

Suárez Peralta v. Ecuador

ABSTRACT¹

This case is about medical malpractice and the duty the State has to regulate and monitor health services to ensure doctors and clinics operate orderly and with due diligence. The Court found Ecuador in violation of the American Convention, and, specifically, the right to bodily integrity, to effective remedies and due process. However, it did not rule on the victim's right to health, although it could have done that via Article 26 of the Convention.

I. FACTS

A. Chronology of Events

1. Events pertaining to Melba del Carmen Suárez Peralta

June 1, 2000: At the age of twenty-two, Ms. Melba del Carmen Suárez Peralta has three children.² Ms. Suárez Peralta's partner, Mr. Dennis Edgar Cerezo Cervantes, is employed as a traffic supervisor for the Guayas Traffic Commission (hereinafter "GTC").³

June 28, 2000: The GTC offers medical services for employees and their families by two Cuban doctors.⁴ Ms. Suárez Peralta consults with one of the Cuban doctors, Dr. Emilio Guerrero Gutiérrez, at the GTC's polyclinic because she is having abdominal pain, is vomiting, and has a fever.⁵ After her examination, Dr. Gutiérrez informs Ms. Suárez Peralta that she has chronic appendicitis, requiring immediate surgery.⁶ Ms. Suárez Peralta states that no laboratory tests were performed, even though another doctor, a woman named Jenny Bohórquez, says that Dr.

1. Annette Avedissian, Author; Milja Miric, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Judgement, Inter-Am. Ct. H.R. (ser. C) No. 261, ¶ 38 (May 21, 2013).

3. *Id.*

4. *Id.* ¶ 39.

5. *Id.* ¶ 40.

6. *Id.*

Gutiérrez told Ms. Peralta to undergo tests.⁷

July 1, 2000: Ms. Suárez Peralta goes for a second visit with Dr. Gutiérrez, who decides he should operate because she has acute appendicitis.⁸ This second visit, however, takes place at a private clinic in Guayaquil called Minchala Clinic.⁹ A doctor named Dr. Wilson Minchala Pichu owns this private clinic.¹⁰ Dr. Minchala Pichu also manages Dr. Bohórquez.¹¹ Dr. Bohórquez performs the operation and Dr. Gutiérrez assists her.¹² The nurse who assists during the operation is named Olga, and the anesthetist is Dr. César García.¹³

July 11, 2000: Shortly after the surgery, Ms. Suárez Peralta goes back to the hospital because she is having complications from the surgery.¹⁴ Another doctor, Dr. Héctor Luis Taranto, describes Ms. Suárez Peralta as pale with symptoms including abdominal swelling and pain, and anorexia.¹⁵ He also diagnoses Ms. Suárez Peralta with a post-surgical abdominal problem that is “extremely serious.”¹⁶

July 12, 2000: Ms. Suárez Peralta undergoes a second surgery following the complications from her first.¹⁷ During this operation, the doctor cleaned and drained her abdominal cavity and a part of her colon was also removed.¹⁸

August 2, 2000: Ms. Suárez Peralta’s mother, Ms. Melba Peralta Mendoza, files a complaint before the First Criminal Court of Guayas on Ms. Suárez Peralta’s behalf against Dr. Emilio Guerrero and any possible co-defendants.¹⁹ A few weeks later, a criminal proceeding opens to investigate the offense.²⁰ The Criminal Judge of Guayas requests Ms. Suárez Peralta’s medical records and examination, site inspection, and

7. *Id.*

8. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 41.

9. *Id.*

10. *Id.* ¶ 56.

11. *Id.*

12. *Id.* ¶ 41.

13. *Id.*

14. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 42.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.* ¶ 46.

20. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 46.

