

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS**

OF JUNE 26, 2012

CASE OF MEJÍA IDROVO v. ECUADOR

MONITORING OF COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The Judgment on Preliminary Objections, Merits, Reparations and Costs (hereinafter "the Judgment") issued by the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court") on July 5, 2011, in which it ordered that:

[...]

2. The State shall issue the publications ordered in paragraphs 141 of [the] Judgment, in the manner and period indicated in said paragraph of this Judgment.

3. The State shall pay the amounts established in paragraphs 156 and 163, within the respective time limits, as compensation for pecuniary and non-pecuniary damages, and costs and expenses, under the terms and conditions indicated in paragraphs 150 to 155 and 161, 162 and 164 of the [...] Judgment.

4. Within a period of one year as of notification of this Judgment, and for the purposes of monitoring compliance with the Judgment, the State shall submit to the Court a report on the measures adopted in compliance with the Judgment.

[...]

2. The briefs of December 23, 2011 and February 1, 2012, in which the Republic of Ecuador (hereinafter "the State" or "Ecuador") submitted information on its compliance with the Judgment issued by the Court in this case (*supra* Having seen paragraph 1).

3. The brief of March 15, 2012, in which the representatives of the victim (hereinafter "the representatives") presented their observations to the information provided by the State (*supra* Having seen paragraph 2).

4. The communication of April 17, 2012, in which the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") presented its observations to the information provided by the State and by the representatives (*supra* Having seen paragraph 2 and 3).

CONSIDERING THAT:

1. It is an inherent power of the judicial functions of the Court 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, States should ensure the domestic implementation of the provisions set forth in the Court's rulings.¹

3. The States Parties to the Convention that have recognized the contentious jurisdiction of the Court have a duty to comply with the obligations established by the Court, which includes the duty to report to the Court the measures adopted in compliance with its rulings. Timely observance of the State's obligation to report to the Court on how it is implementing each of the provisions ordered is essential in order to assess the status of compliance with the Judgment as a whole.²

4. The deadline for the presentation of the first report on compliance with the Judgment expires on August 23, 2012. Nevertheless, on December 23, 2011, the State submitted a report indicating, in general terms, that on July 5, 2011, the Ministry of Justice, Human Rights, and Religion, and the Ministry of National Defense of Ecuador had signed a memorandum of agreement entitled "Compliance with the Publications Judgment of the Inter-American Court of Human Rights in the Case of Mejía Idrovo v. Ecuador" together with Mr. José Idrovo Mejía, the victim in this case, and his attorney. The State provided a copy of this document. Subsequently, on February 1, 2012, the State submitted another report in which it referred specifically to the status of compliance with the reparation measure related to the publication of the Judgment (*Operative paragraph two*). Given that observations regarding this report have now been received from the representatives and the Inter-American Commission, and given that there is evidence of progress regarding compliance with the reparation measures ordered, the Court deems it appropriate to issue the present Order in this regard.

5. *Obligation to publish the official summary of the Judgment in the Official Gazette and in a newspaper with a wide national circulation and to publish the entire Judgment on an official website (Operative paragraph two of the Judgment).*

5. In the Agreement on Compliance the State undertook to publish the measures ordered by the Court in the Judgment. Accordingly, the State published the official summary of the Judgment in the Official Record No. 611, on Thursday, January 5, 2012, and in the newspaper "*El Comercio*," on Sunday, January 1, 2012, and provided a copy of each of these publications. With regard to the publication of the full Judgment, the State indicated that this document is available on two websites, for a period of one year. The Ministry of National Defense has published it at the following URL: <http://www.midena.gob.ec/>; and the Ministry of Justice, Human Rights, and Religion has published it on the following URL: <http://www.minjusticia.gob.ec/>. In both cases, the State submitted a copy of the

¹ Cf. *Case of Baena Ricardo et al. Jurisdiction*. Judgment of November 28, 2003. Series C No. 104, para. 60, and *Case of Vera Vera et al. v. Ecuador. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of February 27, 2012, Considering paragraph 2.

² Cf. *Case of Barrios Altos v. Peru*. Monitoring of Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 22, 2005, Considering para. 7, and *Case of Vera Vera et al. supra* note 1, Considering para. 3.

homepages of each website. Finally, in accordance with the compliance agreement signed, the State published, once, the official summary of the Judgment in the General Ministerial Order No. 245, article 3, and provided a copy.

6. Both the representatives and the Inter-American Commission expressed their approval of the publications issued by the State in compliance with the Operative paragraph concerning publication of the Judgment.

7. From the information and documents submitted by the parties, the Court notes that the State has complied with its obligation to publish the official summary of the Judgment in the Official Gazette (Official Record), in a newspaper of wide national circulation and on two official websites. The Court also observes that these obligations were met within the period stipulated in paragraph 141 of the Judgment (*supra* Having seen paragraph 1). Likewise, it notes that in addition to the measures ordered by the Court, the State also published the official summary of the Judgment in the General Ministerial Order No. 245.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of its authority to monitor compliance with its judgments and pursuant to Articles 33, 62.1, 62.3, and 68.1 of the American Convention on Human Rights, Articles 24 and 30 of the 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 fully complied with its obligation to publish the official summary of the Judgment in the Official Gazette and in a newspaper of wide national circulation, and to publish the entire Judgment on an official website (*Operative paragraph 2 of the Judgment*).

2. The procedure for monitoring compliance shall continue with respect to Operative paragraph 3 of the Judgment regarding the duty of the State to “pay the amounts established in paragraphs 156 and 163, within the respective periods, as compensation for pecuniary and non-pecuniary damages, and costs and expenses, in the terms and conditions indicated in paragraphs 150 to 155 and 161, 162 and 164 of the [...] Judgment.”

AND DECIDES TO:

1. Issue a ruling regarding the reparation measures ordered in Operative paragraph 3 of the Judgment of July 5, 2011, once the Republic of Ecuador presents its report on compliance ordered in the Judgment.

2. Request the representatives of the victim and the Inter-American Commission on Human Rights to submit any observations deemed pertinent to the report of the Republic of Ecuador mentioned in Operative paragraph 1 of this Order, within a period of four and six weeks, respectively, as of receipt of the report.

3. Continue monitoring compliance with the Judgment of July 5, 2011, on Preliminary Objections, Merits, Reparations and Costs.

4. Order 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 his representatives.

Diego García-Sayán
President

Manuel E. 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