

# Suárez Rosero v. Ecuador

## ABSTRACT<sup>1</sup>

*This case stems from the “war on drugs” waged by Ecuador in the early 1990s. The victim was arrested on suspicion of being connected to drug trafficking organizations. After long pre-trial detention, a botched prosecution and delays and errors during judicial proceedings, he was released from prison after four years in detention in inhumane conditions, only to be tried again and found guilty a few months afterwards. Eventually, the Court found Ecuador in violation of several articles of the American Convention.*

## I. FACTS

### A. Chronology of Events

**June 23, 1992:** Rafael Iván Suárez-Rosero (“Mr. Rosero”) is arrested, without being shown an arrest warrant, by two cloaked men in an unmarked car.<sup>2</sup> Mr. Rosero’s captors explain to him that his arrest is based on a report that people were burning drugs in the Zámbriza ravine.<sup>3</sup> The men who arrested Mr. Rosero are part of the National Police of Ecuador, and are acting in connection with Operation “Ciclón” to dismantle “one of the largest international drug trafficking organizations.”<sup>4</sup> Mr. Rosero is taken to an Interpol office where he is placed in a cell and beaten.<sup>5</sup> Mr. Rosero’s brother-in-law and wife both learn that Mr. Rosero has been arrested.<sup>6</sup>

**June 24, 1992:** Mr. Rosero’s wife, Mrs. Margarita Ramadán Suárez, contacts María del Carmen Aguirre-Charvet (“Ms. Aguirre-Charvet”)

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

2. Suárez Rosero v. Ecuador, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 35, ¶ 23(d) (Nov. 12, 1997).

3. *Id.* ¶ 23(d).

4. *Id.* ¶ 34(a).

5. *Id.* ¶ 23(d).

6. *Id.* ¶ 23(a) and 23(b).

about her husband's situation.<sup>7</sup> Ms. Aguirre-Charvet, who works for the Ecumenical Commission in the legal department, attempts to look for Mr. Rosero, but is blocked from taking further action by her boss.<sup>8</sup> Ms. Aguirre-Charvet's boss tells her that Mr. Rosero will be incommunicado for a month and that he does not even want to be associated with Mr. Rosero's case because it is drug related.<sup>9</sup> Mr. Rosero also makes a statement to the Third Prosecuting Attorney on this date, as the attorney comes to the location where Mr. Rosero is being held incommunicado, but the attorney fails to advise him of his right to counsel.<sup>10</sup>

**July 22, 1992:** The director of the Men's Social Rehabilitation Center where Mr. Rosero is being kept continues to detain Mr. Rosero as per the order of the Commissioner-General of Police of Pinchincha, as a court order to the contrary has not yet been issued.<sup>11</sup>

**July 23, 1992:** The Intervention and Rescue Squad at the detention center where Mr. Rosero was being held beat him, forced him to confess to being a drug trafficker, and threaten him with death.<sup>12</sup> Up to this date, Mr. Rosero is held incommunicado at "Quito Number 2" in a five-by-three meter cell along with sixteen others.<sup>13</sup> Mr. Rosero is then transferred to the Men's Social Rehabilitation Center, where he is held without contact for five more days.<sup>14</sup>

**July 28, 1992:** Mr. Rosero is allowed to see his family for the first time since being arrested.<sup>15</sup> Before this date, the only way Mr. Rosero's wife could communicate with him was by scribbling a few sentences on the bag in which she sent his clothes.<sup>16</sup> "Pasadores," civilians with the ability to deliver items to prisoners, made it possible for Mr. Rosero to receive clothes and notes from his family.<sup>17</sup> From this point on, Mrs. Ramón Suárez is able to visit her husband twice a week at the detention center.<sup>18</sup> Lawyers and members of human rights organizations also

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7. *Id.* ¶ 23(c).

8. *Suárez Rosero v. Ecuador*, Merits, ¶ 23(c).

9. *Id.* ¶ 23(c).

10. *Id.* ¶ 23(d).

11. *Id.* ¶ 34(a), 34(b).

12. *Id.* ¶ 23(d).

13. *Id.* ¶ 34(d).

14. *Suárez Rosero v. Ecuador*, Merits, ¶ 34(f).

15. *Id.* ¶ 23(d).

16. *Id.* ¶ 23(b).

17. *Id.* ¶ 34(g).