Dr. Guerrero's employment at the Minchala Clinic.²¹

September 2000: Following the Judge's request, the Employment and Human Resources for the Coast and Galápagos states there is no information that Dr. Guerrero satisfied the necessary requirements for employment or to obtain a work permit.²² Similarly, according to the Ministry of Public Health, there is no documented accreditation for Dr. Emilio Guerrero Gutiérrez and Jenny Bohórquez showing they are medical professionals.²³ Ms. Suárez Peralta testifies before the Judge and explains what occurred during her operation at the Minchala Clinic and the necessary subsequent treatment she received to remedy the complications.²⁴ Ms. Mendoza also files briefs asking the Judge to issue an arrest warrant, order inspection of the Minchala Clinic, and to conclude the preliminary proceedings."²⁵

May 29, 2001: Ms. Mendoza files formal charges against Dr. Guerrero and Dr. Minchala Pinchu.²⁶ Ms. Mendoza claims Dr. Minchala Pinchu acted negligently and without care by having an unaccredited doctor work in his clinic.²⁷ Ms. Mendoza asks the Criminal Court to close the Minchala Clinic and to issue arrest warrants against Dr. Minchala Pinchu and Dr. Guerrero.²⁸

August 23 and 29, 2001: Dr. Minchala Pinchu challenges his inclusion in the case and wants the opportunity to testify, while Dr. Guerrero asks to annul the proceedings due to the failure to follow procedure.²⁹

September 25, 2001: After the preliminary proceedings were closed, the Prosecutor asks the Judge again open the preliminary proceedings to accept Dr. Guerrero and Dr. Minchala Pinchu's statements.³⁰ Upon reopening, Dr. Minchala Pinchu testifies that, though he owns the Minchala Clinic and manages Dr. Bohórquez, he never treated Ms. Suárez Peralta.³¹ He also testifies that Ms. Suárez Peralta was never his patient and

21. *Id.* ¶ 47.

22. *Id.* ¶ 48.

23. *Id.*

24. *Id.* ¶ 49.

25. *Id.* ¶ 50.

26. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 52.

27. *Id.*

28. *Id.* ¶ 53.

29. *Id.* ¶ 54.

30. *Id.* ¶ 56.

31. *Id.*

that she was treated in the Polyclinic of the Guayas Traffic Commission's outpatient facility.³² He also adds that he did not know whether Dr. Guerrero was authorized to practice medicine.³³

November 12, 2001: Dr. Guerrero excuses himself from testifying.³⁴

November 13, 2001: The Judge receives Dr. Bohórquez's testimony, which states that she was with Dr. Guerrero at the Minchala Clinic when Ms. Suárez Peralta brought her laboratory tests with her, and that based on those tests, she and Dr. Guerrero conducted a physical leading to the diagnosis of acute appendicitis.³⁵ The two doctors then decided to operate.³⁶ Dr. Bohórquez was the lead surgeon and Dr. Guerrero assisted.³⁷ Ms. Mendoza requests the Judge end the preliminary proceedings.³⁸

May 8, 2002: The Minchala Clinic closes after an inspection by the Guyayas Health Control Unit.³⁹ In addition to finding expired medicine and unsanitary conditions, the health control unit discovers that the clinic's operating permit was expired.⁴⁰

February 17, 2003: The Judge issues a plenary hearing against Dr. Guerrero, who is in hiding.⁴¹ Therefore, the proceedings against Dr. Guerrero are suspended.⁴²

February 24, 2003: Dr. Guerrero files an appeal before the Judge, which is granted and referred to a higher court.⁴³

September 17, 2004: Dr. Guerrero requests bail, which the Judge accepts and sets at \$837.⁴⁴ Dr. Guerrero pays the bail amount.⁴⁵

32. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 56.

33. *Id.*

34. *Id.* ¶ 58.

35. *Id.* ¶ 59.

36. *Id.*

37. *Id.*

38. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 60.

39. *Id.* ¶ 73.

40. *Id.*

41. *Id.* ¶ 63.

42. *Id.*

43. *Id.* ¶ 64.

44. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 65.

45. *Id.*

September 23, 2004: Ms. Peralta asks the Judge to reevaluate and increase Dr. Guerrero's bail amount because it would not sufficiently cover damages and costs.⁴⁶

June 28, 2005: Ms. Peralta requests that the Judge take action or be potentially liable, criminally and civilly, for procedural delays.⁴⁷

August and September 2005: Ms. Mendoza asks the court to schedule a hearing, but Dr. Guerrero argues that since five years had passed since the court's order, the Court should drop the criminal action.⁴⁸ The court does so.⁴⁹

November 10, 2005: As a result, Ms. Mendoza asks the court to fine the judge, but the court denies her petition and states that it is not admissible.⁵⁰

