

ECUADOR

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: DECEMBER 21, 1950

RATIFIED AMERICAN CONVENTION: DECEMBER 8, 1977

Declaration made at the time of signature and recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

Declaration made at the time of signature

The Delegation of Ecuador has the honor of signing the American Convention on Human Rights. It does not believe that it is necessary to make any specific reservation at this time, without prejudice to the general power set forth in the Convention itself that leaves the governments free to ratify it or not.

Recognition of competence

On July 24, 1984 recognized the applicability of Articles 45 and 62 of the American Convention on Human Rights, by Decree No. 2768 of July 24, 1984, published in the Registro Oficial No. 795 on July 27 of said month and year.

In addition, the Minister of Foreign Affairs of Ecuador made the following declaration on July 30, 1984, in conformity with Articles 45(4) and 62(2) of the above-mentioned Convention:

In keeping with the provisions of Article 45, paragraph 1, of the American Convention on Human Rights-Pact of San José, Costa Rica—(ratified by Ecuador on October 21, 1977, and in force since October 27, 1977), the Government of Ecuador recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the human rights set forth in the Convention, under the terms provided for in paragraph 2 of that Article.

This recognition of competence is to be valid for an indefinite time and on condition of reciprocity.

As provided in Article 62, paragraph 1, of the Convention in reference, the Government of Ecuador declares that it recognizes as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention.

This recognition of jurisdiction is for an indeterminate period and on condition of reciprocity. The Ecuadorian State reserves the right to withdraw its recognition of this competence and this jurisdiction whenever it may deem it advisable to do so.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): DECEMBER 28, 1977

ACCEPTED JURISDICTION OF IACHR (ART. 62): JULY 24, 1984

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Suárez Rosero v. Ecuador

On June 23, 1992, Mr. Rafael Iván Suárez Rosero was arrested without a warrant by officers of the National Police of Ecuador. He was later charged with illegal drug trafficking. At no time before or during his detention was Mr. Suárez Rosero summoned to appear before a competent judicial authority to be informed of the charges brought against him. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Civil and Political Rights; Criminal Justice; Economic, Social, and Cultural Rights; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

Judgment of November 12, 1977. Series C No. 35

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 27, 2003
- 2) Order of the Inter-American Court of Human Rights of July 10, 2007
- 3) Order of the President of the Inter-American Court of Human Rights of March 20, 2009
(Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of April 17, 2015 (Available only in Spanish)

II) Case of Benavides Cevallos v. Ecuador

Ms. Consuelo Benavides Cevallos was unlawfully and arbitrarily detained, tortured, and murdered by agents of the State. She was held in secret without a court order, court authorization, or court supervision. The State agents involved and the government institutions with which they were associated undertook a systematic campaign to deny these types of crimes and any responsibility on the State's part. Through efforts made by the Benavides family and the Multiparty Investigation Committee appointed by the National Congress, these crimes came to light three years after Ms. Benavides Cevallos' disappearance, and her body was located and identified. Although both the crimes and the cover-up were revealed, those responsible were not brought to justice. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Arbitrary Arrest and Detention; Extrajudicial Killing; Due Process Rights; Life (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of June 19, 1998. Series C No. 38

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 27, 2003

III) Case of Tibi v. Ecuador

On September 27, 1995, Mr. Daniel Tibi was forcibly detained without a court order for his supposed involvement in drug trafficking. During his detention, state authorities tortured, beat, burned and asphyxiated him in order to gain a confession. Mr. Tibi was released on January 21, 1998. The State did not grant Mr. Tibi the possibility of filing a remedy against the mistreatment received during his detention, and there was no prompt and simple remedy that he could file before a competent court to protect himself from the violations of his basic rights. The Court found that the State violated the American Convention on Human Rights and the American Convention to Prevent and Punish Torture.

