

Herrera Espinoza et al. v. Ecuador

I. COMPLIANCE AND FOLLOW-UP ADDENDUM¹

March 4, 2019: The Court reviewed the State’s compliance with five measures of reparations issued in the prior judgment of the present case.² The Court concluded that the State has only partially complied with the measures of reparations.³

First, the State must initiate an investigation of the case within a reasonable time.⁴ The Court found that the State partially complied and began with the investigation.⁵ The State must continue and move forward with the investigation within a reasonable time.⁶

Second, the State had six months to adopt measures that would annul the consequences of the criminal proceedings like the present case.⁷ The Court found that the State had not complied with the reparation within the six-month deadline and had not provided information regarding the progress towards compliance on this point.⁸ The Court reminded the State to comply with the reparation as soon as possible and submit an update and detailed information on the progress.⁹

Third, the State must publish the official judgment in an official gazette and a nationally circulated newspaper within six months of the judgment, and make the judgment available in its entirety on an official website for at least one year.¹⁰ The Court held that the State partially complied

1. Alexandra Reyna, Author; Kaylie O’Connor, Editor; Gabrielle Szlachta-McGinn, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Herrera Espinoza et al. v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Whereas” ¶ 1. (Mar. 4, 2019).

3. Herrera Espinoza et al. v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, “Resolved” ¶ 1.

4. *Id.* “Whereas” ¶ 5.

5. *Id.* ¶ 7.

6. *Id.*

7. *Id.* ¶ 9.

8. *Id.* ¶¶ 11-12.

9. Herrera Espinoza et al. v. Ecuador, Monitoring Compliance with Judgment, Order of the Court, ¶ 12.

10. *Id.* “Whereas” ¶ 13.

with the publication and dissemination measures and compliance is only pending with regard to the publication in the official gazette.¹¹

Fourth, State must pay restitution to the victims and the Ecumenical Commission of Human Rights.¹² The Court held that the State had partially complied with the reparation stating that the restitution payment for some of the victims was pending.¹³ The State must inform the Court of compliance.¹⁴

The Court ordered to keep the monitoring of the compliance open and that the State was required to submit a report on the measures pending compliance on or before August 1, 2019, to the Inter-American Court of Human Rights.¹⁵

11. *Herrera Espinoza et al. v. Ecuador*, Monitoring Compliance with Judgment, Order of the Court, ¶¶ 14-15.

12. *Id.* ¶ 17(a)-(c).

13. *Id.* ¶ 22.

14. *Id.*

15. *Id.* “Resolved,” ¶¶ 2, 3.