18. *Id.* ¶ 23(b); *Suárez Rosero v. Ecuador*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 35, ¶ 23(b) (Nov. 12, 1997).

begin visiting Mr. Rosero during his detention.<sup>19</sup>

**August 12, 1992:** The Third Criminal Court of Pichincha issues an order of preventive detention against Mr. Rosero.<sup>20</sup>

**September 3, 1992:** The Third Criminal Court of Pichincha declines to try the case of those detained as part of Operation “Ciclón,” including Mr. Rosero, and transfers the case to the Superior Court of Justice of Quito.<sup>21</sup>

**September 14, 1992:** Mr. Rosero requests the revocation of the order allowing his preventive detention.<sup>22</sup>

**November 27, 1992:** The President of the Superior Court of Justice of Quito charges Mr. Rosero with transporting drugs for the purpose of disposing of them and concealing evidence.<sup>23</sup> This order also initiates the first part of pre-trial proceedings.<sup>24</sup>

**January 21, 1993:** Mr. Rosero again requests that the order authorizing his preventive detention be revoked.<sup>25</sup>

**March 29, 1993:** Mr. Rosero files a *habeas corpus* writ with the President of the Supreme Court of Justice of Ecuador.<sup>26</sup>

**August 25, 1993:** The Superior Court President asks the Public Prosecutor of Pichincha to give his opinion as to whether Mr. Rosero’s order of detention should be revoked.<sup>27</sup>

**January 11, 1994:** The Public Prosecutor shares his opinion on Mr. Rosero’s case, stating that the police report and preliminary statements seem to support Mr. Rosero’s guilt and so his order of preventive attention should not be revoked.<sup>28</sup>

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19. *Id.* ¶ 34(h).

20. Suárez Rosero v. Ecuador, Merits, ¶ 34(i).

21. *Id.* ¶ 34(j).

22. *Id.* ¶ 34(k).

23. *Id.* ¶ 34(l).

24. *Id.* ¶ 34(l).

25. *Id.* ¶ 34(k).

26. *Id.* ¶ 34(n).

27. *Id.* ¶ 34(o).

28. *Id.* ¶ 34(p).

**January 26, 1994:** The President of the Superior Court denies Mr. Rosero's request for revocation of the order authorizing his preventive detention.<sup>29</sup>

**June 10, 1994:** The President of the Supreme Court of Justice denies Mr. Rosero's writ of *habeas corpus* because there was no information provided to support his allegation that he had been deprived of his liberty.<sup>30</sup>

**November 4, 1994:** Mr. Rosero's case is referred to the Public Prosecutor of Pichincha for final "pronouncement" after the President of the Superior Court concludes the preliminary proceedings.<sup>31</sup>

**July 10, 1995:** The President of the Superior Court initiates the plenary phase of Mr. Rosero's case based on the charge of being an accessory to the crime of drug trafficking.<sup>32</sup> In addition, the Court decides that Mr. Rosero should be released because the requirements for preventive detention were not met in his case.<sup>33</sup>

**September 12, 1995:** The Commission adopts Report on Merits No. 11/95.<sup>34</sup>

**April 16, 1996:** The First Chamber of the Superior Court of Justice of Quito orders Mr. Rosero's release.<sup>35</sup>

**April 29, 1996:** After being detained for four years in a four-by-two meter cell with only four hours of outdoors time each day, Mr. Rosero is released.<sup>36</sup> It took another fifteen days for the officials to release Mr. Rosero because of their own forgetfulness and delay.<sup>37</sup>

**September 9, 1996:** The President of the Superior Court of Justice of Quito issues a decision in which Mr. Rosero is determined to be an accessory to illegal drug trafficking, is sentenced to two years at the Men's Social Rehabilitation Center in Quito, and is fined "two thousand

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29. Suárez Rosero v. Ecuador, Merits, ¶ 34(q).

30. *Id.* ¶ 34(r).

31. *Id.* ¶ 34(s).

32. *Id.* ¶ 34(t).

33. *Id.* ¶ 34(t).

34. *Id.* ¶ 7.

35. *Id.* ¶ 34(w).

36. *Id.* ¶ 23(b) and 23(d).