June 2006: Ms. Suárez Peralta undergoes abdominoplasty and liposculpture in Guayaquil, Ecuador.⁵¹

July 2006 to April 2012: During this time, Ms. Suárez Peralta experiences many different medical issues, including hypertension, headaches, fever, and vomiting.⁵² She is diagnosed with colitis and then an x-ray later reveals gallstones.⁵³ In 2008, she is taken to the hospital, where she is diagnosed with having moderate abdominal pain and nausea.⁵⁴ A few months after her release, Ms. Suárez Peralta returns to the hospital after experiencing pain.⁵⁵ These sicknesses and complications had many personal, work, and financial consequences, requiring Ms. Suárez Peralta to take out several loans to pay for medical treatment.⁵⁶

B. Other Relevant Facts

Prior to President Correa's election in 2007, the State was is severe

46. *Id.*

47. *Id.* ¶ 66.

48. *Id.* ¶ 70.

49. *Id.* ¶ 71.

50. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 71.

51. *Id.* ¶ 43.

52. *Id.* ¶ 44.

53. *Id.*

54. *Id.*

55. *Id.*

56. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 45.

need of adequate hospitals and doctors.⁵⁷ President Correa increased the healthcare budget from \$561 million in 2006, and to \$1,774 million in 2012.⁵⁸ The State also created eighteen hospitals and 250 healthcare centers across the nation, including health clinics.⁵⁹ However, the State still requires much greater investment in healthcare to provide ideal medical care.⁶⁰ Moreover, there is a vast difference in quality and the type of medical services offered between the private and public healthcare services.⁶¹

II. PROCEDURAL HISTORY

A. Before the Commission

February 23, 2006: Mr. Jorge Sosa Meza files a petition to the Inter-American Commission on Human Rights (“Commission”) on behalf of Ms. Suárez Peralta.⁶² The petition claims the State violated her rights because they failed to prosecute the doctors found guilty of medical malpractice in Ms. Suárez Peralta’s surgery at the Minchala Clinic.⁶³

October 30, 2008: The Commission adopts Admissibility Report No. 85/08 and declares the case admissible.⁶⁴

July 20, 2011: The Commission adopts Merit Report No. 75/11.⁶⁵ The Commission finds violations of Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right of Recourse Before a Competent Court) to the detriment of Ms. Suárez Peralta and to her mother, Ms. Mendoza.⁶⁶

The Commission also issues recommendations that the State: (1) effectively investigate and punish those responsible within a reasonable time; (2) provide reparations to Ms. Suárez Peralta and Ms. Mendoza; (3) provide free medical care to Ms. Suárez Peralta; (4) take measures to

57. *Healthcare in Ecuador*, ESCAPE ARTIST (Aug. 2, 2013), <http://www.escapeartist.com/ecuador/retire/2013/08/02/health-care-in-ecuador/>.

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.*

62. Suárez Peralta v. Ecuador, Admissibility Report, Report No. 85/08 Inter-Am. Comm’n H.R., Case No. 12.683, ¶ 1 (Oct. 30, 2008).

63. *Id.*

64. Suárez Peralta v. Ecuador, Report on Merits, Report No. 75/11, Inter-Am. Comm’n H.R., Case No. 12.683, ¶ 3 (Jul. 20, 2011).

65. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2.

66. *Id.*

enforce laws related to healthcare professionals; and (5) take preventative measures.⁶⁷

B. Before the Court

January 25, 2012: The Commission submits the case to the Court after the State fails to adopt its recommendations.⁶⁸

1. Violations Alleged by Commission⁶⁹

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25(1) (Right to Recourse Before a Competent Court)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁷⁰

Same Violations Alleged by Commission.

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 de Figueiredo Caldas, Judge
 Humberto Sierra Porto, Judge
 Eduardo Ferrer Mac-Gregor Poisot, Judge
 Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

67. *Id.*

68. *Id.* ¶ 1.

69. *Id.* ¶ 2(c)(a); The Commission did not rule on the presumed violation of Article 5(1) in its Merit Report because it was not alleged in the proceedings before the Commission, *Id.* ¶ 123 n.156.

70. Suárez Peralta v. Ecuador, Admissibility Report, Report No. 85/08 Inter-Am. Comm'n H.R., Case No. 12.683, ¶ 1 (Oct. 30, 2008); Mr. Jorge Sosa Meza served as representative of Ms. Suárez Peralta. *Id.* ¶ 2.

