

**REPORT No. 45/13**  
PETITION 421-05  
ADMISIBILITY  
EDUARDO JULIÁN PARRILLA ORTIZ  
ECUADOR  
July 11, 2013

**I. SUMMARY**

1. On April 12, 2005, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the IACHR") received a petition lodged by Mr. Eduardo Julián Parrilla Ortiz (hereinafter "the petitioner," "the alleged victim" or "Mr. Parrilla") alleging responsibility of the Republic of Ecuador (hereinafter "the State" or "Ecuador") for unwarranted delay in rendering the decision on a motion for reconsideration in the context of a criminal proceeding against him, for which he was sentenced to deprivation of liberty. He also contends that his right to humane treatment was infringed due to the conditions in which he was held while serving his sentence.

2. The petitioner claims that the State is responsible for violation of the rights set forth under Articles 5, 8, and 25 of the American Convention on Human Rights (hereinafter, the "American Convention" or "the Convention") and Article 2 of the Inter-American Convention to Prevent and Punish Torture. In response, the State alleges that the petitioner's claim is inadmissible because he has failed to exhaust domestic remedies and because the petition does not state facts tending to establish violations of the rights provided for in the Convention.

3. After examining the positions of the parties and in keeping with the requirements set forth in Articles 46 and 47 of the American Convention, the Commission decided to find the claims admissible as to the alleged violation of Articles 5, 7, 8 and 25 of the Convention in conjunction with Article 1.1 thereof, as well as the alleged failure to fulfill the obligations provided for in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture. It also decided to notify the parties of this report and order the publication thereof in its Annual Report to the OAS General Assembly.

**II. PRECEEDING BEFORE THE IACHR**

4. The Commission assigned the number 421-05 to the petition and, following a preliminary review thereof, forwarded the relevant portions of it to the State on February 28, 2006, for its response. On March 29, 2006, the State requested an extension to submit its response, which was granted. The State submitted its response on July 12, 2006, which was forwarded to the petitioner for his observations. The petitioner submitted its response on August 10, 2006, which was forwarded to the State for its reply. On January 23, 2007, the petitioner furnished additional information, which was forwarded to the State for its observations. The State submitted its response on February 24, 2009, which was forwarded to the petitioner for reference. The petitioner submitted observations on March 9, 2012 and April 14, 2013, which were forwarded to the State for its reference on March 19, 2012 and May 13, 2013, respectively.

### III. POSITIONS OF THE PARTIES

#### A. Position of the petitioner

5. The petitioner, a Spanish national, alleges that on July 20, 2000, he was deprived of liberty in the City of Quito. He claims that at the time, he was being criminally prosecuted for “misrepresentation of public documents,” in a proceeding opened by the Third Court for Criminal Matters of Manabí on March 8, 1996, and had been residing permanently in Ecuador for approximately twelve years. He notes that the Fifth Court for Criminal Matters of Manabí convicted him on October 16, 2000 and sentenced him to twelve years of prison. This decision was appealed by the petitioner through the process of direct appeal to the highest court of review (*casación*), and the Second Specialized Chamber for Criminal Matters of the Supreme Court of Justice (hereinafter, the “CSJ”) reduced the punishment to a 9-year “special lesser prison sentence” on November 21, 2001.<sup>1</sup>

6. The petitioner asserts that on February 20, 2002, he filed a motion for reconsideration of judgment with the CSJ, which was denied by the Third Chamber for Criminal Matters of the CSJ on August 31, 2006. As of the date of the lodging of the petition with the IACHR, said motion had not been adjudicated and the petitioner contended that unwarranted delay had marred the proceeding, thus rendering said motion ineffective. He also claimed that on several occasions he submitted written pleadings for the motion to be settled citing unwarranted delay in the adjudication thereof. He also argued that since the motion for reconsideration filed by him was pending decision, the sentence on the conviction could not be served. Nonetheless, he had been deprived of his liberty in order to serve out the sentence even though no final decision had been handed down on the conviction and, therefore, he contended that his right to the presumption of innocence and to be tried within a reasonable period of time had been infringed.

