

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF MARCH 3, 2011
CASE OF TIBI v. ECUADOR
MONITORING COMPLIANCE WITH JUDGMENT**

HAVING SEEN:

1. The Judgment on Preliminary Objections, Merits, Reparations and Costs (hereinafter "the Judgment") passed by the Inter-American Court of Human Rights (hereinafter "the Court," "the Inter-American Court" or "the Tribunal") on September 7, 2004.

2. The Orders on Monitoring Compliance with the Judgment of September 22, 2006 and June 1, 2009. In the latter, the Court declared that:

1. In accordance with the [...] Order, the State has complied with the following operative paragraphs of the Judgment [on Preliminary Objections, Merits, Reparations and Costs]:

a) To pay the compensation awarded by the Court for pecuniary damages in favor of Daniel Tibi and Beatrice Baruet, in the terms of Considering Clause 24 of the [...] Order (*Operative Paragraph 14 (a) and (c) of the Judgment*), and

b) To pay the compensation awarded by the Court for non-pecuniary damages in favor of the victims, and to pay the costs and expenses of the proceedings, in the terms of Considering Clause 26 of the [...] Order (*Operative Paragraphs 15 (a), (b), (c), (d), (e), and (f) and 16 of the Judgment*).

2. In accordance with the [...] Order, the State has partially complied with the following operative paragraphs of the Judgment [on Preliminary Objections, Merits, Reparations and Costs]:

a) To publish a statement in an Ecuadorean newspaper acknowledging its international responsibility and apologizing to Daniel Tibi and the other victims, in the terms of Considering Clause 14 of the [...] Order (*Operative Paragraph 12 of the Judgment*).

3. When monitoring full compliance with the Judgment issued in the instant case, and after analyzing the information provided by the State, the Commission, and the representatives, the Court will keep the procedure open to monitor compliance with those aspects still pending compliance in the instant case, namely:

a) To identify, prosecute and, if applicable, punish, within a reasonable time, all those responsible for the violations of the rights of Daniel Tibi, in accordance with Considering Clause 10 of the [...] Order (*Operative Paragraph 10 of the Judgment*);

b) To publish in a [...] French newspaper the section entitled Proven Facts and Operative Paragraphs 1 to 16 of the [...] Judgment, without the corresponding footnotes (*Operative Paragraph 11*);

c) To publish [in a French newspaper] a formal written statement issued by high-level government authorities acknowledging the State's international responsibility for the facts to which this case refers and apologizing to Mr. Tibi and the other victims mentioned in the [...] Judgment (*Operative Paragraph 12*);

d) To create an inter-institutional committee to create and execute training programs on human rights and the treatment of prisoners for judicial staff from the Office of Public Prosecution, police and prison staff, including medical, psychiatric and psychological personnel, in accordance with Considering Clause 18 of the [...] Order (*Operative Paragraph 13*);

e) To pay Daniel Tibi pecuniary compensation for the property seized, in the terms of Considering Clause 25 of the [...] Order (*Operative Paragraph 14 subparagraph b*), and

f) To pay the accrued interest resulting from the delay in paying compensation, in accordance with Considering Clauses 24 to 27 of the [...] Order (*Operative Paragraphs 14, 15 and 16*).

[...]

3. The Republic of Ecuador's briefs (hereinafter "the State" or "Ecuador") of November 10, 2009; September 13, November 19 and December 9, 2010, whereby it submitted information on monitoring compliance with the Judgment.

4. The briefs of the representatives of the victims (hereinafter "the representatives") of December 17, 2009, and October 25, 2010, and January 14, 2011, whereby they submitted their observations regarding monitoring compliance with the Judgment.

5. The briefs of January 19, 2010 and February 11, 2011, whereby the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") submitted its observations on monitoring compliance with the Judgment.

6. The Secretariat of the Court's communication (hereinafter "the Secretariat") of July 1, 2010, whereby, following instructions of the President of the Court (hereinafter "the President"), it requested that the State submit, by August 2, 2010 at the latest, a detailed and updated report on the progress with the implementation of the measures adopted to comply with the reparations ordered by this Court in the Judgment. The Secretariat's communication of August 17, 2010, whereby it reiterated the previous request to the State.

