.* ¶ 53.

15. *Id.*

16. *Id.*

17. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 46, 55

18. *Id.*

19. Gutiérrez v. Argentina, Report on Merits, ¶ 55.

20. *Id.*

not carrying identification papers.²¹ They further claim they confessed to the murder because the agents told them to after beating and threatening them.²²

September 26, 1994: The Head of the Preventive Surveillance Division of the Railway Security unit is appointed to lead the investigation into whether Mr. Santillán should be “disciplined” since Mr. Santillán works in this division as a federal agent.²³ He forwards the investigation to the Head of the Administrative Investigations Department (“HAID”).²⁴

September 1994 to September 1995: HAID investigates Mr. Santillán’s personal debts, work, and disciplinary history.²⁵ It also investigates Mr. Santillán’s co-workers.²⁶

October 2, 1995: The HAID concludes his preliminary investigation.²⁷ He recommends dropping the disciplinary action against Mr. Santillán.²⁸ He states, “neither [the] administrative nor disciplinary responsibility has been clearly proved.”²⁹ The Personnel Directorate then dismisses the disciplinary action.³⁰

November 11, 1996: Mr. Santillán’s trial for murder begins.³¹

November 15, 1996: The court acquits Mr. Santillán of murder.³² It concludes that there is too much doubt to convict the accused.³³ The court points to the lack of motive for the murder, the testimony of a witness that he had not seen the assailant’s face, contradictions in another witness’s testimony, and investigative “errors.”³⁴

December 26, 1996: The Special Investigative Commission of the Chamber of Deputies of the National Congress on the Probable Commission of

21. *Id.* ¶ 60.

22. *Id.*

23. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 53.

24. *Id.*

25. *Id.* ¶ 54.

26. *Id.*

27. *Id.* ¶ 55.

28. *Id.*

29. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 55.

30. *Id.*

31. *Gutiérrez v. Argentina*, Report on Merits, ¶ 56.

32. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 48.

33. *Id.*

34. *Id.*

Illegal Acts Perpetrated or Produced in the National Customs Administration (“Committee”) meets.³⁵ The Committee formed to investigate illegal acts, determine liability for Mr. Gutiérrez’s murder, and “propose legislative solutions to prevent similar acts in the future.”³⁶

January to February 1997: At least twenty people testify before the Committee.³⁷ Some report they had given false testimony during the agent’s criminal proceedings because federal agents had threatened them.³⁸ Mr. Santillán’s mistress testifies as one of the witnesses.³⁹ She claims she lied during the trial because Mr. Santillán’s father and brothers had threatened her.⁴⁰

February 24, 1997: The Committee reports it has detected potential irregularities relating to the murder investigation of Mr. Gutiérrez.⁴¹ It refers the case to the Supreme Court of Justice, Buenos Aires Province and asks the court to consider re-opening the case.⁴²

November 1997: The Committee releases its final report.⁴³ It states that the Committee verified Mr. Gutiérrez, at the time of his death, was investigating law enforcement personnel connected to illegal activity at a customs warehouse that did not have permits.⁴⁴ It further implicated law enforcement and administration officials in potentially unlawful operations.⁴⁵

December 17, 1998: The Criminal and Correctional Court No. 5 is incorporated into the Transitional Court No 2 of the La Plata Judicial Department, Buenos Aires Province, which assumes responsibility for the case.⁴⁶

May 6, 1999: An inspector briefs the judge on alleged obstructions in the

35. *Id.* ¶ 56.

36. *Id.*

37. *Id.*

38. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 56.

39. Gutiérrez v. Argentina, Report on Merits, ¶ 62.

40. *Id.*

41. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 56.

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.* ¶ 60.

investigation.⁴⁷ He also identifies an alleged participant in the murder.⁴⁸

April 17, 2000: The judge sets aside the case.⁴⁹

May 24, 2000: Members of the Gutiérrez family request reinstatement of the case, at least pertaining to the individual whom the inspector alleged to have participated in the murder.⁵⁰ They also provide testimonial statements of three additional witnesses.⁵¹

September 5, 2000: The judge annuls his previous order to set the case aside and establishes a series of hearings so the witnesses can provide their testimony.⁵²

October 5, 2000: A police officer testifies that during the murder investigation, a woman told him she had witnessed two police officers murder Mr. Gutiérrez.⁵³ She said that she had tried to hide, but the officers grabbed her arm and showed her their badges.⁵⁴ That police officer also testifies, stating that he reported the witness to his superiors and was later removed from the investigation.⁵⁵

October 24, 2000: Roberto Arturo Rolando Freyre, an employee of the Inspector Commissioner of Buenos Aires testifies before the judge, alleging that the Inspector had ordered Mr. Gutiérrez murdered because he was investigating the Inspector's involvement in a drug trafficking ring that involved approximately eight other officers.⁵⁶

July 12, 2001: The judge asks the Prosecutor General of the La Plata Judicial Department to appoint investigators to investigate the witness's allegations.⁵⁷ The Prosecutor General tells the judge none are available.⁵⁸

October 2, 2002: The judge asks the Ministry of Security, Buenos Aires

47. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 61.

