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File Number(s): Report No. 126/09; Petition 11.511
Session: Hundred Thirty-Seventh Regular Session (28 October – 13 November 2009)
Title/Style of Cause: Ingris Quinones Segura and Luis Mora Jimenez v. Ecuador
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Decided by: Second Vice President: Felipe Gonzalez;
Commissioners: Sir Clare K. Roberts, Florentin Melendez, Paolo G. Carozza.
Dated: 12 November 2009
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Represented by: APPLICANT: Ecumenical Commission on Human Rights
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ALLEGED VICTIM: Ingris Quiñones Segura/ Luis Mora Jiménez

PETITIONER: Ecumenical Commission on Human Rights (CEDHU)

ALLEGED VIOLATIONS: Articles 7, 8 and 25 of the American Convention on Human Rights

PROCEEDING START DATE: July 17, 1995

I. POSITION OF THE PETITIONER

1. On November 8th, 1994 the Inter-American Commission on Human Rights received a petition presented by the Ecumenical Commission on Human Rights (hereafter “the petitioners”). The petitioners allege that on July 4, 1992 Ingris Quiñones Segura and Luis Ernesto Mora Jiménez were detained based on an accusation of drug possession and were sent before the Sixth Criminal Court of Pichincha. They allege that on March 30, 1994 Ingris Quiñones and Luis Ernesto Mora were sentenced to a year in prison as stipulated in article 65 of the Law on Narcotics and Psychotropic Substances. They indicate that this sentence was overturned upon review and through an April 20, 1994 decision, the district Attorney of Pichincha held that the Second Chamber of the Superior Court of Justice “should completely review” the overturned sentence in question.

2. The petitioners maintain that on September 20, 1994 the Second Chamber of the Superior Court of Justice resolved to modify the decision and give Ingris Quiñones Segura and Luis Ernesto Mora Jiménez the maximum penalty of two years in prison. They maintain that after serving the sentence Ingris Quiñones and Luis Ernesto Mora were released, nevertheless the petitioners allege that the time the alleged victims remained in prison exceeded the sentence imposed by two months.

II. POSITION OF THE STATE

3. The State notes that the sentence against Ingris Quiñones Segura and Luis Ernesto Mora Jiménez was changed and they were sentenced to two years in prison. They also indicate that said sentence was already executed and that the only remedy against it would be judicial review.

III. PROCEDURE BEFORE THE IACHR

4. On November 8, 1994 the IACHR received the initial petition and registered it as case 11.511 and after making a preliminary analysis of the petition, on July 17, 1995 sent a copy of the pertinent parts to the State, giving it 90 days to present information in accordance with article 34(3) of the current regulations. The State presented its observations on October 3, 1995[FN1], which was in turn made known to the petitioners for their observations. On April 15, 1996 a request of information from the petitioners was reiterated.

[FN1] Note No. 124/95 MPE/OEA of the Ecuadorian Permanent Mission to the OAS on October 3, 1995.

5. On May 8, 1996 the IACHR received a note from the petitioners, which in turn was made known to the State for its observations. On February 9, 1999 the Commission offered to mediate an amicable solution to the claim. On February 23, 2001 the IACHR received a note from the State[FN2]. On October 24, 2008 it received a note from the petitioners in which they indicated “their consideration that the petition be archived”. On April 13, 2009 the IACHR sent a message to the petitioners in which they were asked to confirm, within one month, that the petition should indeed be archived. On June 12, 2009 the IACHR received a note from the petitioners in which they confirmed their desire to have the petition archived.

[FN2] Note No. 4-2-85/01 of the Ecuadorian Permanent Mission to the OAS on April 2, 2001.

IV. LEGAL BASIS FOR THE DECISION TO ARCHIVE THE CASE

6. Article 48.b) of the American Convention on Human Rights and article 30(6) of the Rules of the Inter-American Commission on Human Rights establish that, during the petition process, once the observations have been received or the period set has elapsed with no observations received, the Commission shall verify whether the grounds for the petition exist or subsist. If it considers that they do not exist or subsist, it shall order the case archived.

7. This petition alleges a violation of the rights enshrined in articles 7, 8 and 25 of the American Convention as a consequence of the detention of Ingris Quiñones Segura and Luis Ernesto Mora Jiménez and being held in prison longer than the time stipulated in their

conviction. The petitioners note that two months after having completed the sentence the alleged victims were released.

8. In their last observations, the petitioners indicate that they have lost contact with the alleged victims, and accordingly ask that the petition be archived. Given the circumstances and the petitioners' request, the Commission notes it lacks the elements necessary to determine whether the grounds of the original claim continue to exist; therefore, as stipulated under article 48. b) of the Convention, as well as article 30(6) of the Rules of the IACHR, has decided to archive this petition.

Done and signed in the city of Washington, D.C., on the 12th day of the month of November, 2009. (Signed): Felipe González, Second Vice-President; Sir Clare K. Roberts, Florentín Meléndez, and Paolo G. Carozza, members of the Commission.