7. The communications of the Secretariat of February 21 and 25, 2011, whereby, following the President's instructions, the State was requested to present certification or appropriate documentation of the dollar-euro exchange rate used for the transfer made to Mr. Tibi, in accordance with Operative Paragraph 14 subparagraph b) of the Judgment. The communications of the State of February 24 and 28, 2011, whereby it referred to the previously mentioned request.

CONSIDERING:

1. Monitoring compliance with its decisions is an inherent power to the jurisdictional functions of the Court.

2. Ecuador is a State Party to the American Convention on Human Rights (hereinafter "the

American Convention" or "the Convention") since December 28, 1977, and it acknowledged the contentious jurisdiction of the Court on July 24, 1984.

3. In accordance with the provisions of Article 67 of the American Convention, the State should fully comply with the Court's Judgments. Furthermore, Article 68(1) of the American Convention stipulates that "the State Parties to the Convention undertake to comply with the Court's decisions in any case to which they are parties." To this end, States should ensure the domestic implementation of provisions set forth in the Court's rulings.¹

4. The obligation to comply with the Tribunal's rulings conforms to a basic principle of international law, supported by international jurisprudence, under which States must abide by their international treaty obligations in good faith (*pacta sunt servanda*) and, as set forth by this Court and in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot, for domestic reasons, neglect their pre-established international responsibility.² The treaty obligations of State Parties are binding on all branches and bodies of the State.³

5. The States Parties to the Convention must ensure compliance with its conventional provisions and their effectiveness (*effet utile*) within their respective domestic legal systems. This principle applies not only to the substantive provisions of human rights treaties (i.e., those addressing protected rights), but also to procedural provisions, such as those concerning compliance with the Court's decisions. These obligations should be interpreted and enforced in such a manner that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.⁴

A) Regarding the obligation to identify, prosecute and, if applicable, punish, within a reasonable time, all those responsible for the violations of the rights of Daniel David Tibi (Operative Paragraph 10 of the Judgment)

6. The State reported that, by means of Writ No. 1413 of March 13, 2009, the Public Prosecutor's Office was summoned to a meeting in order to coordinate the prosecution and punishment of those responsible for the human rights violations. The State reported that, by means of Writ No. 5021 of September 17, 2009, it requested that the Public Prosecutor's Office submit information regarding the status of the investigations into the complaints filed by the Attorney General's Office. In this regard, it indicated that the Public Prosecutor's Office confirmed that four steps had been taken during the investigation process: a) orders were issued requesting the receipt of Lieutenant Coronel Abraham Correa's and Ángel Rubio's

¹ Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 60; *Case of Valle Jaramillo v. Colombia. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of December 21, 2010, Considering Clause 3, and *Case of the Ituango Massacre v. Colombia. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of December 22, 2010, Considering Clause 3 and 4.

² Cf. *International responsibility for the issuance and application of laws that violate the Convention* (Art. 1 and 2 of the American Convention on Human Rights). Advisory Opinion AO-14/94 of December 9, 1994. Series A No. 14, para. 35; *Case of Valle Jaramillo v. Colombia*, *supra* note 1, Considering Clause 4, and *Case of Castro Castro Prison v. Peru. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of December 21, 2010, Considering Clause 6.

³ Cf. *Case of Castillo Petrucci et al. v. Peru. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 17, 1999, Considering Clause 3; *Case of Valle Jaramillo v. Colombia*, *supra* note 1, Considering Clause 4, and *Case of Castro Castro Prison v. Peru*, *supra* note 2, Considering Clause 6.

⁴ Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of the Inter-American Court of Human Rights of September 24, 1999. Series C No. 54, para. 37; *Case of Valle Jaramillo v. Colombia*, *supra* note 1, Considering Clause 5, and *Case of Castro Castro Prison v. Peru*, *supra* note 2, Considering Clause 7.

versions; b) a writ was issued to the National Director of Anti-Narcotics requesting that he certify the names of the police officers involved in the arrest of Mr. Daniel David Tibi (hereinafter "Daniel Tibi" or "Mr. Tibi"); c) a writ was issued to the National Rehabilitation Department requesting that they submit the names of the correction officers who worked on the days when Mr. Tibi was in custody, and d) Mr. Tibi was requested to submit the original copies of the medical records or legal medical exams. The State added that on April 30, 2010, through a notification sent from the Public Prosecutor's Office to the Attorney General's Office, the process to investigate and punish those responsible was reactivated, and several steps were ordered within preliminary inquiry 3064-05. Lastly, the State reported that Mr. Tibi granted a special proxy to David Cordero Heredia of the Human Rights Clinic of the Pontificia Universidad Católica de Ecuador to legally represent him in Ecuador.