Key Words: *Abduction; Access to Legal Procedures; Arbitrary Arrest and Detention; Civil and Political Rights; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Provisional Measures, Merits, Reparations and Costs

Judgment of September 7, 2004. Series C No. 114

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of September 22, 2006
- 2) Order of the Inter-American Court of Human Rights of July 1, 2009
- 3) Order of the Inter-American Court of Human Rights of March 3, 2011

IV) Case of Acosta Calderón v. Ecuador

On November 15, 1989, the Customs Military Police arrested Mr. Acosta Calderón, a citizen of Colombia, under suspicion of drug trafficking. Mr. Acosta Calderón's statement was not received by a Judge until two years after his detention and he was not notified of his right to consulate assistance during the five years he was in custody pending trial. Mr. Acosta Calderón was found guilty of drug charges on December 8, 1994, despite the lack of evidence of drugs appearing at any time. He was released on July 29, 1996 for having served part of his sentence while he was in prison pending trial, but after he was released in July of 1996, the Commission lost contact with him. The Court found the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Due Process Rights; Judicial Protection (Right to); Forced Disappearances*

Merits, Reparations and Costs

Judgment of June 24, 2005. Series C No. 129

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 7, 2008

V) Case of Zambrano Veléz et al. v. Ecuador

On March 6, 1993, Mr. Wilmer Zambrano Vélez, Mr. Segundo Olmedo Caicedo, and Mr. José Miguel Caicedo were extrajudicially executed in Guayaquil, Ecuador during an operation carried out by the Ecuadorian Armed Forces and the National Police. More than thirteen years after the occurrence, the

State still had not undertaken any serious investigation, nor had it identified the perpetrators and masterminds of the victims' executions. The Court found that the State violated the American Convention on Human Rights to the detriment of the victims.

Key Words: *Extrajudicial Killing; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Due Process Rights*

Merits, Reparations and Costs

Judgment of July 4, 2007. Series C No. 166

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of May 22, 2009 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of September 21, 2009
- 3) Order of the Inter-American Court of Human Rights of November 23, 2010

VI) Case of Chaparro Álvarez and Lapo Ñíguez v. Ecuador

On September 8, 1998, Juan Carlos Chaparro Álvarez and Freddy Hernán Lapo Ñíguez were wrongfully accused of illegal drug trafficking. Both were detained for over a year for a crime they did not commit. Messrs. Chaparro and Lapo filed the recourses available to them requesting a review of the grounds for the preventive detention measure, but these recourses were unsuccessful. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Amnesty, Pardon, and Commutation of Sentence (Right to Seek); Criminal Justice; Due Process Rights; Judicial Protection (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 26, 2008. Series C No. 189

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of April 29, 2009
- 2) Order of the Inter-American Court of Human Rights of May 19, 2010
- 3) Order of the Inter-American Court of Human Rights of February 22, 2011
- 4) Order of the Inter-American Court of Human Rights of January 27, 2015 (Available only in Spanish)

VII) Case of Albán Cornejo et al. v. Ecuador

On December 13, 1987 Laura Susana Albán Cornejo was admitted to the Metropolitan Hospital, a private health institution located in Quito, Ecuador, due to a set of symptoms of bacterial meningitis, and was prescribed a dose of morphine for pain. On December 18, 2007, while she was under medical treatment, Miss Albán Cornejo died, allegedly due to the medication she was administered. After her death, Miss Albán Cornejo's parents appeared before the Eighth Civil Court from Pichincha, the Honor Tribunal of the Pichincha Medical Association, and filed a criminal complaint to investigate the causes of their daughter's death. Two physicians were accused of negligent medical practice. The

case against one of them was dismissed and the second was still pending at the time this case was brought. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Physical, Mental, and Moral Integrity (Right to); Due Process Rights; Access to Legal Procedures; Compensation and Remedies (Right to)*

Merits, Reparations and Costs

Judgment of November 22, 2007. Series C No. 171

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of July 6, 2009
- 2) Order of the Inter-American Court of Human Rights of August 27, 2010
- 3) Order of the Inter-American Court of Human Rights of February 5, 2013
- 4) Order of the Inter-American Court of Human Rights of August 28, 2015 (Available only in Spanish)

VIII) Case of Salvador Chiriboga v. Ecuador

Between December 1974 and September 1977, Mr. Julio Guillermo Salvador Chiriboga and his siblings inherited property from their father, Mr. Guillermo Salvador Tobar. On May 13, 1991, the then Municipal Council of Quito declared the property to be of public utility in order to expropriate and take immediate possession of the property. Mr. Salvador Chiriboga and his siblings filed several lawsuits against the State's authorities in order to resolve the declaration of public utility, but to no avail. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights*