37. *Id.* ¶ 23(b).

times the minimum living wage.”<sup>38</sup>

*B. Other Relevant Facts*

[None]

II. PROCEDURAL HISTORY

*A. Before the Commission*

**February 24, 1994:** A petition is submitted on Mr. Rosero’s behalf before the Inter-American Commission “the Commission”).<sup>39</sup>

**September 12, 1995:** The Commission adopts Merits Report No. 11/95, where the Commission concludes that the State violated Article 2 (Obligation to Give Domestic Legal Effect to Rights), Article 5(1) (Right to Physical, Mental, and Moral Integrity), Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), Article 7 (Right to Personal Liberty), Article 8(2) (Right to Be Presumed Innocent), and Article 25 (Right to Judicial Protection) of the Convention.<sup>40</sup> Further, the Commission denounces Mr. Rosero’s extended preventive detention.<sup>41</sup>

The Commission recommends that the State release Mr. Rosero, adopt measures to allow for a speedy and thorough trial, and institute measures to ensure such violations never occur again.<sup>42</sup> The Commission further recommends that the State complete an inquiry to further investigate the violations of the Convention in Mr. Rosero’s case, to compensate Mr. Rosero for his injuries, and amend the Criminal Code to comply with the American Convention.<sup>43</sup>

*C. Before the Court*

**December 22, 1995:** The Commission submits the case to the Court, after the State failed to adopt its recommendations.<sup>44</sup>

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38. *Id.* ¶ 34(w) and 34(x).

39. *Id.* ¶ 4.

40. *Id.* ¶ 7.

41. *Id.* ¶ 7(3).

42. *Id.* ¶ 7(3).

43. Suárez Rosero v. Ecuador, Merits, ¶ 7(3).

44. *Id.* ¶ 11.

1. Violations Alleged by the Commission<sup>45</sup>

Article 2 (Obligation to Give Domestic Legal Effect to Rights)  
 Article 5(1) (Right to Physical, Mental, Moral Integrity)  
 Article 5(2) (Prohibition of Torture, and Cruel, Inhumane, or Degrading Treatment)  
 Article 7(1) (Right to Personal Liberty and Security)  
 Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law)  
 Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment)  
 Article 7(4) (Right to be Informed of Reasons of Arrest and Charges)  
 Article 7(5) (Right to be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time)  
 Article 7(6) (Right to Have Recourse Before a Competent Court)  
 Article 8(2) (Right to Be Presumed Innocent)  
 Article 8(2)(d) (Right to Self-Defense or Legal Assistance and to Communicate Freely with Counsel)  
 Article 8(2)(e) (Right to Assistance by Counsel Provided by State)  
 Article 25 (Right to Recourse Before a Competent Court)

2. Violations Alleged by Representatives of the Victim<sup>46</sup>

Same Violations Alleged by Commission.

**March 15, 1996:** The Commission requests that the Court take the necessary measures to ensure Mr. Rosero's immediate release pending the continuation of the proceedings, as a provisional measure.<sup>47</sup> The Commission makes this request because they fear for Mr. Rosero's physical safety as he is detained while awaiting trial.<sup>48</sup>

**April 12, 1996:** The President of the Court asks the State to adopt the measures necessary to "effectively ensure the physical and moral integrity" of Mr. Rosero.<sup>49</sup> The President also requests that the State provide him with reports every thirty days regarding the measures they have

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45. *Id.* ¶7(2). Mr. Richard J. Wilson and Mr. Alejandro Ponce Villacís served as representatives of the victim. *Suárez Rosero v. Ecuador, Reparations and Costs, Judgment, Inter-Am. H.R. (ser. C) No. 35, ¶ 13 (Jan. 20, 1999).*

46. *Id.* ¶ 1.

47. *Id.* ¶ 26.

48. *Suárez Rosero v. Ecuador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Having Seen," ¶ 2 (Jan. 28, 1996).*

49. *Id.* "Having Seen," ¶3(1).

adopted or plan to adopt.<sup>50</sup>

**April 24, 1996:** The President of the Court expands the provisional measures ordered for Mr. Rosero to Mr. Rosero's wife, Mrs. Ramón Suárez, and Mr. Rosero's daughter, Micaela Ramón Suárez.<sup>51</sup> The expansion of the provisional measures was due to a threat that Mr. Rosero received from another detainee to "not forget that he had relatives outside."<sup>52</sup>

### III. MERITS

#### A. Composition of the Court<sup>53</sup>

Antônio A. Cançado Trindade, President  
Hernán Salgado Pesantes, Judge  
Héctor Fix Zamudio, Judge  
Alejandro Montiel Argüello, Judge  
Máximo Pacheco Gómez, Judge  
Oliver Jackman, Judge  
Alirio Abreu Burelli, Judge

Manuel E. Ventura Robles, Secretary  
Víctor M. Rodríguez Rescia, Interim Deputy Secretary

#### B. Decision on the Merits

**November 12, 1997:** The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.<sup>54</sup>

The Court found unanimously that the State had violated:

Articles 7(2) (Prohibition of Deprivation of Liberty and Security), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), and 7(5) (Right to be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), in relation to Article 1(1) of the Convention, to the det-

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50. *Id.* "Having Seen," ¶3(2).

