

# Bueno Alves v. Argentina

## ABSTRACT<sup>1</sup>

### I. FACTS

#### *A. Chronology of Events*

**January–February 1988:** Mr. Juan Francisco Bueno Alves is a Uruguayan national living and working in Argentina (the “State”) as a marble craftsman.<sup>2</sup> His family members include his mother, Mrs. Tomasa Alves De Lima; his ex-spouse, Ms. Inés María del Carmen Afonso Fernández; his son, Mr. Juan Francisco Bueno; and his daughters Ms. Ivonne Miriam Bueno and Ms. Verónica Inés Bueno.<sup>3</sup> He is involved in negotiating a real estate transaction with Ms. Norma Lage.<sup>4</sup>

**February 1988:** Mr. Bueno Alves initiates a criminal case against Ms. Lage, accusing her of fraud and making threats in the context of the real estate transaction.<sup>5</sup>

**March 10, 1988:** Ms. Lage initiates a criminal case against Mr. Bueno Alves accusing him, as well as other persons, of fraud and extortion.<sup>6</sup>

**March 20, 1988:** Mr. Bueno Alves and Ms. Lage agree to terminate the real estate transaction.<sup>7</sup>

**April 5, 1988:** Mr. Bueno Alves and his attorney, Mr. Carlos Alberto Pérez Galindo, attend a meeting related to cancelling the real estate transaction.<sup>8</sup> During the meeting, officers of the Fraud and

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1. Zach Tripodes, Author; Kathryn Benson, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. *Bueno Alves v. Argentina*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 164, ¶ 1-2 (May 11, 2007).

3. *Id.* ¶ 96.

4. *Id.* ¶ 2.

5. *Id.*

6. *Id.*

7. *Id.* ¶ 3.

8. *Buenos Alves v. Argentina*, Merits, Reparations and Costs, ¶ 3.

Embezzlement Division of the Federal Police detain both Mr. Bueno Alves and Mr. Pérez Galindo and search the latter's office.<sup>9</sup> The officers conduct the arrests and the search pursuant to an order issued by the court overseeing the criminal case initiated by Ms. Lage.<sup>10</sup>

**April 6, 1988:** In the early hours of the morning at the police station where he is detained, two officers torture Mr. Bueno Alves by striking him in the ears with their hands.<sup>11</sup> Mr. Bueno Alves claims that, as a result of this treatment, he suffers from limited hearing in his right ear and problems with balancing.<sup>12</sup> The officers also strike Mr. Bueno Alves in the stomach, disparaging him because of his nationality, and depriving him of his ulcer medication.<sup>13</sup> Mr. Bueno Alves later identifies two police officers: Mr. René Jesús Derecho, who arrested and beat him, and Mr. Horacio Soto, who witnessed the beating and laughed during the beating.<sup>14</sup> He is unable to identify the second officer who participated in the beating.<sup>15</sup>

**April 8, 1988:** Mr. Bueno Alves files a criminal complaint regarding the torture.<sup>16</sup> The case is ultimately closed without any of the torturers being identified or punished.<sup>17</sup>

**February 11, 1995:** Mr. Bueno Alves files a petition with Investigating Court No. 30, claiming that there were "irregularities in the proceedings" related to his complaint regarding torture.<sup>18</sup> The magistrate responsible for the new complaint concludes that "no crime existed."<sup>19</sup>

**April 15, 1997:** The Supreme Court of Justice dismisses a complaint filed by Mr. Bueno Alves in which he alleges that the State had denied him "extraordinary recourse" by failing to hold anyone accountable for the torture.<sup>20</sup>

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9. *Id.*

10. *Id.* ¶ 2-3.

11. *Id.* ¶¶ 4, 71.

12. *Id.* ¶ 4.

13. *Id.* ¶ 74.

14. *Buenos Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 73.

15. *Id.*

16. *Id.* ¶ 5.

17. *Id.*

18. *Bueno Alves v. Argentina, Admissibility Report*, Report No. 101/99, Inter-Am. Comm'n H.R., Case No. 11.425, ¶ 44 (Sept. 21, 1999).