7. With regards to this operative paragraph of the Judgment, the representatives noted that the State reported on several steps taken by the Public Prosecutor's Office, but did not indicate the dates on which they were performed or the actions carried out afterwards to move forth with the investigations. In addition, they indicated that Mr. Tibi had not received any communication regarding the presentation of the medical records before the Public Prosecutor's Office to the contrary of that indicated by the State. They expressed that it is inconceivable that the investigations are still in a preliminary phase and that the State fails to provide more detailed information on the progress therein, especially considering that during the proceeding before the Court, significant evidence was presented regarding the existence of the crime, its circumstances, and the alleged perpetrators. Therefore, the representatives expressed the need to request information on the criminal actions initiated against Judge Ángel Rubio and the status of compliance with the punishment imposed on him, as well as on the advances with the investigation and the punishment of those responsible for the violations committed. They added that although the State reported a series of steps for preliminary investigation 3064-05, it has not indicated whether it has actually carried them out or reported the results. Lastly, they indicated that Mr. Tibi granted a proxy to Mr. David Cordero Heredia, so that he could be represented in said preliminary inquiry 3064-05.

8. In relation to the above, the Commission observed that the State did not submit detailed information in order to verify the status of the investigation, the competent authorities hearing them, the persons being investigated for their alleged participation in the facts, or the punishments imposed in the criminal proceeding for the facts of the case in question. The Commission deemed it necessary that information be submitted regarding the steps taken in the investigation following issuance of the Judgment, as well as detailed information on the measures adopted by the State to comply with the obligation to prosecute and punish those responsible.

9. Based on the observations made by the representatives and the Commission, as well as that expressed by the State, the Court takes cognizance of the steps taken by the Public Prosecutor's Office and the meeting they held with the Ministry of Justice and Human Rights to coordinate the investigation and possible punishment of those responsible for the human rights violations in the instant case. However, to assess the state of compliance of Operative Paragraph 10, the Court deems it necessary that the State report on the outcome of the action and steps taken and on the recent progress made in the investigation of the facts.

B) Regarding the obligation to publish the Proven Facts and the Operative Paragraphs of the Judgment in a widely circulated French newspaper, as well as a statement of acknowledgment of international responsibility apologizing to Mr. Tibi and the other victims (Operative Paragraphs 11 and 12 of the Judgment)

10. The State indicated that on December 10, 2008, the Secretary of Justice and Human Rights at the time publicly apologized, via a national television broadcast, to all the victims of human rights violations for which Ecuador had received a Judgment from the Court. Furthermore, with regards to the instant case, the State indicated that, as agreed with CEJIL and Mr. Tibi,⁵ only the State of Ecuador's text regarding the public apologies and acknowledgement of the human rights violations would be published. In this regard, it indicated that on September 18, 2010, a publication of the public apology was made in the Newspaper "Sud Ouest" from Bordeaux, France, under the terms agreed with the victim. In addition, the State facilitated an interview with Mr. Tibi by said newspaper, which was performed on September 17, 2010, in which the victim described the events occurred in Ecuador that resulted in the violation of his rights, and, on September 20, 2010 an interview with one of his friends regarding what occurred was published.

11. Regarding the above, the representatives expressed that the "Agreement on the Means of Fulfilling the Reparations," signed on December 16, 2009, details the timeline and manner in which the State would execute said obligation. In this agreement the State committed to publishing, as a satisfaction measure and a guarantee of non-repetition, the public apology in the newspaper *Sud Ouest*, which is widely circulated in Bordeaux, France, where Mr. Tibi resides. In their observations of October 24, 2010, the representatives indicated that the public apology was published on September 18, 2010. They added that it had the effect of disseminating and generating interest in France on the violations against the victim and his case before the Inter-American Court, as well as stating that Mr. Tibi expressed his satisfaction with the compliance with this measure, which was of great importance for him. Therefore, they considered that the State had fully complied with the measure.