51. *Id.* "Having Seen," ¶5(1).

52. *Id.* "Having Seen," ¶ 5, "That Order," (3).

53. Judge Hernán Salgado-Pesantes relinquished his presidency of the Court to Judge Antônio A. Cançado Trindade for this case, since Judge Salgado-Pesantes is of Ecuadorian nationality. *Rosero v. Ecuador*, Merits, n.l.

54. *Suárez Rosero v. Ecuador*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 35 (Nov. 12, 1997).

riment of Mr. Rosero,<sup>55</sup> because:

*The Court determined that, since Mr. Rosero was arrested without a warrant and his arrest did not fall into the exception of flagrante delicto spelled out by the Code of Criminal Procedure of Ecuador, his arrest should have taken place only after a competent judge issued a warrant.<sup>56</sup> Mr. Rosero was in detention for a full month before his first judicial proceeding took place; the failure to give Mr. Rosero a timely hearing violated both the Political Constitution and the Code of Criminal Procedure of Ecuador.<sup>57</sup> Mr. Rosero was held incommunicado for one month<sup>58</sup> inside a cell five-by-three meters that he shared with sixteen other men.<sup>59</sup> For all of these reasons, the Court determined that Mr. Rosero's warrantless arrest and inhumane detention violated Mr. Rosero's right to liberty embodied in Article 7(3) of the Convention.<sup>60</sup> Mr. Rosero was held incommunicado for thirty-six days, and when the Commission alleged that this violated Article 7(2) (Prohibition of Deprivation of Liberty and Security), the State did not contest it.<sup>61</sup> The length of time that Mr. Rosero was held incommunicado constituted a violation of this right, and also violated the Political Constitution of Ecuador, which limits the time period during which an individual may be held without being able to contact anyone to twenty-four hours.<sup>62</sup>*

*The Court determined that, because Mr. Rosero never personally was able to appear before a judge, either to hear the charges against him or act in his own defense, and the State did not contest this, the State violated Article 7(5) (Right to be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) of the Convention.<sup>63</sup>*

Articles 7(6) (Right to Have Recourse Before a Competent Court) and 25 (Right to Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. Rosero,<sup>64</sup> because:

*The State failed to effectively handle Mr. Rosero's writ of habeas cor-*

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55. *Id.* ¶¶ 38-66.

56. *Id.* ¶ 44.

57. *Id.*

58. *Id.* ¶ 46.

59. *Id.* ¶ 34(d).

60. *Suárez Rosero v. Ecuador, Merits*, ¶¶ 46-47.

61. *Id.* ¶¶ 48,49.

62. *Id.* ¶ 50.

63. *Id.* ¶¶ 53,56.

64. *Id.* ¶¶ 57-66.



pus.<sup>65</sup> A writ of habeas corpus is an instrument that allows a petitioner to challenge the lawfulness of being detained; in order for this instrument to be effective, the person being detained must be able to appear before a competent judge that has the requisite jurisdiction.<sup>66</sup> Mr. Rosero filed a writ of habeas corpus on March 29, 1993, but was not heard by a judge until June 10, 1994,<sup>67</sup> when his writ was disposed of for failure to indicate the type of proceedings, court location, and other clerical errors.<sup>68</sup> Mr. Rosero omitted certain information from his writ of habeas corpus such as dates and addresses, but under State law, this is not required for the writ to be admissible.<sup>69</sup> The Court determined that the fourteen-month gap between the filing of the writ and the hearing, as well as the prompt disposure of the writ once he finally obtained a hearing, violated Mr. Rosero's right to prompt and effective recourse in violation of Articles 7(6) (Right to Have Recourse Before a Competent Court) and 25 (Right to Judicial Protection) of the Convention.<sup>70</sup>

Article 2 (Obligation to Give Domestic Legal Effect to Rights), in relation to Article 1(1) and Article 7(5) of the Convention, to the detriment of Mr. Rosero,<sup>71</sup> because:

*The Ecuadorian Criminal Code established procedures for ensuring that people in detention were not detained so long as to violate their rights, but made an exception for those with narcotic drug charges, which allowed much of the prison population to be deprived of a fundamental right.<sup>72</sup> The Court determined that this exception to the general rule strips many prisoners of their basic rights on the basis of the crime that they were accused of, and "intrinsically injures everyone in that category."<sup>73</sup> The exception contained in the Ecuadorian Criminal Code shows that the State's domestic law does not give effect to the rights embodied in Article 7(5) (Right to be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) of the Convention, as the State is required to do under Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention.<sup>74</sup>*

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65. *Id.* ¶ 64.