19. *Id.*

20. *Id.* ¶ 43.

*B. Other Relevant Facts*

[None]

## II. PROCEDURAL HISTORY

*A. Before the Commission*

**August 24, 1994:** Mr. Bueno Alves files petition No. 11.425 before the Commission.<sup>21</sup>

**September 21, 1999:** The Commission approves Admissibility Report No. 101/99, finding the case admissible.<sup>22</sup>

**March 7, 2005:** The Commission approves Report on the Merits No. 26/05, in which it finds that the State violated articles of the American Convention and it makes recommendations to the State.<sup>23</sup>

*B. Before the Court*

**March 31, 2006:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>24</sup>

1. Violations Alleged by Commission<sup>25</sup>

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) of the American Convention.

2. Violations Alleged by Representative of the Victim<sup>26</sup>

Same Violations Alleged by Commission, plus:

Article 7 (Right to Personal Liberty)

Article 11 (Right to Privacy)

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21. *Bueno Alves v. Argentina*, Merits, Reparations, and Costs, ¶ 1.

22. *Bueno Alves v. Argentina*, Admissibility Report, “Decides” ¶ 1.

23. *Bueno Alves v. Argentina*, Merits, Reparations, and Costs, ¶ 1.

24. *Id.*

25. *Id.* ¶ 6.

26. *Id.* ¶ 7. Ms. Helena Teresa Afonso-Fernández served as the representative for Mr. Bueno Alves. *Id.*

Article 24 (Right to Equal Protection) of the American Convention.  
Article I (Right to Life, Liberty, and Personal Security)  
Article V (Right to Protection of Honor, Personal Reputation, and Private and Family Life)  
Article VI (Right to Family)  
Article XVII (Right to Juridical Personality)  
Article XVIII (Right to a Fair Trial)  
Article XXV (Right to Protection from Arbitrary Arrest)  
Article XXVI (Right to Due Process)  
*all in relation to:*  
Article XXVIII (Scope of the Rights) of the American Declaration.

**February 18, 2006:** The State accepts the Commission's conclusions in the Report on Merits and states that it wishes "to comply with the recommendations contained therein."<sup>27</sup>

**September 26, 2006:** The State reiterates that it accepts responsibility.<sup>28</sup> However, the State does not accept the additional violations alleged by the representative of the victim.<sup>29</sup> Further, the State requests that the Court determine reparations in the case, as it was unable to reach an agreement with Mr. Bueno Alves.<sup>30</sup>

**January 22, 2007:** The representative of the victim requests that the Court adopt provisional measures because he is fearful following alleged harassment from the State.<sup>31</sup>

**February 2, 2007:** The Court dismisses the request for provisional measures, finding it to be inadmissible.<sup>32</sup>

**May 11, 2007:** The Court finds that the State's acceptance of responsibility "constitutes an acquiescence to the legal claims made by the Commission" and therefore the Commission's violations allegations are not a point of controversy.<sup>33</sup> However, the Court finds that a controversy still exists in the case because the State has not accepted the allegations made by the victim's representative<sup>34</sup> and because the State

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27. *Id.* ¶ 19.

28. *Id.* ¶ 8.

29. Bueno Alves v. Argentina, Merits, Reparations, and Costs, ¶ 8.

30. *Id.*

31. *Id.* ¶ 17.

32. *Id.* ¶ 18.

33. *Id.* ¶¶ 6, 30.

34. *Id.* ¶ 32.

and the victim cannot agree to the “type, amount, and beneficiaries of the reparations.”<sup>35</sup>

### III. MERITS

#### A. *Composition of the Court*<sup>36</sup>

Sergio García Ramírez, President  
Cecilia Medina Quiroga, Vice-President  
Manuel E. Ventura Robles, Judge  
Diego García Sayán, Judge  
Margarette May Macaulay, Judge  
Rhadys Abreu Blondet, Judge

Pablo Saavedra Alessandri, Secretary  
Emilia Segares Rodríguez, Deputy Secretary

#### B. *Decision on the Merits*

**May 11, 2007:** The Court issues its Judgment on Merits, Reparations, and Costs.<sup>37</sup>

The Court found unanimously that the State had violated:

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Bueno Alves, Mrs. Tomasa Alves De Lima, Ms. Inés María del Carmen Afonso Fernández, Mr. Juan Francisco Bueno, Ms. Ivonne Miriam Bueno, and Ms. Verónica Inés Bueno,<sup>38</sup> because:

*The Court first considered whether the Mr. Bueno Alves was subjected to torture.<sup>39</sup> Torture has three elements: (1) “an intentional act,” (2) committed for a specific purpose, and (3) which caused severe physical or emotional suffering.<sup>40</sup> For the first element, the Court found that the evidence clearly supports a finding that “the acts committed where*

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35. *Bueno Alves v. Argentina*, Merits, Reparations, and Costs, ¶ 33.

36. Judge Leonardo A. Franco excused himself from the case because he is a national of the State. *Id.* n.1.

37. *See generally* *Bueno Alves v. Argentina*, Merits, Reparations, and Costs.

38. *Id.* “Declares” ¶ 3.

39. *Id.* ¶ 75.

40. *Id.* ¶ 79.

*deliberately inflicted upon the victim.*"<sup>41</sup> Likewise, the Court found that the record in the case clearly establishes the second element because the "said mistreatment was specifically aimed at forcing Mr. Bueno Alves to make a confession" against his attorney at the time.<sup>42</sup>

With regard to the final element, the Court first noted that it must take into account the "objective and subjective factors" of the case.<sup>43</sup> The objective factors include: "the characteristics of mistreatment, such as the duration, the method or manner used to inflict harm, and the physical and psychological effects such harm may cause."<sup>44</sup> The subjective factors include: "the characteristics of the individual undergoing mistreatment, including age, gender, health condition, and any other personal circumstance."<sup>45</sup> The Court recalled that the mistreatment in the case led to both physical and mental injuries.<sup>46</sup> The Court noted that Mr. Bueno Alves suffered a perforation in his eardrum, which impaired his hearing.<sup>47</sup> Additionally, he suffered psychological trauma from the episode, which will persist for the rest of his life and which continue to affect him in his day-to-day activities, despite the passage of eighteen years.<sup>48</sup> Accordingly, the Court concluded that the mistreatment alleged in this case "amounted to torture to the detriment of" Mr. Bueno Alves.<sup>49</sup> The Court, however, agreed with the State, and disagreed with the victim's representative, in finding that the acts of torture in this case should not be classified as a crime against humanity because "such acts were not part of a generalized or systematic attack against the civilian population."<sup>50</sup>

Finding that the State subjected Mr. Bueno Alves to torture, the Court then considered Article 5.<sup>51</sup> The Court reiterated that Article 5 requires States Parties "to investigate possible acts of torture and other cruel, inhuman or degrading treatment."<sup>52</sup> However, the Court found that there was a "lack of judicial relief" for Mr. Bueno Alves, which the Court

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41. *Id.* ¶ 81.

42. *Id.* ¶ 82.

43. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 83.

44. *Id.*

45. *Id.*

46. *Id.* ¶ 84.

47. *Id.*

48. *Id.* ¶¶ 84–85.

49. *Bueno Alves v. Argentina, Merits, Reparations, and Cost*, ¶ 86.

50. *Id.* ¶ 87.

51. *Id.* ¶ 87–88.

52. *Id.* ¶ 88.

details in considering the violation of Article 8.<sup>53</sup> The Court accordingly concluded that the State's inability to provide a domestic judicial remedy to address the acts of torture in this case "affected Mr. Bueno Alves's personal integrity" and therefore constituted a violation of Article 5.<sup>54</sup>

With regard to Mr. Bueno Alves's next of kin, the Court first noted that the family of victims of human rights violations may also themselves be victims.<sup>55</sup> The Court stated that the relevant factors for making such a finding included: "whether there exists a close family tie, the particular circumstances of the relationship with the victim, the manner in which the next of kin witnessed the events that constitute a violation and the degree of involvement in the quest for justice and the answer provided by the State."<sup>56</sup>