B. Decision on the Merits

May 21, 2013: The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.⁷¹

The Court found unanimously that the State had violated:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right to Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Ms. Suárez Peralta and Ms. Mendoza,⁷² because:

The Court considers that the State was unreasonable to delay the investigations behind Ms. Suárez Peralta's claims and states she was not ensured her judicial protection.⁷³ Thus, because Ms. Peralta did not have guaranteed reparation, she did not have access to proper medical treatment.⁷⁴

Article 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal), provides that "[e]very person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal" in determining one's rights and obligations.⁷⁵

Article 25(1) (Right to Recourse Before a Competent Court) establishes that "[e]veryone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights," despite such violations being at the hand of persons acting in the capacity of their official governmental duties.⁷⁶

The preliminary proceedings for the case were filed on August 16, 2000, and for eight months, the Court had not duly investigated into the matter.⁷⁷ There were multiple errors and omissions during the investigation

71. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs.

72. *Id.* "Operative Paragraphs" ¶ 3.

73. *Id.* ¶ 122.

74. *Id.*

75. Suárez Peralta v. Ecuador, Report on Merits, Report No. 75/11, Inter-Am. Comm'n H.R., Case No. 12.683, ¶ 68 (Jul. 20, 2011).

76. *Id.* ¶ 69.

77. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 95.

and resolution of this case.⁷⁸ Moreover, the Code of Criminal Procedure forbids preliminary proceedings from taking more than 60 days, while here, it took eight months.⁷⁹ Additionally, while Ms. Mendoza took most of the judicial action and filed many briefs before the Judge in Criminal Court, in which she asked the court to continue the proceedings and make diligent decision.⁸⁰ However, she never was given clear answers and no action was taken in response to her petitions.⁸¹ Though the case was related to a medical issue and thus was more complicated, the slow pace of the proceedings were not due to the complexity of the matter.⁸²

The Court also found that the Ecuadorian authorities acted contrary to their duties to take all necessary measures to investigate and prosecute the wrongdoer and thus failed to act within diligence and effectiveness.⁸³ The Court also noted that when legal proceedings involve medical malpractice or harm to a person's integrity, they must be done in regard to due process guarantees and within a reasonable time.⁸⁴

Therefore, the Ecuadorian authorities violated Article 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal) and Article 25(1) (Right to Recourse Before a Competent Court) of the American Convention.⁸⁵

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of Ms. Peralta,⁸⁶ because:

The Court found the State is in violation of Article 5(1) (Right to Physical, Mental, and Moral Integrity) because even though the State had established regulations to control and supervise the medical care given to

78. *Id.* ¶ 96.

79. *Id.* ¶ 97.

80. *Id.* ¶ 99.

81. *Id.* ¶ 99.

82. *Id.* ¶ 100.

83. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 101.

84. *Id.* ¶ 103.

85. *Id.* "Operative Paragraphs" ¶ 3.

86. *Id.* "Operative Paragraphs" ¶ 4; "In the pleadings and motions brief, the representative asked the Court to declare the violation of Article 5(1) of the Convention, to the detriment of [Ms.] Suárez Peralta, [Ms.] Peralta Mendoza and their next of kin, given that the deficient medical operation that was performed resulted in the extraction of part of her intestine, and because the State was ineffective in controlling the exercise of the medical profession by [Dr.] Gutiérrez, since it allowed him to perform the operation without the proper work permit." *Id.* ¶ 124.

patients in their clinics, there was no supervision in this case.⁸⁷ As a result of this, Ms. Peralta suffered adverse effects.⁸⁸

Article 5(1) establishes that “every person has the right to have his physical, mental, and moral integrity respected.”⁸⁹ The State has a duty to regulate national health care programs to prevent risks to the right to life and the physical integrity of those the programs provide health services to.⁹⁰ To abide by this rule, the State has to adequately inspect the institutions, investigate and determine complaints, and provide judicial procedures where there is inappropriate conduct or an infringement of the patient’s rights.⁹¹ In this case, the State demonstrated to the Court that it had implemented various regulations and codes to abide by their responsibility. Thus, the Court here finds that the State had provided a regulatory framework to provide healthcare.⁹²

