

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF FEBRUARY 27, 2012**

CASE OF VERA VERA ET AL. v. ECUADOR

MONITORING COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The judgment on preliminary objection, merits, reparations, and costs (hereinafter “the judgment”) delivered by the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) on May 19, 2011, in which it ordered that:

[...]

2. The State must adopt, within a reasonable time, the necessary measures for the mother of Pedro Miguel Vera Vera to know what happened to her son, in accordance with paragraph 123 of th[e] judgment.

3. The State must make the publications of th[e] judgment and disseminate it as established in paragraph 125 of th[e] judgment.

4. The State must pay the amounts established in paragraphs 131, 132, 136, 137 and 145 of th[e] judgment as compensation for pecuniary and non-pecuniary damage, and for reimbursement of costs and expenses, as appropriate, pursuant to paragraphs 131, 132, 136, 137, 143, 145, and 146 to 151 [t]hereof.

[...]

2. The brief of October 6, 2011, in which the Republic of Ecuador (hereinafter “the State” or “Ecuador”) presented information on compliance with the judgment delivered by the Court in the instant case (*supra* having seen paragraph 1).

3. The brief of November 17, 2011, in which the representative of the victims (hereinafter “the representative”) presented his observations on the information submitted by the State (*supra* having seen paragraph 2).

4. The communication of January 31, 2012, in which the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) presented its observations on the information forwarded by the State and the representative (*supra* having seen paragraphs 2 and 3).

CONSIDERING THAT:

1. One of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.

2. In accordance with the provisions of Article 67 of the American Convention, the State must comply fully and promptly with the Court's judgments. Furthermore, Article 68(1) of the American Convention stipulates that “[t]he States Parties to the Convention

undertake to comply with the judgment of the Court in any case to which they are parties." To this end, the States must ensure that the provisions of the Court's judgments are implemented at the domestic level.¹

3. The States Parties to the Convention that have accepted the binding jurisdiction of the Court have the duty to comply with the obligations established by the Court. This obligation includes the State's duty to inform the Court of the measures taken to comply with the decisions of the Court in its judgments. Prompt observance of the State's obligation to inform the Court of the way in which it is complying with each aspect ordered by the Court is essential to evaluate the status of compliance with the judgment as a whole.²

4. The time frame for the presentation of the first report on compliance with the judgment expires on June 24, 2012. However, on October 6, 2011, the State presented a report in which it indicated, in general, that on August 15, 2011, the Ministry of Justice, Human Rights and Worship had signed a "Compliance Agreement" with Mercedes Vera Valdes, mother of Pedro Miguel Vera Vera and, in turn, a victim in the instant case, and with her representative. The agreement included a timetable for complying with the measures of reparation ordered by the Court. The State forwarded a copy of this document. Since the Court has already received the observations on this report from the representative and the Inter-American Commission, and since progress in compliance with most of the measures of reparation ordered has been verified, the Court finds it pertinent to issue this order.

A. *Obligation to adopt, within a reasonable time, the necessary measures for the mother of Pedro Miguel Vera Vera to know what happened to her son (second operative paragraph of the judgment)*

5. The State advised that in the Compliance Agreement, it "undertook to prepare an official report on the detention conditions of Mr. Vera Vera and the actions taken by State agents with regard to his health." This report would be submitted to Mrs. Vera Valdez for her approval, and presented in December 2011.

6. The representative also mentioned the commitments deriving from the Compliance Agreement in relation to this obligation. However, he indicated that, as of November 2011, he was still waiting for these commitments to be met.

7. The Inter-American Commission stated that it assessed "positively the signature of the agreement between the parties, [and awaited] the State's presentation of a copy of the report" to be submitted in December 2011. The Commission indicated that it would formulate specific observations on whether the said report "meets the expectations of the next of kin of the victim for the truth, in the terms ordered" by the Court.

8. The Court emphasizes that shortly after the judgment was notified, the State contacted Mrs. Vera Valdez and her representative in order to make proposals to them and reach agreement on how it would comply with this obligation. According to the information

¹ Cf. *Case of Baena Ricardo et al.* Competence. Judgment of November 28, 2003. Series C No. 104, para. 60; and *Case of Chitay Nech et al. v. Guatemala*. Monitoring compliance with judgment. Order of the Inter-American Court of Human Rights of December 1, 2011, third considering paragraph.

² Cf. *Case of Barrios Altos v. Peru*. Monitoring compliance with judgment. Order of the Order of the Inter-American Court of Human Rights of September 22, 2005, seventh considering paragraph; and *Case of Chitay Nech et al. v. Guatemala*, *supra* note 1, sixth considering paragraph.

presented by the State and the representative, in December 2011, the State would present a report on what happened to Mr. Vera Vera as ordered in the judgment. However, to date, the Court has no knowledge of this report, or whether it has been prepared yet. Therefore, the Court awaits the relevant information from the State.