The Court concluded that "only the family members belonging to the closest circle" of Mr. Bueno Alves could also be considered victims.<sup>57</sup> The Court found that such family members were limited to his mother, Mrs. Alves De Lima; his former spouse, Ms. María del Carmen Afonso Fernández; his son, Mr. Francisco Bueno; and his daughters, Ms. Miriam Bueno and Ms. Inés Bueno.<sup>58</sup>

The Court declined to find that additional family members, including Mr. Bueno Alves's siblings, grandchildren, son-in-law, or daughter-in-law were victims, as argued by both the Commission and Mr. Bueno Alves's representative.<sup>59</sup> It also declined to find that the death of Mrs. Alves De Lima and one of Mr. Bueno Alves's brothers could be attributed to the State's mistreatment of Mr. Bueno Alves, as argued by Mr. Bueno Alves's representative.<sup>60</sup>

Article 8 (Right to a Fair Trial) and 25 (Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. Bueno Alves,<sup>61</sup> because:

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53. *Id.* ¶ 91.

54. *Id.* ¶ 95.

55. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 102.

56. *Id.*

57. *Id.* ¶ 104.

58. *Id.* ¶¶ 96, 103–04.

59. *Id.* ¶¶ 96, 103.

60. *Id.*

61. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, "Declares" ¶ 1.

The Court first recalled that in this case, the State was obligated to conduct a full investigation of Mr. Bueno Alves's allegations that he was tortured while in police custody.<sup>62</sup> In this regard, it was important for the State to conduct a prompt medical examination of Mr. Bueno Alves to verify his alleged injuries.<sup>63</sup> However, the Court found that it took five days for the State to conduct such an examination after Mr. Bueno Alves informed the magistrate judge in his criminal case about his mistreatment; the judge ordered the examination on the day the allegations were made.<sup>64</sup> The Court concluded that such an examination "should have been immediate."<sup>65</sup>

The Court further concluded that criminal investigation against the police officers was entirely inadequate.<sup>66</sup> It noted that "[t]he role that the Public Prosecutor's Office and the Judge played was notoriously passive."<sup>67</sup> The Public Prosecutor's Office did not collect any evidence in the case and the judge frequently denied Mr. Bueno Alves' requests for evidence.<sup>68</sup> Additionally, the Court noted that the appeal process initiated by Mr. Bueno Alves included an almost nine-year period in which the case was pending before the Supreme Court of Justice.<sup>69</sup> Overall, the Court found that "the criminal process did not contribute to [the] identif[ication] or [punishment of] any person," that the proceedings only progressed due to Mr. Bueno Alves' submissions before the judge, and that the proceedings "did not provide reparation for the damages caused."<sup>70</sup>

Lastly, the Court noted that upon his arrest, the State officials did not inform Mr. Bueno Alves of his right to communicate with and seek the assistance of the State's consular officials under the Vienna Convention on Consular Relations.<sup>71</sup> The Court reiterated its finding from previous cases that the "right to request consular assistance . . . must be acknowledged and considered as one of the minimum guarantees

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62. *Id.* ¶ 109.

63. *Id.* ¶ 111.

64. *Id.* ¶ 110.

65. *Id.* ¶ 112.

66. *Id.* ¶ 113.

67. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 113.

68. *Id.*

69. *Id.* ¶ 114.

70. *Id.* ¶ 113.

71. *Id.* ¶ 116.



*necessary to provide foreigners an opportunity to prepare their defense adequately and to have a fair trial.*"<sup>72</sup>

The Court found unanimously that the State had not violated:

Article I (Right to Life, Liberty, and Personal Security), Article V (Right to Protection of Honor, Personal Reputation, and Private and Family Life), Article VI (Right to Family), Article XVII (Right to Juridical Personality), Article XVIII (Right to a Fair Trial), Article XXV (Right to Protection from Arbitrary Arrest), or Article XXVI (Right to Due Process), all in relation to Article XXVIII of the American Declaration, to the detriment of Mr. Bueno Alves,<sup>73</sup> because:

*The Court noted that the American Declaration "defines the human rights referred to in the Charter [of the Organization of American States]" and, therefore, the American Declaration "is [the] source of international obligations related to the Charter."*<sup>74</sup> *The Court reaffirmed that the American Declaration only falls within its jurisdiction for advisory opinions and not contentious cases.*<sup>75</sup> *It did, however, note that "the American Declaration may be applied in the instant contentious case, if deemed appropriate, to construe the Articles of the American Convention."*<sup>76</sup>

Article 7 (Right to Personal Liberty), in relation to Article 1(1) of the Convention, to the detriment of Mr. Bueno Alves,<sup>77</sup> because:

*The representative for the victim alleged that the State violated Article 7, because the magistrate considering the litigation between Mr. Bueno Alves and Ms. Lage failed to deliver the case file to the magistrate considering the criminal case against Mr. Bueno Alves.*<sup>78</sup> *The State argued that "the possible connection between both cases should not result in the assumption that the arrest ordered by the [second magistrate] was illegal."*<sup>79</sup> *The State further argued that the Commission deemed the alleged violation of Article 7 inadmissible in its Admissibility*

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72. *Id.*

73. *See generally*, Bueno Alves v. Argentina, Merits, Reparations, and Costs, ¶¶ 54–60.

74. *Id.* ¶ 55.

75. *Id.* ¶¶ 56–58.

76. *Id.* ¶ 60.

77. *Id.* "Declares" ¶ 2.

78. *Id.* ¶ 63.

79. Bueno Alves v. Argentina, Merits, Reparations, and Costs, ¶ 65.

Report.<sup>80</sup> *The Court accepted the State's argument and determined that it "does not find any reasons to modify the decision made by the . . . Commission in the instant case."*<sup>81</sup>

Article 11 (Right to Privacy), in relation to Article 1(1) of the Convention, to the detriment of Mr. Bueno Alves,<sup>82</sup> because:

*The victim's representative alleged that the criminal charges against Mr. Bueno Alves "insulated and defamed" him because they "discredited him within his social environment, tarnished his professional reputation, and deeply affected his family."*<sup>83</sup> *However, the Court found that "a legal process does not constitute, in itself, an illegal violation of the honor and dignity of a person" because, although it may "indirectly bring about nuisance for those who are subject to trial," its ultimate purpose is "to solve a controversy."*<sup>84</sup>

Article 24 (Right to Equal Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. Bueno Alves,<sup>85</sup> because:

*The victim's representative alleged only that Mr. Bueno Alves was denied his right to equal protection because of nationality, without providing specific arguments.*<sup>86</sup> *The Court found that the only evidence to support his claim was the fact that, during the custodial mistreatment, the officers insulted Mr. Bueno Alves because of his nationality.*<sup>87</sup> *However, this treatment was already taken into account when considering the violation of Article 5.*<sup>88</sup> *Because there is no additional evidence that Mr. Bueno Alves was subject to discriminatory treatment due to his nationality, the Court concluded the State had not violated Article 24.*<sup>89</sup>

### C. Dissenting and Concurring Opinions

[None]

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80. *Id.* ¶¶ 64, 66.

81. *Id.* ¶ 67.

82. *Id.* "Declares" ¶ 4.

83. *Id.* ¶ 118.

84. *Id.* ¶ 122.

85. *Bueno Alves v. Argentina, Merits, Reparations, and Costs, "Declares" ¶ 5.*

86. *Id.* ¶ 123.

87. *Id.* ¶ 74, 126.

88. *Id.* ¶ 126.

89. *Id.* ¶¶ 126–27.

## IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

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

1. Investigate the Allegations

The Court ordered the State to conduct an investigation into the acts of torture so that the responsible individuals can be “identified and punished.”<sup>90</sup> The Court also ordered the State to “guarantee that the victim may have full access and capacity to take part in all stages and procedures during such investigations and proceedings.”<sup>91</sup>

2. Publish the Judgment

The Court ordered the State to publish either paragraphs 1–8, 71–74, 86, 95, 113, and 117 (without footnotes) or the operative paragraphs of the Judgment in both the official gazette of the State and a daily paper with national circulation.<sup>92</sup>

*B. Compensation*

The Court awarded the following amounts:

1. Pecuniary Damages

The Court ordered the State to pay a total of \$223,000 to Mr. Bueno Alves.<sup>93</sup> This total is comprised of \$148,000 for lost earnings, \$30,000 for past medical expenses, and \$45,000 for future medical expenses.<sup>94</sup> The Court did not award any pecuniary damages to Mr. Bueno Alves’s family members.<sup>95</sup>

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90. *Id.* ¶ 211.

91. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 211.

92. *Id.* ¶ 215.

93. *Id.* ¶ 195.

94. *Id.*

95. *Id.* ¶ 197.

## 2. Non-Pecuniary Damages

The Court ordered the State to pay Mr. Bueno Alves \$100,000.<sup>96</sup> It also awarded \$10,000 each to his mother, Mrs. Alves De Lima; his former spouse, Ms. del Carmen Afonso Fernández; his son, Mr. Bueno; and his daughters, Ms. Miriam Bueno and Ms. Inés Bueno.<sup>97</sup> The award to Mrs. Alves De Lima, who is deceased, shall be distributed to her heirs pursuant to the State's laws.<sup>98</sup>

## 3. Costs and Expenses

[None]

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

\$373,000

## C. Deadlines

The Court required the State to begin its investigation to identify and punish those responsible for Mr. Bueno Alves's mistreatment "forthwith."<sup>99</sup>

The Court ordered the State to publish the Judgment in its official gazette and a national newspaper within six months.<sup>100</sup>

The Court ordered the State to pay all damages within one year.<sup>101</sup> The payment must be made in either United States dollars or the equivalent amount in Argentine pesos as determined by the prevailing New York exchange rate of the day prior to the payment.<sup>102</sup> If payment is not made within one year, the State must also pay interest equivalent to the default banking interest rate in the State.<sup>103</sup>

The Court also required the State to report on its compliance with the Judgment within fifteen months.<sup>104</sup>

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96. *Id.* ¶ 206.

97. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 206.

98. *Id.* ¶ 223.

99. *Id.* ¶ 211.

100. *Id.* ¶ 215.

101. *Id.* ¶¶ 196, 207.

102. *Id.* ¶ 224.

103. *Bueno Alves v. Argentina, Merits, Reparations, and Costs*, ¶ 227.

104. *Id.* "And Decides" ¶ 10.

## V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

## VI. COMPLIANCE AND FOLLOW-UP

**July 11, 2007:** The Supreme Court of Justice finds that the statute of limitations had applied to the criminal case involving Mr. Bueno Alves's mistreatment because the charges did not constitute a crime against humanity.<sup>105</sup>

**September 10, 2008:** The State published the relevant parts of the Judgment in Official Bulletin No. 31.486.<sup>106</sup>

**September 25, 2008:** The State published the relevant parts of the Judgment in the daily edition of *La Prensa*.<sup>107</sup>

**September 14, 2009:** Decree No. 1249/2009 authorized the State to pay the compensation ordered in the Judgment.<sup>108</sup>

**September 30, 2009:** The State transferred \$1,356,579 (Argentine pesos) to Mr. Bueno Alves, which was equivalent to \$353,000 (United States dollars).<sup>109</sup>

**November 26, 2009:** The State transferred \$355,355.87 (Argentine pesos) to Mr. Bueno Alves in interest.<sup>110</sup>

**December 7, 2009:** The State transferred \$38,140 (Argentine pesos) each to Ms. del Carmen Afonso Fernández and Ms. Inés Bueno, which was equivalent to \$10,000 (United States dollars) in addition to \$11,330.76 and \$11,725.29 (Argentine pesos), respectively, in interest.<sup>111</sup>

**December 23, 2009:** The State issued payment orders to Mr. Bueno and Ms. Miriam Bueno, each in the amount of \$37,950 (Argentine pesos),

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105. *Bueno Alves v. Argentina*, Compliance Monitoring with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering that" ¶ 23 (July 5, 2011).

106. *Id.* "Considering that" ¶ 48.

107. *Id.*

108. *Id.* "Considering that" ¶ 7.