12. Regarding the publication in question, the Commission valued the information submitted, as well as the support provided to Mr. Tibi to reach a satisfactory agreement with the State.

13. In this respect, the Court deems that the State has fully complied with Operative Paragraphs 11 and 12 of the Judgment. Finally, the Court values the State's apology of December 10, 2008 for the human rights violations for which Ecuador had received a judgment from the Inter-American Court.

C) Regarding the State's obligation to establish a training program on human rights protection principles and standards regarding prisoner treatment and the creation of an inter-institutional committee to determine and execute the training programs (Operative Paragraph 13 of the Judgment)

14. The State reported that in November 2007, after the Court issued the Judgment in the instant case, the Ministry of Justice and Human Rights was created with the responsibility to create human rights training for government officials. With regards to the training of the National Police, in its reports the State indicated that the Ministry of Justice and Human Rights coordinated, along with the Ministry of Government and Police and the Education Department of the National police, a training process for approximately 2,500 members of the police in fourteen cities, including Quito, where the acts of the case occurred. The training took place between July and December 2008, and it covered Human Rights, Citizen Security, Gender and Diversity, Human Mobility, Trafficking of Persons, and Non-Discrimination. Furthermore, it referred to the training of 57 trainers of the National Police, which began in October 2009 to train approximately 3,000 police officers on the new contents of the "Manual on Human Rights

⁵ On December 16, 2009, the State and the representatives signed an "Agreement on the Means of Complying with Reparations."

applied to the Police.”⁶ In addition, it referred to a policy whereby no police officer can be promoted without passing the human rights module taught by the Human Rights Department of the National Police.

15. Likewise, it reported that in 2009 the Ministry of Justice and Human Rights and the Ministry of the Interior participated in the training of 80 Human Rights and Human Mobility trainers. The dynamic used was the same as the 2008 trainings; however, the subject of mobility was dealt with in more depth. Training was given to 80 police officers so that they would then give human mobility training to 3,000 police officers in the Northern Border. In addition, in 2010, a training process was initiated for 150 police officer trainers, who would train all members of the National Police (42,000 people) on the contents of the new “Manual on Human Rights applied to the Police.” The State expressed that in order for this training to be permanent it has been included in the 2010 Annual Operating Plan of the Under-Secretariat of Human Rights and Coordination of Public Defense of the Ministry of Justice and Human Rights.

16. With regards to the training of judges, the State indicated that in 2008 the creation of a human rights module began. The aim was to include it permanently in the curriculum of the Judicial School. In addition, it indicated that during that same year, 80 judges from different provinces of the country were trained on the contents of the aforementioned module, and the training would be repeated in November 2009. In addition, the State indicated that following the approval of the Organic Code of the Judicial Branch, an implementation plan would be set out with an emphasis on the creation of a new Judicial School which will have Human Rights as the general underlying focus.

17. Furthermore, with regards to correction officers and health personnel, the State reported that the Ministry of Justice and Human Rights would develop a training module on human rights for correction officers at the end of 2009. In addition, it indicated that in 2010 consultancy services were hired to design training modules for judicial officials (correction officers) and health employees. These training module designs have already been delivered. In 2011, manuals will be created to subsequently begin the training. This module is being validated by the Ministry of Health and the National Department of Social Rehabilitation to subsequently implement it at a national level. Lastly, the State reported on other trainings given, some of which had been requested by civil society organizations.

18. Regarding the above, the representatives welcomed the training offered to employees of the National Police and a group of judges, as well as the efforts of the Ministry of Justice to institutionalize the permanent training on Human Rights for these public officials. However, they observed that the State has not submitted information on the training and educational programs on human rights and the treatment of prisoners aimed at medical, psychiatric, and psychological personnel. Therefore, it fails to comply with the measure so ordered. In their observations of October 24, 2010, the representatives indicated that the training of correction officers had still not been conducted, even though the State reported that it was expected to be held in 2010. To conclude, they expressed that in spite of the advances made, the State has not fully complied with this measure. They also indicated that they did not have access to annexes 1 and 4 of the State report with regard to the training mentioned, and were thus unable to analyze them and present their observations.

19. In relation to the above, the Commission expressed that it awaits concrete information from the State to be able to assess the actions taken regarding the training and education of

⁶ In this regard, it indicated that another phase in the process is re-editing this manual so as to go into more detail on human rights theory, the use of power by the State, and the obligations of States to respect, protect, and guarantee human rights; and, a copy will be given to all members of the National Police.⁶

judicial officials and health professionals in order to prevent the repetition of acts such as those that gave rise to the instant case.