Preliminary Objections and Merits

Judgment of May 6, 2008. Series C No. 179

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of October 24, 2012
- 2) Order of the Inter-American Court of Human Rights of August 22, 2013
- 3) Order of the Inter-American Court of Human Rights of August 21, 2014 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of June 23, 2015 (Available only in Spanish)

IX) Case of Vera Vera et al. v. Ecuador

On April 12, 1993, Mr. Pedro Miguel Vera Vera was detained by the national police in Santo Domingo de los Colorados as he was being chased and accused of assault. When the police detained him, they noticed he had a gun shot wound. Although he was taken to the Hospital, he was released the next day and taken to a detention center. Mr. Vera Vera died on April 22, 1993. The Commission referred to human rights violations in Ecuadorian prisons regarding overpopulation, poor provision of prison health equipment and medicine, and the lack of minimum requirements (e.g. access to medical care). The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection, Merits, Reparations and Costs

Judgment of May 19, 2011. Series C No. 226

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 27, 2012
- 2) Order of the Inter-American Court of Human Rights of October 23, 2012

X) Case of Mejía Idrovo v. Ecuador

On March 12, 2002, the Constitutional Tribunal ruled that the Executive Decrees ordering that Mr. José Alfredo Mejía Idrovo could be suspended and discharged from the army were unconstitutional and provided reparations for the harm. The State failed to comply with this decision. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Economic, Social, and Cultural Rights; Civil and Political Rights*

Preliminary Objections, Merits, Reparations and Costs

Judgment of July 5, 2011. Series C No. 228

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 26, 2012
- 2) Order of the Inter-American Court of Human Rights of September 4, 2012 (Available only in Spanish)

XI) Case of the Kichwa Indigenous People of Sarayaku v. Ecuador

In the 1990s, the State granted a permit to a private oil company to carry out oil exploration and exploitation activities in the territory of the Kichwa Indigenous People of Sarayaku without consulting them or obtaining their consent. The oil company began the exploration phase, and even introduced high-powered explosives in several places on indigenous territory. This case concerns the State's alleged lack of judicial protection, failure to observe judicial guarantees, and limits of rights to freedom of movement and to cultural expression of the indigenous population.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Discrimination; Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Indigenous Peoples' Rights; Prison and Detention Conditions; Family; Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment Expulsion, Deportation, and Forcible Return*

Merits and Reparations

Judgment of June 27, 2012. Series C No. 245

Monitoring Compliance with Judgment

[None]

XII) Case of Palma Mendoza et al. v. Ecuador

On May 16, 1997, Mr. Marco Bienvenido Palma Mendoza was abducted by three men wearing civilian clothing and ski masks. The men intercepted his vehicle while he was driving with his eleven year old son, put him in their truck, and took him to an unknown location. Mr. Palma Mendoza's next of kin filed applications for habeas corpus, but they were ineffective to determine his whereabouts. The State authorities issued orders, but the orders did not achieve results or help prevent Mr. Palma Mendoza's murder. Even though a guilty verdict was delivered against three people as perpetrators of the detention and death of Mr. Palma Mendoza, the Court found deficiencies in the State's obligation to investigate and the partial impunity that has resulted from the proceedings.

Key Words: *Abduction; Access to Legal Procedures; Civil and Political Rights; Forced Disappearances; Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Preliminary Objection and Merits

Judgment of September 3, 2012. Series C No. 247

Monitoring Compliance with Judgment

[None]

XIII) Case of Suárez Peralta v. Ecuador

On July 1, 2000, Ms. Melba del Carmen Suárez Peralta underwent an appendicitis operation in the Minchala private clinic. After the surgery, she suffered severe and permanent ailments. Over the next several years, she endured multiple treatments and procedures and continued to suffer from pain, nausea, and fever, which led to diverse financial, work-related and personal consequences. Despite an intent to seek timely legal remedies, through no fault of Ms. Suárez Peralta, the judiciary ruled that the statute of limitations period ran out and the victim received no remedy. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Civil and Political Rights; Economic, Social, and Cultural Rights; Women's Rights; Access to Legal Procedures; Physical, Mental, and Moral Integrity (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of May 21, 2013. Series C No. 261