In regards to the State’s supervision and control of these health services, the Court looks at two issues: the medical services provided to Ms. Peralta at the Polyclinic of the Guayas Traffic Commission, and the medical service carried out in the Minchala Clinic.⁹³ In regards to the Polyclinic, the Court asked the State to make clear whether Dr. Guerrero was authorized to practice medicine, which was not provided.⁹⁴ The State had a duty of care to guarantee rights related to the promotion of healthcare.⁹⁵ The fact that Ms. Suárez Peralta went to another clinic afterwards does not remove the responsibility owed by the State.⁹⁶ Thus, the State did not safeguard and protect Ms. Suárez Peralta’s right to personal integrity regarding her medical care at Polyclinic.⁹⁷

As to the medical services Ms. Peralta’s received in Minchala, the Court found that an unauthorized professional gave her care.⁹⁸ Moreo-

87. *Id.* ¶ 154.

88. *Id.*

89. Marco Gerardo Monroy Cabra, *Rights and Duties Established by the American Convention on Human Rights*, 30 Am. U.L. Rev. 21, 29 (1981) available at, <http://amulrev.org/pdfs/30/30-1/Cabra.pdf>.

90. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 134.

91. *Id.* ¶ 134.

92. *Id.* ¶ 138.

93. *Id.* ¶ 139.

94. *Id.* ¶ 142.

95. *Id.* ¶ 143.

96. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 143.

97. *Id.* ¶ 145.

98. *Id.* ¶ 153.

ver, the Minchala clinic was not adequately supervised by the State, which in turn had a consequential effect on the victim.⁹⁹ Moreover, after Ms. Mendoza filed the complaint and the proceedings were initiated, the State still did not show that it controlled the clinic as required.¹⁰⁰

Therefore, despite Ecuador's regulatory mechanisms and obligation to supervise, the State failed to carry them out in regards to the Minchala clinic and thus, Mrs. Suárez Peralta was treated and operated on in a situation that generated risk that ultimately harmed her and her health in violation of Article 5(1) of the American Convention.¹⁰¹

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot

In a separate opinion, Judge Mac-Gregor Poisot stated that while the right to health is related to life and the right to personal integrity, the Court did not have to rely on these rights, as the Court has the competence to rule on the right to health under Article 26 of the Convention.¹⁰² This grants the Court the authority to hear matters related to economic, social and cultural rights, including the right to health.¹⁰³

2. Separate Opinion of Judge Alberto Pérez Pérez

In a separate opinion, Judge Pérez Pérez clarified that this case illustrates the Court's limited competence to hear cases related to health and that health and the regulation of healthcare is generally the responsibility of the State.¹⁰⁴

IV. REPARATIONS

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

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

99. *Id.*

100. *Id.*

101. Suárez Peralta v. Ecuador, Monitoring Compliance with Judgment, Order of Court, Inter-Am. Ct. H.R., "Vistos" ¶ 1 (Aug. 28, 2015) (Available only in Spanish).

102. *Id.* ¶ 102.

103. *Id.* ¶ 104.

104. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Separate Opinion of Judge Perez Perez, Inter-Am. Ct. H.R. (ser. C) No. 261, ¶ 1 (May 21, 2013).

Guarantee)

1. Judgment as a Form of Reparation

The Court stated that the Judgment constitutes *per se* a form of reparation.¹⁰⁵

2. Issue Publications

The Court indicated that the State had to publish parts of the Judgment.¹⁰⁶

3. Compensate

The Court ordered the State to compensate Ms. Suárez Peralta for future medical expenses, to pay pecuniary and non-pecuniary damages, and to reimburse for costs and expenses.¹⁰⁷

4. Report on Measures Adopted

The Court ordered the State to give the Court a report on compliance measures within one year of this Judgment.¹⁰⁸

5. Monitor Full Compliance

The Court stated that the State must monitor compliance with the Judgment “. . . full compliance with this Judgment, in exercise of its authority and in compliance with its obligations under the American Convention on Human Rights, and will close this case when the State has complied fully with its provisions.”¹⁰⁹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

105. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 261, “Operative Paragraphs” ¶ 6 (May 21, 2013).

106. *Id.* “Operative Paragraphs” ¶ 7.