7. The petitioner also claims that the CSJ’s decision was based on Article 260 of the Code of Criminal Procedure, which has been in force since 2000 and requires “new evidence” to be introduced in order for a motion for reconsideration of judgment to be granted. In this regard, he argues that, in keeping with the transitional provisions of the aforementioned Code,<sup>2</sup> the code that should have been used in adjudicating the motion was the 1983 Code of Criminal Procedure, inasmuch as this was the code that was in effect at the time when the criminal proceeding was brought against him and it does not require the introduction of “new evidence” for this type of motion, but rather provides that “the actions taken by the lower [court]” must simply be “reviewed.”

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<sup>1</sup> The information appearing in the case file indicates that Mr. Parrilla was prosecuted in another criminal proceeding for the offense of usurpation, for which he was sentenced to two years special lesser imprisonment. In a decision of July 5, 2004, the Fifth Court for Criminal Matters of Manabí determined that said sentence had been “served,” and therefore, the “only sentence” that Mr. Parrilla had to serve was the nine-year special lesser prison sentence.

<sup>2</sup> The petitioner cites the transition-related provision of the Code of Criminal Procedure, which sets forth that “Any criminal proceedings that are underway at the time when this Code of Criminal Procedure enters into force, shall be conducted under the previous criminal proceeding until the completion thereof, without prejudice to enforcement of the rules of due process, set forth in the Political Constitution of the Republic.”

8. The petitioner further contends that he should have been released from prison in January 2004, inasmuch as the National Directorate of Social Rehabilitation had granted him a benefit for inmates under the Sentence Reductions Act on the occasion of the jubilee year (2001). However, the Fifth Court for Criminal Matters of Manabí refused to grant him this right and issue an order for his release.

9. According to information provided by the petitioner, on September 27, 2004, the National Directorate of Social Rehabilitation sent the paperwork regarding the sentence reductions applying to him to the Penitentiary Center where he was being held. Nonetheless, it had not been submitted on time to the Fifth Court for Criminal Matters of Manabí for it to be able to issue the attendant release order. Furthermore, the petitioner claims that he had to request the Office of the Ombudsman to intercede to get the release authorization form issued, under the argument that he was being deprived of his liberty illegally and arbitrarily. Accordingly, in November 2004, the Office of the Ombudsman requested the Court to issue the release order for Mr. Parrilla because he had completed his prison term. However, in a ruling of November 24, 2004, the Fifth Court for Criminal Matters of Manabí denied said request arguing that the nine-year term of special lesser imprisonment, as imposed by the CSJ, had not yet been served out.

10. He notes that on January 14, 2005, he filed for *habeas corpus* relief with the Office of the Mayor of Quito, which was denied on January 19, 2005. He states that on February 9 of that year he was finally released from prison and, even though his motion for reconsideration was not settled, he was deported to Spain and "prohibited for a period of five years from returning to Ecuadorean territory." He contends that, consequently, he is precluded from "exercising [his] rights" in person in Ecuador, which renders him unable to mount any defense.

11. The petitioner alleges that the State would be responsible for the violation of Article 5 of the American Convention, in relation to the definition set forth in Article 2 of the Inter-American Convention to Prevent and Punish Torture. In this regard, he states that during the time that he was deprived of liberty in Ecuador, he did not receive the adequate medical treatment that he required stemming from cardiac insufficiency. He notes that on November 12, 2003 he was stricken with "acute myocardial infarction and unstable angina" which caused "sharp pains" and limited his "mobility." He argues that the order to transfer him to a hospital was issued five days after "suffering the infarction," and that after being brought back to the Penitentiary Center, he had to "stay on the floor" because there was no bed assigned to him to sleep. He notes that he submitted "numerous requests" to the authorities of the Penitentiary Center where he was being held, the National Director of Social Rehabilitation, the Office of the Ombudsman of Ecuador and the President of the Republic, to take the appropriate measures due to his health status; nonetheless, he claims that these requests went unheeded.

12. He further contends that the general conditions of detention at the Penitentiary Center (formerly "Garcia Moreno Prison") where he was being held, were inadequate and that he had also filed complaints about this on several occasions with national authorities. He also notes that in September 2003, an interview that he had given was broadcast on a local television program, in which he decried the irregularities allegedly committed during the criminal proceedings against him. He further claims that, following the broadcast of said program, he was transferred "without any type of explanation" to a cell that did not meet adequate conditions for detention.

## B. Position of the State

13. The State alleges that the facts laid out in the petition do not tend to establish violations of rights enshrined in the Convention and that the petitioner has not exhausted available domestic remedies. It also argues that any claim questioning decisions made by domestic courts that conform to the provisions of the American Convention is groundless under the doctrine of the fourth instance.

14. In response to the claim, the State noted that the Third Chamber for Criminal Matters of the CSJ had denied the motion for reconsideration in the decision of August 31, 2006. In this regard, it contends that just because the decision was not favorable to the interests of the petitioner, it does not mean that the State has failed to honor its obligation to provide effective remedies as required under the Convention.

15. With regard to the criminal proceeding against Mr. Parrilla for the crime set forth in Article 341 of the Criminal Code of Ecuador, the State does not dispute the account of the main stages of said case as described above and adds that, after serving his sentence, Mr. Parrilla was released on February 9, 2005. It claims that this case was conducted with respect for due process rights, inasmuch as Mr. Parrilla was tried before competent and impartial tribunals, and he was allowed to exercise his right to a defense at all stages and to be heard on an equal footing before the bodies of the judiciary.

16. Furthermore, the State argues that the petitioner did not exhaust in a timely fashion available remedies for the competent authorities to hear the claims being made. Specifically, it contends that by means of the *amparo* action established in the Constitution in force at the time,<sup>3</sup> an order could be issued for “the definitive suspension of the act or omission being challenged providing for the immediate execution of all measures [...] necessary to remedy the harm or avoid the danger regarding the violated right” and that since it is “effective immediately,” it was the suitable means to remedy the alleged violations occurring during the aforementioned criminal proceeding.

17. Additionally, the State alleges that pursuant to provisions in the new legal constitutional framework, which entered into force in 2008, “protective action [...] in order to safeguard the full exercise of [...] constitutional rights” is provided for and, therefore, based on its “reparative or preventive” nature, as the case may be, it is an effective and available domestic remedy so that any violation allegedly committed against the rights of the petitioner can be reviewed by domestic bodies and measures of reparation can be issued as appropriate.

18. In light of the foregoing arguments, the State requests the Commission to find the above-cited petition inadmissible, inasmuch as it does not meet the requirements set forth in Articles 46 and 47 of the Convention.

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<sup>3</sup> The State is referring to the content of Article 95 of the 1998 Political Constitution of Ecuador regarding *amparo* actions.

#### **IV. ANALYSIS AS TO COMPETENCE AND ADMISSIBILITY**

##### **A. Competence of the Inter-American Commission *ratione personae*, *ratione materiae*, *ratione temporis* and *ratione loci***

19. The petitioner is entitled, in principle, under Article 44 of the American Convention to lodge petitions before the Commission. The petition identifies as the alleged victim an individual, for whom the Ecuadorean State undertook to respect and ensure the rights enshrined in the American Convention. As for the State, the Commission notes that Ecuador has been a State Party to the American Convention since December 8, 1977 and has been a party to the Inter-American Convention to Prevent and Punish Torture since November 9, 1999, having deposited the respective instruments of ratification on those dates. Therefore, the Commission is competent *ratione personae* to examine the petition. The Commission is also competent *ratione loci* to hear the petition, inasmuch as violations of rights protected in the American Convention are alleged therein to have taken place within the territory of Ecuador, a State Party to said treaty.

20. The Commission is competent *ratione temporis* because the obligation to respect and ensure the rights protected in the Convention was already in effect on the State at the time when the facts alleged in the petition took place. Lastly, the Commission is competent *ratione materiae* being that the petition charges potential violations of human rights protected under the American Convention.

##### **B. Admissibility Requirements**

###### **1. Exhaustion of Domestic Remedies**

21. In order for a claim of an alleged violation of the American Convention to be admitted, the requirement of prior exhaustion of available domestic remedies, as set forth in Article 46.1.a of said instrument, must be met in accordance with generally recognized principles of international law. However, Article 46.2 of the American Convention provides that the prior exhaustion of domestic remedies requirement shall not be applicable when (i) the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated; (ii) the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or, (iii) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

22. In the claim at issue, the State initially contended that the petition did not meet the requirement of prior exhaustion of domestic remedies, given that the CSJ decision on the motion for reconsideration filed by the petitioner in February 2002 was pending. In response, the petitioner argued that there was unwarranted delay in rendering final judgment, because at the time when the petition was lodged, in 2005, the motion had not yet been adjudicated and, therefore, the exception set forth in Article 46.2.c of the American Convention was applicable.

23. As has been established in prior rulings, in order to determine whether or not domestic remedies have been exhausted, the existing situation at the time of the admissibility decision must govern, given that the situation may change between the time of the lodging of the petition and the

time of the ruling on admissibility.<sup>4</sup> In this regard, the Commission notes that the parties have indicated that the motion for reconsideration was subsequently settled, in a decision issued on August 31, 2006 by the Third Chamber for Criminal Matters of the CSJ, which denied the motion. Accordingly, and based on available information, the IACHR finds that without prejudice to the analysis to be conducted on whether or not the exceptions to the rule of prior exhaustion of domestic remedies apply, the objection raised by the State is inapplicable as of the time of the drafting of the instant report, inasmuch as said remedy had been exhausted with the above-cited decision of the CSJ.

24. Notwithstanding the foregoing, the Commission notes that the State is contending that the petition is still inadmissible due to failure to exhaust domestic remedies, in the first place, because the claims of the petitioner pertaining to the alleged irregularities committed during the criminal proceeding against him, had not been raised at the proper time before national authorities, specifically by pursuing the *amparo* action as provided for by the Constitution in force at the time. Secondly, it argues that pursuant to the provisions of the new Constitution, in force since 2008, an action for protection is provided for, which would be the suitable means to seek relief, should it be in order, for the alleged violations of the rights of Mr. Parrilla. In response to the latter argument, the petitioner claims that it is a remedy that did not exist at the time when the alleged violations were committed and, therefore, he cannot be required to exhaust it.

25. In view of the parties' arguments, the Commission notes that the instant petition was lodged, on the one hand, because of the alleged unwarranted delay in the ruling on the motion for reconsideration filed by the petitioner, wherein he alleged irregularities committed in the criminal proceeding against him, for which he was ultimately convicted; and, on the other hand, because the court order to release the petitioner from custody had not been issued within the proper timeframe, which deprived him of his liberty beyond the time that he should have been deprived pursuant to applicable law. It was also contended that the conditions in which he was detained were not adequate, particularly in light of the care he required due to his health status.

26. Accordingly, it is fitting at this point to clarify what domestic remedies must be exhausted in the instant case. The Inter-American Court has held that only adequate remedies to correct the violations allegedly committed must be exhausted.

Adequate domestic remedies are those, which are suitable to address an infringement of a legal right. A number of remedies exist in the legal system of every country, but not all are applicable in every circumstance. If a remedy is not adequate in a specific case, it obviously need not be exhausted. A norm is meant to have an effect and should not be interpreted in such a way as to negate its effect or lead to a result that is manifestly absurd or unreasonable.<sup>5</sup>

27. As established in the Rules of Procedure of the Commission and as explained by the Inter-American Court, whenever a State alleges petitioners' failure to exhaust domestic remedies, it must identify what remedies would have to be exhausted and prove that the remedies that have not been exhausted are "adequate" to rectify the allegedly violated right; that is, the function of those remedies within the domestic legal system is suitable to provide relief for the infringement of a legal right.<sup>6</sup>

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<sup>4</sup> IACHR, Report N<sup>o</sup>. 52/00, *Dismissed Congressional Employees*. June 15, 2000, par. 21.

<sup>5</sup> IA. Ct. of HR. Case of *Velásquez Rodríguez*, *Judgment July 29, 1988*, paragraph 63.

<sup>6</sup> Article 31(3) of the Rules of Procedure of the Commission. Also see IA Ct. of HR., *Case of Velásquez Rodríguez*,

28. In light of the foregoing, the IACHR notes first that while the *amparo* action provided for in the Political Constitution of Ecuador of 1998, which was in force at the time of the events in question, establishes said action as a mechanism to “immediately remedy the consequences of an illegitimate act or omission of a public authority,”<sup>7</sup> the petitioner’s claims regarding the alleged irregularities committed during the criminal proceeding were raised through the remedies that he exhausted to challenge the conviction handed down against him, specifically, the process of direct appeal for relief to the highest court of review (*casación*), which was decided by the CSJ in November 2001, and the motion for reconsideration referenced above. In this regard, the IACHR recalls that the requirement to exhaust domestic remedies does not mean that the alleged victims are obliged to exhaust every remedy available to them.<sup>8</sup> Consequently, if the alleged victim raised the issue by way of any of the valid and suitable options under domestic law, and the State had the opportunity to correct the situation under its own jurisdiction, the purpose of the international legal precept is fulfilled.<sup>9</sup> Additionally, the Commission notes that, since the time of the filing of the motion for reconsideration in 2002, the petitioner addressed the CSJ in writing on several occasions requesting it to rule on said motion and alleging unwarranted delay in adjudicating the matter.<sup>10</sup> Therefore, the Commission finds that this claim of the petition does fulfill the requirement set forth in Article 46.1.a) of the American Convention.

29. Secondly, the Commission notes that at the time when the events under consideration took place, two types of motions challenging the deprivation of liberty were in effect: (i) the constitutional *habeas corpus* remedy, provided for in Article 93 of the Constitution, which had to be brought before the competent municipal authority; and (ii) the remedy for protection of liberty (*amparo*) or statutory *habeas corpus*, set forth in Article 422 of the Code of Criminal Procedure in force at the time, which had to be brought before the competent judicial authority. Based on available information, the petitioner filed the constitutional *habeas corpus*, which was denied on January 19, 2005 by the Mayor of the Municipality of Quito.<sup>11</sup>

30. In this regard, the IACHR reiterates that the filing for a writ of *habeas corpus* with an administrative authority does not constitute an adequate remedy under the standards of the American Convention.<sup>12</sup> Notwithstanding, as was discussed above, under the requirement at issue in this case,

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Judgment July 29, 1988, paragraph 64.

<sup>7</sup> Article 95 of the Ecuadorean Constitution of 1998.

<sup>8</sup> IACHR, Report No. 76/09, petition 1473-06, Admissibility, Community of La Oroya (Perú), August 5, 2009, par. 64; IACHR, Report No. 40/08, petition 270/07. Admissibility. I.V. (Bolivia), July 23, 2008, par. 70.

<sup>9</sup> IACHR, Report No. 70/04. Jesús Manuel Naranjo Cárdenas et al – Pensioners of the Venezuelan International Aviation VOASA (Venezuela); October 13, 2004, par. 52.

<sup>10</sup> According to the documentary evidence appearing in the case file before the IACHR, Mr. Julián Parrilla Ortiz wrote briefs on July 30 and October 27, 2004 and February 10, 2005, requesting that the Chief Judge of the First Chamber for Criminal Matters of the Supreme Court of Justice rule on the motion to reconsider that he had filed. Likewise, he wrote to the Office of the Ombudsman of Ecuador and the President of the Republic decrying the alleged unwarranted delay in the disposition of said motion. Additionally, in a letter of December 9, 2003, the “Segundo Montes Mozo S.J.” Center for Human Rights Documentation, wrote to the Chief Judge of the First Chamber for Criminal Matters of the Supreme Court of Justice, expressing its concern at the failure to rule on the motion for reconsideration filed by Mr. Parrilla Ortiz.

<sup>11</sup> Additionally, in briefs filed on August 30 and November 29, 2004, the petitioner requested the Public Defender of Ecuador to bring a *habeas corpus* proceeding on his behalf.

<sup>12</sup> IACHR. Report N° 66/01, *Dayra María Levoyer Jiménez* June 14, 2001, paragraphs. 78-81. Also see IA. Ct. of HR. *Case of Chaparro Álvarez and Lapo Íñiguez*. Judgment of November 21, 2007 Series C No. 114, par. 128.

alleged victims do not have to exhaust all of the remedies available to them. Therefore, while the petitioner used the mechanism provided for by law and available to him which, because of its very nature, did not need to be exhausted, the Commission finds that by means of the filing thereof, the State had the opportunity to examine the legal right of Mr. Eduardo Julián Parrilla Ortiz and, therefore, it should be understood that this issue of the claim was exhausted in a timely fashion.

31. Thirdly, the Commission finds that in the instant case the State has not provided a basis for why it would be reasonable to require the petitioner to institute the protection action provided for in the Constitution in force as of 2008, in view of the fact that it is an independent and additional remedy that was not available at the time that the violations alleged in the petition occurred and, consequently, it is not obvious that it is a suitable mechanism to be required to be exhausted for the purpose of this analysis of admissibility.

32. Lastly, the IACHR notes that with regard to the alleged infringement of the right to humane treatment of the alleged victim, as a result of the alleged failure to provide him with adequate medical care and conditions of detention, the petitioner filed several requests with the Director of the Penitentiary Center where he was being housed and with the National Directorate of Social Rehabilitation, among other authorities, in order to get them to take the appropriate measures to treat his state of health. With persons deprived of liberty and, particularly, regarding issues that allegedly require a timely response, such as access to adequate medical treatment, the Commission has understood that a request filed with the authorities in charge, is sufficient to bring the claim to the attention of the State.<sup>13</sup>

## **2. Timeliness of the Petition**

33. Pursuant to the American Convention, in order for a petition to be admitted, it must be lodged within a period of six months from the date on which the alleged victim was notified of the final judgment exhausting domestic remedies. Furthermore, Article 32 of the Rules of Procedure of the Commission sets forth that when the exceptions to prior exhaustion of domestic remedies are applicable, the petition shall be lodged within a reasonable period of time, as determined by the Commission.

34. The petition was received on April 12, 2005 and, in this case, the Commission has determined that the legal situation of Mr. Parrilla was settled for good under the decision of the Third Chamber for Criminal Matters of the CSJ on August 31, 2006. Therefore, in view of the context and the specifics of the instant case, the Commission finds that the lodging of the petition was timely and, therefore, the admissibility requirement pertaining to the filing period has been fulfilled.

## **3. Duplication of International Proceedings**

35. Nothing in the case file indicates that the subject of the petition is pending decision in another international settlement proceeding, or that it duplicates a petition already examined by this or any other international body. Therefore, the requirements of Articles 46(1)(c) and 47(d) have been met.

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<sup>13</sup> IACHR. Report No. 23/09, Petition 1133-05, Admissibility, *Raúl José Díaz Peña* (Venezuela), March 20, 2009, paragraphs 49-50.

#### **4. Colorable Claim**

36. In light of the elements of fact and law submitted by the parties and the nature of the matter brought before it, the Commission finds that it must determine that the allegations of the petitioner in this case could tend to establish violations of the rights protected in Articles 8 and 25 in connection with Article 1.1 of the American Convention, to his detriment.

37. Likewise, the Commission finds that the petitioner's arguments could tend to establish potential violations of Article 5 of the Convention, if proven the allegations concerning the conditions of detention to which he would have been subject, as well as the alleged failure to provide him with medical treatment, after suffering a heart attack, while serving the criminal sentence that he had been given. The Commission shall also consider during the merits stage, the claim regarding the alleged breach of obligations undertaken by the State under the provisions of the Intern-American Convention to Prevent and Punish Torture.

38. Neither the American Convention nor the Rules of Procedure of the Commission require the petitioner to identify the specific rights allegedly violated by the State in matters submitted to the IACHR, even though the petitioners may do so. It is the duty of the Commission, in following the system of legal precedents, to determine in admissibility reports, what provision of relevant Inter-American instruments is applicable and could be concluded to have been violated, should the alleged facts be proven by means of sufficient evidence. In the instant case, the Commission finds that, should the allegations of the petitioner be proven, with regard to his being deprived of his liberty beyond the statutory time period set forth to serve the sentence he was imposed in the criminal proceeding against him, they could tend to establish a violation of Article 7 of the Convention.

#### **V. CONCLUSIONS**

39. The Commission concludes that it is competent to examine the claims brought forth by the petitioners regarding the alleged violation of Articles 5, 7, 8 and 25 in connection with Article 1.1 of the American Convention, pursuant to the requirements set forth in Articles 46 and 47 of the same instrument. Additionally, it concludes that it must find admissible the claim regarding the alleged breach of the obligations established in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

40. Based on the foregoing arguments of fact and law,

#### **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,**

#### **DECIDES:**

1. To find the instant petition admissible as to Articles 5, 7, 8 and 25 in connection with Article 1.1 of the American Convention, as well as the alleged breach of obligations set forth in Articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture;

2. To notify the Ecuadorean State and the petitioner of this decision;

3. To proceed to examine the merits of the matter;

4. To publish this decision and include it in the Annual Report of the Commission to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 11 day of July 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil, Rose-Marie Antoine, Commissioners.