20. Based on the information provided by the parties, the Court observes that the State has performed several steps to implement that ordered by the Court regarding the creation of training programs for the National Police and judges, and it initiated a training process in 2008 and 2009. The State indicated that these trainings would also be repeated in 2009 and 2010 so that the trained government officials would subsequently give the training to other members of the National Police and judges, respectively. In this sense, the Court considers that the execution of these trainings is in line with that ordered in this operative paragraph. In addition, the Court valued the State's initiatives to make the National Police's training permanent and that the implementation plan of the Organic Code of the Judicial Branch emphasizes the creation of a new Judicial School, with Human Rights as the general underlying focus.

21. Furthermore, with regards to the different actions to train the correction officers and health personnel (medical, psychiatric, and psychological), this Court requires a detailed update on the implementation of programs to train these persons, such as: a) the training modules designed for this purpose; b) who is responsible for the training; c) the persons who will receive the training; and, d) a timeline of activities that are planned for such training.

22. Lastly, the State reported that in 2007 it created the Ministry of Justice and Human Rights after the Judgment in the instant case was issued, which is responsible, among other things, for creating human rights training for government employees. The Court observes that the aforementioned Ministry has taken several steps, in coordination with other State bodies, to develop the actions necessary to comply with the instant operative paragraph. The Court values the significant advances to implement the trainings ordered in the Judgment. Given the State created the Ministry of Justice and Human Rights, the Court deems it necessary that the parties refer to the institutional activities that the Ministry is carrying out together with other state bodies as a means of implementing Operative Paragraph 13 of the Judgment.

23. Consequently, the Court deems that the State has partially complied with Operative Paragraph 13 of the Judgment with regards to the training of members of the National Police and the judges, and it awaits the information requested in paragraphs 21 and 22 of the instant Order.

24. Finally, the Court observes that, contrary to the representatives' claims with regards to being unable to access annexes 1 and 4 of the State report (which consist of four CDs), said annexes were sent along with the aforementioned state report to the representatives via a courier service on November 20, 2009. Furthermore, according to delivery receipt number 7823776144, the courier service was received by the addressee on November 23, 2009 at 09:13, and was signed for by T. Ryan.

D) Regarding the obligation to pay pecuniary compensation for the property seized from Mr. Tibi (Operative Paragraph 14 subparagraph b) of the Judgment)

25. The State reported that on September 26, 2007 the Attorney General's Office requested that the Central Bank of Ecuador transfer USD 117,137.55 (one hundred and seventeen thousand one hundred and thirty-seven U.S. dollars and fifty-five cents), but according to the State the transfer of funds on January 8, 2008 could not be completed because the account at Le Credit Lyonnais Bank was closed. It added that once this setback was resolved, on April 15, 2008 it asked the Central Bank of Ecuador to carry out the transfer again. This bank did so on the 16th of the same month and year; however, at that time the value of the dollar in relation to the Euro was lower. In this regard, the State claimed that they could not be held accountable

for this since it duly sought to comply with the obligation. Furthermore, it noted that the documentation received from the Central Bank of Ecuador showed that Mr. Tibi's account was closed when said transaction took place, which is evidenced in the copy of the Swift MT 910 message of January 8, 2008, "in which [the] correspondent bank confirms that it was not able to credit USD 117,137.55 because the account was closed." Finally, the State reported that, by means of writ No. 6732 of December 24, 2009, it forwarded the information submitted by the Central Bank to CEJIL, showing the status of Mr. Daniel Tibi's account. Based on the foregoing, the State expressed that it had confirmed what happened with said transaction and considers that it complied with this obligation.