66. Suárez Rosero v. Ecuador, Merits, ¶ 63.

67. *Id.* ¶ 64.

68. *Id.* ¶ 61.

69. *Id.* ¶ 64.

70. *Id.* ¶¶ 65,66.

71. Suárez Rosero v. Ecuador, Merits, ¶¶ 110(5).

72. *Id.* ¶¶ 95-97.

73. *Id.* ¶ 98.

74. *Id.* ¶ 99.

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 8(2) (Right to Be Presumed Innocent), 8(2)(c) (Right to Adequate Time and Means to Prepare Defense), 8(2)(d) (Right to Self-Defense or Legal Assistance and to Communicate Freely with Counsel), and 8(2)(e) (Right to Assistance by Counsel Provided by State), in relation to Article 1(1) of the Convention, to the detriment of Mr. Rosero,<sup>75</sup> because:

*Mr. Rosero was arrested on June 23, 1992,<sup>76</sup> and the final disposition in his case was on September 9, 1996, when the Superior Court Justice of Quito convicted him.<sup>77</sup> The Court determined that the fifty-month proceeding time far exceeded the reasonable time in which a person has the right to be tried as embodied in Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) of the Convention.<sup>78</sup>*

*Mr. Rosero's "preventive detention" that lasted from June 23, 1992 until April 28, 1996, violated Mr. Rosero's right to be presumed innocent, since he had not been convicted of any crime for the majority of his detention.<sup>79</sup> Article 8(2) "establishes the obligation of the State not to restrict the liberty of a detained person beyond the limits strictly necessary to ensure that he will not impede the efficient development of an investigation," and the State clearly violated this Article by detaining Mr. Rosero for such a long period of time absent any conviction.<sup>80</sup>*

*The Court determined that, because Mr. Rosero was held incommunicado for thirty-six days, he was not able to have an adequate opportunity to prepare his defense, as he had no legal assistance for much of that time, and when he did get appointed legal counsel, he was unable to communicate with his attorney freely and privately.<sup>81</sup> Articles 8(2)(c) (Right to Adequate Time and Means to Prepare Defense), 8(2)(d) (Right to Self-Defense or Legal Assistance and to Communicate Freely with Counsel), and 8(2)(e) (Right to Assistance by Counsel Provided by State) establish minimum guarantees that include the right to counsel*

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75. Suárez Rosero v. Ecuador, Merits, ¶¶ 57-83.

76. *Id.* ¶ 70.

77. *Id.* ¶ 71.

78. *Id.* ¶ 73.

79. *Id.* ¶¶ 76-78.

80. *Id.* ¶ 77.

81. Suárez Rosero v. Ecuador, Merits, ¶ 83.

and adequate time and means for preparing a defense.<sup>82</sup> The State violated these Articles by holding Mr. Rosero *incommunicado* and preventing him from exercising his right to counsel.<sup>83</sup>

Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Rosero,<sup>84</sup> because:

*Being held incommunicado for thirty-six days in a small and crowded cell unsuitable for one prisoner, let alone sixteen prisoners, constituted cruel, inhuman punishment and degrading treatment under the American Convention.*<sup>85</sup>

### C. Dissenting and Concurring Opinions

[None]

## IV. REPARATIONS

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

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

#### 1. Investigate and Punish Those Responsible for the Human Rights Violations

The Court ordered the State to determine those responsible for the human rights violations suffered by Mr. Rosero and to punish them if possible.<sup>86</sup> They also cannot collect the fine levied on Mr. Rosero.<sup>87</sup>

#### 2. Remove Mr. Rosero from Registers

The Court ordered the State to remove Mr. Rosero's name from the Register of Criminal Records and the Register of the National

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82. *Id.* ¶ 82.

83. *Id.* ¶ 79.

84. Suárez Rosero v. Ecuador, Merits, ¶¶ 84-92.

85. *Id.* ¶¶ 84, 92.

86. *Id.* "Operative Paragraphs" ¶ 6.

87. Suárez Rosero v. Ecuador, Reparations and Costs, Judgment, Inter-Am. H.R. (ser. C) No. 35, "Operative Paragraphs" ¶ 1 (Jan. 20, 1999).

Council on Narcotic Drugs and Psychotropic Substances.<sup>88</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary and Non-Pecuniary Damages

The Court awarded a total of \$86,621.77, or its equivalent in Ecuadorian currency, to Mr. Rosero, his wife, Mrs. Ramón Suárez, and Mr. Rosero's daughter, Micaela Ramón Suárez.<sup>89</sup> Specifically, the amounts were devised as follows: \$53,107.77 for Mr. Rosero, \$23,517 for Mrs. Ramón Suárez, and \$10,000 for Micaela Ramón Suárez.<sup>90</sup> The compensation to Mr. Suárez Roser's daughter will be given through an established trust fund that she can access upon reaching the age of majority.<sup>91</sup>

#### 2. Costs and Expenses

The Court determined that \$6,520 should be awarded to Mr. Rosero's representative, Mr. Alejandro Ponce Villacís, and \$6,010.45 be awarded to Mr. Richard Wilson, Mr. Rosero's other representative.<sup>92</sup>

#### 3. Total Compensation (including Costs and Expenses Ordered):

\$99,152.22

### *C. Deadline*

The State must carry out the payment of compensation, reimbursement of expenses and costs, and the adoption of other measures ordered within six months.<sup>93</sup>

The State must set up Micaela Ramón Suárez's trust fund within six months after notification of the Judgment.<sup>94</sup>

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88. *Id.*

89. Suárez Rosero v. Ecuador, Reparations and Costs, "Operative Paragraphs" ¶ 2. 002.

90. *Id.* "Operative Paragraphs" ¶ 2.

91. *Id.* ¶ 107.

92. *Id.* "Operative Paragraphs" ¶ 3.

93. *Id.* ¶ 104.

94. *Id.* ¶ 107.

## V. INTERPRETATION AND REVISION OF THE JUDGMENT

[None]

## VI. COMPLIANCE AND FOLLOW-UP

**November 2003:** The Court verified that the State removed Mr. Rosero's name from both the Register of Criminal Records and the Register of the National Council on Narcotic Drugs and Psychotropic Substances, and that the State did not impose the aforementioned fine on Mr. Rosero.<sup>95</sup> The Court determined that the State paid Mr. Rosero, Mrs. Ramadán Suárez, Mr. Villacís, and Mr. Wilson.<sup>96</sup> The trust fund for Mr. Rosero's daughter Micaela Ramadán Suárez to be set up by the State was pending compliance.<sup>97</sup>

Further, the Court determined that the investigation and punishment of those responsible for the human rights violations in Mr. Rosero's case was pending compliance.<sup>98</sup> The Court kept the monitoring compliance proceeding open to ensure that those measures pending compliance would be satisfied in the future by the State.<sup>99</sup>

**July 2007:** The Court verified that the State still did not comply with setting up a trust fund for Micaela Ramadán Suárez, and with investigating and punishing those responsible for the human rights violations suffered by Mr. Rosero.<sup>100</sup> The Court decided to let the monitoring compliance proceeding remain open, and urged the State to take measures effectively and promptly to ensure compliance.<sup>101</sup>

## VII. LIST OF DOCUMENTS

A. *Inter-American Court*

## 1. Preliminary Objections

[None]

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95. Suárez Rosero v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering," ¶ 6(a) (Nov. 27, 2003).

96. *Id.* "Considering," ¶ 6(b)-6(c).

97. *Id.* "Considering," ¶ 6(d).

98. *Id.* "Considering," ¶ 6(e).

99. *Id.* "Declares" ¶ 2.

100. Suárez Rosero v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "And Decides," ¶¶ 1-2 (July 10, 2007).

101. *Id.* "And Decides," ¶ 3.

2. Decisions on Merits, Reparations, and Costs

[Suárez Rosero v. Ecuador, Merits, Inter-Am. Ct. H.R. \(ser. C\) No. 35 \(Nov. 12, 1997\).](#)

3. Provisional Measures

[Suárez Rosero v. Ecuador, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 28, 1996\).](#)

4. Compliance Monitoring

[Suárez Rosero v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 27, 2003\).](#)

[Suárez Rosero v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(July 10, 2007\).](#)

5. Review and Interpretation of the Judgment

[None]

*B. Inter-American Commission*

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Not Available]

3. Provisional Measures

[None]

4. Report on Merits

[None]

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5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

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<https://www.wcl.american.edu/pub/humright/red/articulos/bovino.html>  
(Available in Spanish only).