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Gutiérrez v. Argentina*, Report on Merits, ¶ 68.

54. *Id.*

55. *Id.*

56. *Id.* ¶ 71.

57. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 63.

58. *Id.*

Province, to investigate Mr. Gutiérrez's murder.⁵⁹ In response, a Special Investigative Committee of the Ministry of Security ("Special Investigative Committee") is created.⁶⁰

September 14, 2004: One eyewitness and a street vendor again participate in a photographic line up and identify Mr. Santillán as Mr. Gutiérrez's murderer.⁶¹

September 30, 2004: The judge again asks the Ministry of Security to investigate Mr. Gutiérrez's murder.⁶² The Prosecutor General appoints two investigators to the case.⁶³

December 28, 2006: After hearing the investigators' findings, the judge provisionally dismisses the case against Mr. Santillán.⁶⁴ She reasons that despite the investigator's meticulous investigation, it was impossible to determine whether there were other perpetrators or accomplices.⁶⁵

November 28, 2008: The Criminal Appeals and Guarantees Chamber reverses the dismissal.⁶⁶ It determines that the witness and street vendor's identification of the federal agent in the photographic line up was sufficient to determine who murdered Mr. Gutiérrez.⁶⁷

October 27, 2009: Mr. Francisco Severo Mostajo, a federal agent, is arrested for participating in Mr. Gutiérrez's murder.⁶⁸

December 30, 2009: The judge provisionally dismisses the case against Mr. Mostajo.⁶⁹ She concludes the investigation has revealed insufficient evidence to hold him for the murder.⁷⁰

B. Other Relevant Facts

[None]

59. *Id.* ¶ 64.

60. *Id.*

61. *Id.* ¶ 65.

62. *Id.* ¶ 66.

63. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 66.

64. *Id.* ¶ 67.

65. *Id.*

66. *Id.*

67. *Id.*

68. Gutiérrez v. Argentina, Report on Merits, ¶ 83.

69. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 69.

70. *Id.* ¶ 67.

II. PROCEDURAL HISTORY

A. Before the Commission

May 12, 1999: Mr. Francisco Gutiérrez, Ms. Nilda Maldonado, the Centro de Estudios Legales y Sociales (CELSE) and the Center for Justice and International Law (CEJIL) file a petition with the Inter-American Commission on Human Rights (“the Commission”).⁷¹

February 20, 2003: The Commission adopts Admissibility Report No. 1/03.⁷²

March 31, 2011: The Commission issues Merit Reports No. 63/11 and concludes that the State violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection).⁷³ It recommends the State give reparations to the Gutiérrez family and investigate those behind the murder in a prompt and unbiased manner.⁷⁴ It also recommends the State investigate and punish the individuals who obstructed the first investigation.⁷⁵

B. Before the Court

August 19, 2011: The Commission determines the State has not adopted its recommendations and submits the case to the Court.⁷⁶

1. Violations Alleged by Commission⁷⁷

Article 4 (Right to Life)
 Article 5 (Right to Humane Treatment)
 Article 8 (Right to a Fair Trial)
 Article 25 (Right to Judicial Protection)
all in relation to:
 Article 1(1) (Obligation to Respect Rights)

71. Gutiérrez v. Argentina, Admissibility Report, ¶ 1.

72. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2.

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. Gutiérrez v. Argentina, Report on Merits, ¶ 144.

2. Violations Alleged by Representatives of the Victims⁷⁸

Same Violations Alleged by Commission.

March 26, 2012: The petitioners forward their pleadings, motions, and evidence to the Court.⁷⁹ They also move to include Mr. Gutiérrez's sister, Nilda Gutiérrez, as a victim in the case.⁸⁰ Lastly, they ask the Court order various measures of reparations.⁸¹

July 27, 2012: The State forwards its brief to the Court and notes "its willingness to accept the conclusions of the Merits Report adopted by the Inter-American Commission. . . as well as the resulting legal consequences."⁸² However, the State rejects the petitioners' contention that the instant case's facts indicate a systematic problem within the State.⁸³

December 21 and 26, 2012: The State and petitioners tell the Court they have started discussing reparations for the presumed victims.⁸⁴

May 17, 2012: The State forwards the Court an "Agreement on Reparations," which the presumed victims and the State have both signed.⁸⁵

III. MERITS

A. *Composition of the Court*

Diego García-Sayán, President
Manuel E. Ventura Robles, Vice President
Alberto Pérez Pérez, Judge
Eduardo Vio Grossi, Judge
Roberto F. Caldas, Judge
Humberto Antonio Sierra Porto, Judge
Eduardo Ferrer Mac-Gregor Poisot, Judge
Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

78. *Id.* ¶ 2.

79. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 5.

80. *Centro de Estudios Legales y Sociales* ("CELS") served as representative of the victims.

81. *Id.*

82. *Id.* ¶ 6.

83. *Id.*

84. *Id.* ¶ 9.

85. *Id.*

B. *Decision on the Merits*

November 25, 2013: The Court issues its Judgment on Preliminary Merits, Reparations, and Costs.⁸⁶

The Court unanimously found that the State had violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Gutiérrez,⁸⁷ because:

The Court acknowledged that the State had taken responsibility for violating Article 4 (Right to Life) of the Convention.⁸⁸ The Court reiterated that states are responsible for acts carried out by its agents in an official capacity—regardless of whether they had acted outside the bounds of their authority.⁸⁹ The evidence in the instant case indicated that State agents had not only participated in Mr. Gutiérrez’s murder, but also obstructed the subsequent investigation.⁹⁰ The Court pointed to several witnesses who testified before the Special Investigative Committee that they had lied under oath about Mr. Gutiérrez’s murder because federal agents had either physically beaten them, threatened them, or both.⁹¹ Among these witnesses were two minors who falsely implicated two other minors after agents threatened them.⁹²

The Court also noted that evidence pointed to a series of altercations between Mr. Gutiérrez and the private guards of a large warehouse.⁹³ Most of the guards either worked or previously worked as agents of the Federal Argentine Police.⁹⁴ At the time of his death, Mr. Gutiérrez was investigating the warehouse for smuggling, fraud, and its links to corrupt officials.⁹⁵ Testimony revealed part of the motive for Mr. Gutiérrez’s murder stemmed from his investigation into a drug trafficking group composed of several Argentine Federal agents.⁹⁶

86. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 271 (Nov. 25, 2013).

87. *Id.* ¶ 2.

88. *Id.* ¶ 75.

89. *Id.* ¶ 76.

90. *Id.* ¶ 80.

91. *Id.* ¶¶ 81-86.

92. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 86.

93. *Id.* ¶ 87.

94. *Id.* ¶ 89.

95. *Id.*

96. *Id.* ¶ 88.

Lastly, the Court noted witness testimony that identified the Police Commissioner and Inspector for Buenos Aires Province as the ones who ordered Mr. Gutiérrez's murder.⁹⁷ The Court noted that the human rights violation here was extremely serious since State agents were directly linked to the deprivation of Mr. Gutiérrez's rights.⁹⁸ Thus, the Court found the State violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life).⁹⁹

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of Mr. Gutiérrez's family members,¹⁰⁰ because:

The Court acknowledged that the State had taken responsibility for violating Article 5 (Right to Humane Treatment) of the Convention.¹⁰¹ It noted that in previous cases, it had recognized that family members of individuals who suffered human rights violations could in turn become victims themselves because of the anguish they experienced.¹⁰² The Court noted that it presumes harm to the "mental and moral integrity" of direct family members when states violate certain human rights, which include: extra-judicial killings, enforced disappearances, and massacres.¹⁰³

Here, Mr. Gutiérrez's extra-judicial killing had undoubtedly caused pain, suffering, and anguish to the Gutiérrez family.¹⁰⁴ The State pointed to the testimony of Mr. Gutiérrez's family members who had detailed how the murder had affected them mentally, emotionally, and physically.¹⁰⁵ Moreover, the Court concluded that the State's failure to competently investigate the murder added to the family's torment.¹⁰⁶ Thus, the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) to the detriment of Mr. Gutiérrez's family.¹⁰⁷

97. *Id.*

98. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 90.

99. *Id.* ¶ 92.

100. *Id.* "Operative Paragraphs," ¶ 4.

101. *Id.* ¶ 140.

102. *Id.* ¶ 138.

103. *Id.* ¶ 139.

104. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 145.

105. *Id.* ¶¶ 141-44.

106. *Id.* ¶ 145.

107. *Id.* ¶ 146.

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25 (Right to Judicial Protection) in relation to Article 1(1) of the Convention, to the detriment of Mr. Gutiérrez's family,¹⁰⁸ because:

The Court acknowledged that the State had taken responsibility for violating Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) of the Convention.¹⁰⁹ The Court reiterated its findings that the State had failed to impartially or effectively investigate Mr. Gutiérrez's murder.¹¹⁰ Its investigation neither comported with a reasonable time length nor due process of law.¹¹¹ It also noted that both the investigation and subsequent criminal proceedings were fraught with irregularities cause by the State's agents. These ranged from the collection of evidence to witness intimidation.¹¹² Lastly, the Court noted that nineteen years after the murder, the State had yet to hold anyone responsible for Mr. Gutiérrez's murder.¹¹³ Thus, the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection).¹¹⁴

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

The Court unanimously found that State had the following obligations:

A. Specific Performance (*Measures of Satisfaction and Non-Repetition Guarantee*)

1. Investigate and Punish the Individuals Responsible for Mr. Gutiérrez's Murder

Within a reasonable time the State must identify, prosecute, and

108. *Id.* "Operative Paragraphs," ¶ 3.