26. Regarding the compensation for the property seized from Mr. Tibi, the representatives claimed that the payment was not made in full, given that Mr. Tibi has only received € 73,210.97 (seventy-three thousand two hundred and ten euros and ninety-seven cents) of the € 82,850.00 (eighty-two thousand eight hundred and fifty euros); therefore, the State still owes the difference which is € 9,639.03 (nine thousand six hundred and thirty-nine euros and three cents) in pecuniary damages. Regarding the State's claim that Mr. Tibi's account was closed at the time that the transaction took place on January 8, 2008, in their observations of October 24, 2010, the representatives indicated that on January 20, 2010, they informed the Department of Justice that the victim proved, by means of a certificate issued on December 3, 2009 by the bank itself, Le Credit Lyonnais, that his bank account has not been closed since "12/16/1999" and to date the information of this account remains unaltered; therefore, the State cannot disregard an order of the Court by transferring responsibility to the victim given the victim has shown that his bank account has never been closed. Consequently, they requested that the Court resolve this aspect of the reparation measure.

27. Regarding the transfer for pecuniary damages of April 2008 in favor of Mr. Tibi, the Commission noted the contradictory claims of the parties and observed that since both the representatives and the State requested it, due to the disagreement between the parties, it is necessary that the Court determines what needs to be done regarding the payment made to the victim. The Commission highlights that under the principles of international law it is necessary for the State to fully comply with the reparation orders issued by the Court.

28. In accordance with the information and documentation presented by the parties (*supra* Having Seens 3 and 4 and Considering Clauses 25 and 26), this Court notes that the State affirmed that on December 26, 2007 it ordered the transfer of USD 117,137.55 to the account of Mr. Tibi (one hundred and seventeen thousand one hundred and thirty-six U.S. dollars and fifty-five cents) to cover the amount of € 82,850.00 (eighty-two thousand eight hundred and fifty euros). The transaction was rejected on January 8, 2008 because the bank account of Mr. Tibi was closed, according to the copy of the Swift MT 910 message of January 8, 2008 (*supra* Considering Clause 25). Finally, this transaction was completed on April 16, 2008. Furthermore, the representatives submitted a certificate from the Le Credit Lyonnais Bank, dated December 3, 2009, which was issued nine months after Ecuador attempted the first transaction, stating that the account had not been closed from 1999 onwards (*supra* Considering Clause 26). Also, the Court notes that in the communication of December 26, 2007, writ number 167-DNF-2007, issued by the Chief Financial Officer and Head 2 (3) of the Attorney General's Office of Ecuador, and sent to the Head of Current Accounts of Ecuador, it states that:

[...] the Assistant Director of Human Rights of the Office of the Attorney General for the Nation informs the National Finance Department that, by means of the Order of September 22, 2006, the Inter-American Court of Human Rights, in the case of Tibi v. Ecuador, orders the State of Ecuador to pay Mr. Daniel David Tibi € 82,850.00 (EIGHTY-TWO THOUSAND EIGHT HUNDRED AND FIFTY EUROS) to cover the total value of the seized goods, including precious stones and a Volvo car.

On this basis, we request that account number 111008.1 (that the Office of the Attorney General of the Nation held with the Central Bank of Ecuador) be debited USD 117,137.55 (ONE HUNDRED AND SEVENTEEN THOUSAND ONE HUNDRED AND THIRTY-SEVEN U.S. DOLLARS AND FIFTY-FIVE CENTS). This amount should be transferred to the current account of DANIEL DAVID TIBI [...].

29. Based on the foregoing, the willingness of the State to reasonably comply with this obligation is evident. However, the Court notes that on the date when the transaction was carried out and rejected (January 8, 2008), the amount transferred in dollars may have been slightly different due to the euro-dollar exchange rate on that date. This, however, was not contested by the representative. Therefore, the Court deems that the State has complied with Operative Paragraph 14 subparagraph b) of the Judgment.

E) Regarding the payment of interests corresponding to the amounts indicated in Operative Paragraphs 14, 15, and 16 of the Judgment

30. Regarding the payment of interests that correspond to the compensation for pecuniary and non-pecuniary damages, as well as compensation for costs and expenses, according to paragraphs 278⁷ and 279⁸ of the Judgment, in its report of September 13, 2010, the State indicated that in January 2010 the Ministry of Justice and Human Rights transferred USD 50,735.45 (fifty thousand seven hundred and thirty-five U.S. dollars and forty-five cents) for overdue interest and that on February 3, 2010 the representatives reported that the victim had received said amount. Consequently, the State considers that it has fully complied with this obligation.