109. *Id.* "Considering that" ¶ 7(a).

110. *Id.*

111. *Bueno Alves v. Argentina*, Compliance Monitoring with Judgment, "Considering that" ¶ 7(b) (July 5, 2011).

equivalent to \$10,000 (United States dollars), in addition to \$11,725.29 (Argentine pesos) in interest.<sup>112</sup> The amounts were deposited to Mr. Bueno Alves pursuant to special powers granted by his two children.<sup>113</sup>

**July 5, 2011:** The Court decided that the State had fully complied with its obligation to pay compensation to Mr. Bueno Alves, Ms. del Carmen Afonso Fernández, Mr. Bueno, Ms. Miriam Bueno, and Ms. Inés Bueno.<sup>114</sup> However, the Court also found that the State has not met its obligation to pay compensation to Mrs. Alves De Lima by way of her heirs.<sup>115</sup>

The Court also found that the State has not met its obligation to investigate Mr. Bueno Alves's mistreatment and to punish those responsible.<sup>116</sup> The Court noted that the duty to punish perpetrators of human rights violations is a duty that the State has assumed under international law.<sup>117</sup> The Court therefore concluded that "[i]f the State's apparatus functions in a way that assures the matter remains in impunity, and it does not restore, in as much as is possible, the victim's rights, it can be ascertained that the State has not complied with [its] obligation."<sup>118</sup>

The Court found that the State had complied with the Court's order to publish portions of the Judgment in the official gazette and a national newspaper.<sup>119</sup>

The Court requested that the State provide it with a detailed report on measures the State adopted to comply with the remaining reparations ordered in the Judgment by November 15, 2011.<sup>120</sup>

In a concurring opinion, Judge Eduardo Vio Grossi considered that the ruling made by the Supreme Court of Justice in 2007 should not be considered by the Court, because lower courts made rulings in that case in 2003 and 2004, but the State did not present this information during the merits stage of the case.<sup>121</sup> Accordingly, Judge Vio Grossi invoked

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112. *Id.* "Considering that" ¶ 7(c).

113. *Id.*

114. *Id.* "Considering that" ¶ 20.

115. *Id.*

116. *Id.* "Declares that" ¶ 3(b).

117. Bueno Alves v. Argentina, Compliance Monitoring with Judgment, "Considering that" ¶ 33. (July 5, 2011).

118. *Id.*

119. *Id.* "Considering that" ¶ 52.

120. *Id.* "And Decides to" ¶ 2.

121. Bueno Alves v. Argentina, Compliance Monitoring with Judgment, Concurring Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. ¶¶ 1–2 (July 5, 2011).

the principle of international law that “no State may take advantage of its own negligence.”<sup>122</sup>

## VII. LIST OF DOCUMENTS

### *A. Inter-American Court*

#### 1. Preliminary Objections

[None]

#### 2. Decisions on Merits, Reparations and Costs

[Bueno Alves v. Argentina, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 164 \(May 11, 2007\).](#)

#### 3. Provisional Measures

[None]

#### 4. Compliance Monitoring

[Bueno Alves v. Argentina, Compliance Monitoring with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(July 5, 2011\).](#)

[Bueno Alves v. Argentina, Compliance Monitoring with Judgment, Concurring Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. \(July 5, 2011\).](#)

#### 5. Review and Interpretation of Judgment

[None]

### *B. Inter-American Commission*

#### 1. Petition to the Commission

[Not Available]

#### 2. Report on Admissibility

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122. *Id.* ¶ 1 (footnote omitted).

[Bueno Alves v. Argentina Admissibility, Report, Report No. 101/99, Inter-Am. Comm'n H.R., Case No. 11.425 \(Sept. 21, 1999\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Not Available]

5. Application to the Court

[Bueno Alves v. Argentina, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 11.425 \(Mar. 31, 2006\).](#)

VIII. BIBLIOGRAPHY

González-Salzberg, Damián A., *The Implementation of Decisions from the Inter-American Court of Human Rights in Argentina: An Analysis of the Jurisprudential Swings of the Supreme Court*, 15 SUR INT'L J. HUM RTS. 113 (2011).