107. *Id.* “Operative Paragraphs” ¶ 8.

108. *Id.* “Operative Paragraphs” ¶ 9.

109. *Id.* “Operative Paragraphs” ¶ 10.

The Court awarded \$20,000 to Ms. Suárez Peralta for any future medical attention or treatment she may have to undergo in the future.¹¹⁰ Moreover, the Court ordered the State to compensate pecuniary and non-pecuniary damages of \$250,000 to Ms. Suárez Peralta, and \$30,000 to Ms. Mendoza, for the violations of her rights found in Articles 8 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), Article 25(1) (Right to Recourse Before a Competent Court), and Article 5 (Right to Physical, Mental, and Moral Integrity) of the Convention.¹¹¹

2. Non-Pecuniary Damages

[None]

3. Costs and Expenses

The Court awarded \$10,000 to be paid to the representative, Ms. Meza, as compensation for costs and expenses during the Court proceedings.¹¹²

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

\$ 310,000

C. Deadlines

The Court indicated that the State had to publish parts of the Judgment within six months of this notification.¹¹³

The Court ordered that the total compensation had to be paid within 90 days to the owed parties.¹¹⁴

The Court stated the report on the measures adopted by the State had to be provided within one year of notification of this Judgment.¹¹⁵

The Court also said that it would close the case after the State fully complied with its provisions.¹¹⁶

110. *Id.* ¶ 184.

111. Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, ¶ 214; The Court combined pecuniary and non-pecuniary damages together in the document. *Id.*

112. *Id.* ¶ 220.

113. *Id.* “Operative Paragraphs” ¶ 7.

114. *Id.* “Operative Paragraphs” ¶ 8.

115. *Id.* “Operative Paragraphs” ¶ 9.

116. *Id.* “Operative Paragraphs” ¶ 10.

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

August 28, 2015: The Court found the State complied with the publication and dissemination measures of the Judgment by publishing it the Official Registry of Ecuador, and on the website of the Ministry of Justice.¹¹⁷

The Court found the State complied with the reparation measures relating to the payment related to Ms. Suárez Peralta's future medical treatments, both pecuniary and non-pecuniary damages, and reimbursement for Cost and expenses.¹¹⁸

While the State presented evidence that it implemented various trainings for public health and justice officials related to the patient's rights and right of health, it did not have the "character of a reparation measure" as ordered in the Judgment and thus, the Court did not rule on this matter.¹¹⁹

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 261 \(May 21, 2013\).](#)

[Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Concurring Opinion Judge Ferrer Mac-Gregor Poisot, Inter-](#)

117. Suárez Peralta v. Ecuador, Monitoring Compliance with Judgment, Order of Court, Inter-Am. Ct. H.R. ¶¶ 6-7. (Aug. 28, 2015) (Available only in Spanish).

118. *Id.* ¶ 10.

119. *Id.* ¶¶ 11-12.

[Am. Ct. H.R. \(ser. C\) No. 261 \(May 21, 2013\).](#)

[Suárez Peralta v. Ecuador, Preliminary Objections, Merits, Reparations, and Costs, Separate Opinion of Judge Pérez Pérez, Inter-Am. Ct. H.R. \(ser. C\) No. 261 \(May 21, 2013\).](#)

3. Provisional Measures

[Suárez Peralta v. Ecuador, Provisional Measures, Order of Court, Inter-Am. Ct. H.R. \(ser E.\) \(Jan. 26, 2015\) \(Available only in Spanish\).](#)

4. Compliance Monitoring

[Suárez Peralta v. Ecuador, Monitoring Compliance with Judgment, Order of Court, Inter-Am. Ct. H.R. \(Aug. 28, 2015\) \(Available only in Spanish\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[Suárez Peralta v. Ecuador, Admissibility Report, Report No. 85/08 Inter-Am. Comm'n H.R., Case No. 12.683 \(Oct. 30, 2008\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Suárez Peralta v. Ecuador, Report on Merits, Report No. 75/11, Inter-Am. Comm'n H.R., Case No. 12.683 \(Jul. 20, 2011\).](#)

5. Application to the Court

[Suárez Peralta v. Ecuador, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.683 \(Jan. 26, 2012\).](#)

VIII. BIBLIOGRAPHY

[None]