B) Obligation to publish certain paragraphs of the judgment in the Official Gazette, to publish the official summary thereof in a national newspaper with widespread circulation, and to publish the entire judgment on an appropriate web site; also the obligation to disseminate the judgment among police and prison authorities, and medical personnel in charge of persons deprived of liberty (third operative paragraph of the judgment)

9. The State advised that “in meetings held with the beneficiary and her representative, consensus was reached that what the Inter-American Court referred to as the ‘Official Gazette’ was equivalent to [the] *Registro Oficial* in Ecuador.” In this regard, the Compliance Agreement stipulated that the paragraphs of the judgment indicated by the Court would be published in September 2011. Accordingly, on September 8, 2011, the extract of the judgment was published in *Registro Oficial* No. 530 as ordered by [the Court].” The State forwarded a copy of this publication. Moreover, it advised that Mrs. Vera Valdez had requested that the publication of the official summary of the judgment be made in the newspaper with the highest national circulation, namely the “*Extra*,” on September 5, 2011, as indicated in the Compliance Agreement. The State forwarded a copy of this publication to the Court. In addition, with regard to the publication of the entire judgment on an appropriate official web site, the State indicated that it is available at: <http://www.minjusticia.gob.ec/>. Lastly, regarding the dissemination of the judgment among different authorities, Ecuador advised that, in the Compliance Agreement, it had undertaken to disseminate the judgment among prison personnel and medical personnel in charge of persons deprived of liberty in December 2011. The State also undertook to disseminate the content of the judgment and its official summary among the police authorities “on the bulletin boards of police establishments.” The State forwarded a compact disk with photographs of the places where the judgment and its official summary had been placed in order to disseminate them among “police authorities and other members of the National Police.”

10. The representatives confirmed that the publications ordered by the Court had been made as indicated by the State (*supra* considering paragraph 9). Regarding the obligation to disseminate the judgment among police and prison authorities, and medical personnel in charge of persons deprived of liberty, the representative indicated that “the Compliance Agreement [stipulated] that [the State] would proceed with this dissemination in December [2011]”; consequently, he hoped that this would be done as of that date.

11. The Commission stated that the information available indicated that the State had made the publications ordered. However, regarding the dissemination of the judgment, it indicated that the documentation provided by the State revealed that “it was disseminated mainly in police establishments and only in one hospital in Quito”; therefore, it was waiting for Ecuador to continue disseminating the judgment “with the scope established therein; that is, among prison personnel and medical personnel in charge of persons deprived of liberty in the different detention centers.”

12. From the information and documents provided to the Court by the parties, it can be observed that the State has complied with the obligations to publish the judgment in the Official Gazette, in a national newspaper with widespread circulation, and on an appropriate

official web site. The Court confirms that these obligations were fulfilled within the time frame established in paragraph 125 of the judgment (*supra* having seen paragraph 1).

13. However, given that the State advised that the judgment had only been disseminated among police authorities, which is borne out by the photographs presented (*supra* considering paragraph 9), the Court awaits information on its dissemination among prison authorities and medical personnel in charge of persons deprived of liberty, in accordance with paragraph 125 of the judgment.

C) Obligation to pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and for reimbursement of costs and expenses (fourth operative paragraph of the judgment)

14. The State reported that, under the Compliance Agreement, the amounts ordered as compensation for pecuniary and non-pecuniary damage were paid to Francisca Mercedes Vera Valdez, and the amount established for costs and expenses was paid to the *Comisión Ecuémica de Derechos Humanos* [Ecumenical Human Rights Commission] in September 2011. In this regard, it forwarded the corresponding payment vouchers to the Court.

15. The representatives confirmed that the State had made the payments ordered by the Court.

16. The Commission indicated that it assessed positively the payment of the amounts ordered by the Court.

17. From the information received, the Inter-American Court finds that the State has complied fully with the payment of the compensation ordered for pecuniary and non-pecuniary damage and for reimbursement of costs and expenses. The Court underscores that these payments were made within the time frame established in paragraph 146 of the judgment (*supra* having seen paragraph 1).

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of its authority to monitor compliance with its decisions and pursuant to Articles 33, 62(1), 62(3) and 68(1) of the American Convention on Human Rights, 24 and 30 of its Statute and 31(2) and 69 of its Rules of Procedure,

DECLARES THAT:

1. In accordance with the relevant considering paragraphs of this order, the State has complied fully with the following obligations:

a) To publish certain paragraphs of the judgment in the Official Gazette, to publish the official summary thereof in a national newspaper with widespread circulation, and to publish the entire judgment on an appropriate official web site (*third operative paragraph of the judgment*).

b) To pay the amounts established as compensation for pecuniary and non-pecuniary damage, and for reimbursement of costs and expenses (*fourth operative paragraph of the judgment*).

AND DECIDES:

1. To rule on the measures of reparation mentioned in the eighth and thirteenth considering paragraphs of this order after the Republic of Ecuador has presented its next report on compliance with the judgment.
2. To request the representative of the victim and the Inter-American Commission on Human Rights to submit any observations they deem pertinent on the report of the Republic of Ecuador referred to in the first operative paragraph of this order within four and six weeks, respectively, of receiving it.
3. To continue monitoring compliance with the judgment on preliminary objection, merits, reparations and costs of May 19, 2011.
4. To require the Secretariat of the Inter-American Court of Human Rights to notify this order to the Republic of Ecuador, the Inter-American Commission on Human Rights, and the victim or her representative.

Diego García-Sayán
President

Manuel Ventura Robles

Leonardo A. Franco

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