109. *Id.* ¶ 96.

110. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶ 132.

111. *Id.*

112. *Id.*

113. *Id.*

114. *Id.* ¶ 134.

punish the individuals responsible for Mr. Gutiérrez's extra-judicial killing.

2. Publish and Disseminate the Judgment

The State must publish a summary of the judgment prepared by the Court in the *National Gazette* and a newspaper with national circulation.¹¹⁵ It must also publish the entire judgment for at least twelve consecutive months on *Centro de Información Judicial*, the State's judicial news website, and the official websites of the Argentine Federal Police, and the Police of Buenos Aires Province.¹¹⁶

3. Enhance Law Enforcement Training

The training academies of the Argentine Federal Police and the Police of Buenos Aires Province must add curriculum which includes training on human rights, compliance with the American Convention, and law enforcement's obligation to investigate crimes with due diligence.¹¹⁷

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$1,000 to Nilda del Valle Maldonado de Gutiérrez, Mr. Gutiérrez's wife, as reimbursement of Mr. Gutiérrez's funeral expenses.¹¹⁸

2. Non-Pecuniary Damages

The Court awarded \$75,000 to Mr. Gutiérrez's family members, divided as \$20,000 to Mrs. Gutiérrez (wife), \$10,000 to Mr. Jorge Gutiérrez (son), \$10,000 to Omar Gutiérrez (son), \$10,000 to Marilin Gutiérrez (daughter), \$10,000 to Francisco Gutiérrez (brother), and \$5,000 to Ms. Nilda Gutiérrez (sister), as compensation for moral damages.¹¹⁹

115. *Id.* "Operative Paragraphs," ¶ 8.

116. *Gutiérrez v. Argentina*, Preliminary Objections, Merits, Reparations, and Costs, "Operative Paragraphs," ¶ 8.

117. *Id.* "Operative Paragraphs," ¶ 10.

118. *Id.* ¶ 176.

119. *Id.* ¶ 186.

3. Costs and Expenses

The Court reimbursed \$6,000 to Mrs. Gutiérrez and \$6,000 to Mr. Francisco Gutiérrez for the expenses they accrued independently investigating Mr. Gutiérrez's murder.¹²⁰ It awarded Ms. Gutiérrez another \$5,262.56 for travel-related expenses.¹²¹ Lastly, the Court awarded *Centro de Estudios Legales y Sociales* \$4,407.65 for expenses to attend the Court's public hearing, \$4,213.10 for air travel, and another \$25,000 for legal costs.¹²²

4. Total Compensation (including Costs and Expenses ordered):

\$126,883.31

C. Deadlines

Within six months of receiving the Court's judgment, the State must publish in the National Gazette and a magazine with national circulation, the court-provided summary of its judgment.¹²³ It must also publish the judgment in its entirety on the *Centro de Información Judicial*, and the official websites of the Argentine Federal Police, and the Police of Buenos Aires Province.¹²⁴

Within one year of receiving the Court's judgment, the State must organize a "public act" where it acknowledges responsibility and sorrow for the instant case.¹²⁵

Within one year of receiving the Court's judgment, the State must compensate for all pecuniary and non-pecuniary damages.¹²⁶

Within one year of receiving the Court's judgment, the State must report to the Court on its progress in complying with the judgment.¹²⁷

V. INTERPRETATION AND REVISION OF JUDGMENT

[NONE]

120. *Id.* ¶ 193.

121. *Id.* ¶ 195.

122. Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 194-95.

123. *Id.* "Operative Paragraphs," ¶ 8.

124. *Id.*

125. *Id.* "Operative Paragraphs," ¶ 7.

126. *Id.* ¶ 199.

127. *Id.* "Operative Paragraphs," ¶ 12.

VI. COMPLIANCE AND FOLLOW-UP

[NONE]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Gutiérrez v. Argentina, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 271 \(Nov. 25, 2013\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Gutiérrez v. Argentina, Admissibility Report, Report No. 1/03, Inter-Am. Comm'n H.R. \(Feb. 20, 2003\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Gutiérrez v. Argentina, Report on Merits, Report No. 63/11, Inter-Am. Comm'n H.R., Case No. 12.221 \(Mar. 31, 2011\).](#)

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

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