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of August 28, 2015 (Available only in Spanish)

XIV) Case of the Supreme Court of Justice (Quintana Coello et al.) v. Ecuador

In November and December of 2004 Ecuador's National Congress dismissed the State's Constitutional Tribunal, the Supreme Electoral Tribunal and the Supreme Court of Justice. The instant case focuses on the dismissal of the judges of the Supreme Court of Justice on December 8, 2004. The victims were granted no due process rights or hearings to have an opportunity to defend themselves. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Independence of Judiciary; Economic, Social, and Cultural Rights*

Preliminary Objection, Merits, Reparations and Costs

Judgment of August 23, 2013. Series C No. 266

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of August 21, 2014 (Available only in Spanish)

XV) Case of the Constitutional Tribunal (Camba Campos et al.) v. Ecuador

On November 25, 2004, Ecuador's National Congress passed Resolution No. R-25-160 as a declaration that the members and alternates of the Constitutional Tribunal were appointed illegally, and ceased its functions and removed all of its members and alternates, some of whom were later arraigned by Congress. The removed members of the Constitutional Tribunal were not notified before the session and were not heard during the session. The same day the National Congress appointed new members to the Congressional Tribunal. Also, they removed the magistrates of the Electoral Tribunal because they declared their appointments had been carried out illegally. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Civil and Political Rights; Independence of Judiciary*

Preliminary Objections, Merits, Reparations and Costs

Judgment of August 28, 2013. Series C No. 268

Monitoring Compliance with Judgment

[None]

XVI) Case of Gonzales Lluy et al. v. Ecuador

In 1998, three year old Talía Gonzales Lluy was diagnosed with a blood disorder that requires multiple blood transfusions to be treated. However, the donated blood was transfused into her body before it was tested for infectious diseases. Shortly thereafter, Talía tested positive for HIV. When she began attending primary school, she faced severe discrimination from school officials and teachers, and was barred from attending her classes. Further, the Gonzales Lluy family was evicted and forced to move multiple times when landlords discovered Talía's condition. After failing to obtain recourse in the domestic courts, the family sought redress from the Inter-American Court. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Life (Right to); Minors/Children; Physical, Mental, and Moral Integrity (Right to); Freedom of Expression*

Preliminary Objections, Merits, Reparations and Costs

Judgment of September 1, 2015. Series C No. 298

Monitoring Compliance with Judgment

[None]

XVII) Case of García Ibarra et al. v. Ecuador

In September 1992, sixteen year old José Luis García Ibarra was standing on a street corner with three of his friends, when the group was approached by two police officers. The officers and one of Mr. García Ibarra's friends engaged in a verbal altercation that escalated into physical blows. During the fight, one of the officers shot Mr. García Ibarra in the head, killing him. Mr. García Ibarra had not been involved in the altercation in any capacity. Mr. García Ibarra's family sought justice in the State domestic courts, but proceedings were unjustifiably delayed for nine years. The Court found the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Criminal Justice; Judicial Protection (Right to); Life (Right to); Minors/Children*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 17, 2015. Series C No. 306

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Matter of Puebla Indígena de Sarayaku regarding Ecuador [July 6, 2004]
- 2) Matter of Puebla Indígena de Sarayaku regarding Ecuador [July 17, 2005] (Available only in Spanish)
- 3) Matter of Puebla Indígena de Sarayaku regarding Ecuador [December 18, 2009] (Available only in Spanish)
- 4) Matter of Puebla Indígena de Sarayaku regarding Ecuador [February 4, 2010]
- 5) Matter of Alejandro Ponce Villacís and Alejandro Ponce Martínez regarding Ecuador [May 15, 2011]
- 6) Matter of the Two Girls of the Taromenane Indigenous People in Voluntary Isolation regarding Ecuador [March 31, 2014]
- 7) Case of Gonzales Lluy et al. regarding Ecuador [September 2, 2015] (Available only in Spanish)