31. In this regard, in their observations from December 17, 2009, the representatives stated that due to the late payment of several compensations for pecuniary and non-pecuniary damages and costs and expenses, overdue interest was accrued which totaled USD 50,735.45 (fifty thousand seven hundred and thirty-five U.S. dollars and forty-five cents), which was not included in the amounts deposited by the State for Mr. Tibi and his relatives. Subsequently, in their observations from October 24, 2010, the representatives expressed their satisfaction with the State's payment of February 2010 for the aforementioned overdue interest accrued on late payments made by Ecuador in 2006.

32. In its observations, the Inter-American Commission did not refer to the corresponding interests.

33. Consequently, taking into consideration the statements of the parties, the Court considers that the State has complied with the payment of the corresponding interests, in conformity with that ordered in Operative Paragraphs 14, 15 and 16 of the Judgment.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

⁷ It sets forth that "[i]n the event of late payment by the State, the State should pay interest on the amount owed in accordance with default interest rates in Ecuador."

⁸ It states that "as determined and practiced by the Court in all cases presented to it, the Court will monitor all aspects of compliance with the instant Judgment, an oversight that is inherent to all jurisdictional functions of the Court and necessary for the Court's monitoring of Article 65 of the Convention. The case will be deemed concluded once the State has fully complied with that set forth in the judgment. In one year, starting from the notification of this Judgment, the State will submit an initial report to the Court regarding the measures taken to comply with [the] Judgment."

in exercising its authority to monitor compliance with its decisions in accordance with Articles 33, 61(1), 62(3), 65, 67, and 68(1) of the American Convention on Human Rights, Article 25(1) and 30 of the Statute, and Article 31(2) and 69 of its Rules of Procedure,

DECIDES:

1. In accordance with the present Order, the State has complied with the following operative paragraphs of the Judgment:

a) To publish, in a [...] French newspaper, the section entitled Proven Facts and Operative Paragraphs 1 to 16 of the [...] Judgment, without the corresponding footnotes (*Operative Paragraph 11*);

b) To publish, [in a French newspaper], a formal written statement issued by high-level government authorities that acknowledges the State's international responsibility for the facts to which the [...] case refers and that apologizes to Mr. Tibi and the other victims mentioned in the [...] Judgment (*Operative Paragraph 12*);

c) To pay Daniel Tibi pecuniary compensation for the property seized, in the terms of Considering Clauses 28 and 29 of the present Order (*Operative Paragraph 14 subparagraph b*)), and

d) To pay the accrued interest resulting from the delay in paying compensation for pecuniary and non-pecuniary damages, and the reimbursement of costs and expenses (*Operative Paragraphs 14, 15 and 16*).

2. In accordance with the present Order, the State has partially complied with Operative Paragraph 13 as far as training of judicial and police personnel is concerned, pursuant to Considering Clauses 20 and 23 of the present Order.

3. When monitoring full compliance with the Judgment issued in the instant case, and after analyzing the information provided by the State, the Commission, and the representatives, the Court will keep the procedure open to monitor compliance with those aspects still pending compliance in the instant case, namely:

a) To identify, prosecute and, if applicable, punish, within a reasonable time, all those responsible for the violations of the rights of Daniel Tibi, in accordance with Considering Clause 9 of the present Order (*Operative Paragraph 10 of the Judgment*);

b) To create an inter-institutional committee to define and execute training programs on human rights and the treatment of prisoners for the public prosecution and penitentiary staff, including medical, psychiatric and psychological personnel, in accordance with Considering Clause 21 and 22 of the present Order (*Operative Paragraph 13*).

AND RULES:

1. To request that the State adopt all measures necessary to effectively and promptly comply with those points ordered by the Court in the Judgment that are outstanding, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights.

2. To request that the State submit to the Inter-American Court of Human Rights, by June 7, 2011, a report with information on all the measures adopted to comply with the reparation measures ordered by this Tribunal that are still pending compliance, in accordance with Declarative Paragraph 2 of this Order.

3. To request that the representatives of the victims and the Inter-American Commission on Human Rights submit their relevant observations on the state report mentioned in the previous operative paragraph, within four and six weeks, respectively, following the receipt of said report.

4. To continue to monitor all operative paragraphs of the Judgment on Preliminary Objections, Merits, Reparations and Costs of September 26, 2006 that are pending.

5. To request that the Secretariat serve notice of this Order on the State, the Inter-American Commission on Human Rights and the representatives of the victims.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary