

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF OCTOBER 23, 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.

2. The Order of the Court of February 27, 2012, in which it declared that:

1. In accordance with the relevant considering paragraphs of th[e] 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 DECIDE[D]:

1. To rule on [the 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, and the obligation to publish specific paragraphs of the Judgment, relating to the second and third operative paragraphs of the Judgment, respectively] after the Republic of Ecuador ha[d] presented its next report on compliance with the Judgment.

3. The brief of July 6, 2012, in which the Republic of Ecuador (hereinafter "the State" or "Ecuador") presented information on compliance with the Judgment delivered by the Court in this case (*supra* having seen paragraph 1). The original version of this brief was received by this Court on August 6, 2012, together with a compact disc that had not been submitted previously.

4. In a note of the Secretariat of September 21, 2012, the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") and the representative of the victims (hereinafter "the representative") were asked to present any observations they deemed relevant on the content of the said compact disc (*supra* having seen paragraph 3) by October 5, 2012, at the latest.

5. The brief of August 9, 2012, in which the representative presented their observations on the State's brief on July 6, 2012, (*supra* having seen paragraph 3). The representative did not present observations on the content of the compact disc forwarded by the State on August 6, 2012.

6. The communication of September 21, 2012, in which the Inter-American Commission on Human Rights presented its observations on the information provided by the State and by the representative (*supra* having seen paragraphs 3 and 4), and the communication of October 17, 2012, in which the Commission indicated that it did not have any additional observations to make in relation to the content of the compact disc forwarded by the State on August 6, 2012 (*supra* having seen paragraph 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 in order to evaluate the status of compliance with the judgment as a whole.**²

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)

A.1. Information from the State

4. It indicated that, in accordance with the "Compliance Agreement" signed on August 15, 2011, with Francisca Mercedes Vera Valdez, mother of Pedro Miguel Vera Vera, and her representative, Ecuador undertook to prepare two "Official Reports," one by the Ministry of Justice, Human Rights and Worship (hereinafter "the Ministry of Justice" or "the MJDHC"), and another by the Ministry of the Interior "on the detention conditions of Mr. Vera Vera and the measures taken by State agents with regard to his health [*sic*]." In this regard, it indicated that the Human Rights Directorate of the Ministry of Justice had "prepared a chronological report on the facts" based on an official document of the National Police and of "the Health Centers where Mr. Vera Vera was admitted." This report was presented to Mrs. Vera Valdez at a meeting on June 29, 2012, and, according to the State, "she

¹ Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 60, y *Case of Barrios Altos v. Peru. Monitoring compliance with judgment*. Order of the Inter-American Court of Human Rights of September 7, 2012, third considering paragraph.

² Cf. *Case of Barrios Altos v. Peru. Monitoring compliance with judgment*. Order of the Inter-American Court of Human Rights of September 22, 2005, seventh considering paragraph, and *Case of Mejía Idrovo v. Ecuador. Monitoring compliance with judgment*. Order of the Inter-American Court of Human Rights of September 4, 2012, third considering paragraph.

expressed her conformity with the report and signed it, together with her husband [and her legal representative]." In addition, at that meeting "a document was drafted containing a record of the opinions of those present regarding the content of the report, including specific facts of the case that [the representative] had requested the Ministry of the Interior to investigate, and [subsequently] clarify in its official report [...]."

5. Thus, regarding the said report from the Ministry of the Interior (*supra* considering paragraph 4), the State indicated that the **Ministry's** Director for the Protection of Rights had asked "the Commander-in-Chief [of the Police] to appoint an official [...] **with training in human rights** so that it could be prepared jointly [...]." **Accordingly**, during a working meeting also held on June 29, 2012, police officer Cristobal Tenorio advised that he had visited "the site of the events, and could see that the Provisional Detention Center where Mr. Vera Vera was detained no longer exists." In addition, during the said meeting, "the need to clarify certain specific aspects" was noted. Moreover, according to the State, the Ministry of the Interior had asked the Ministry of Justice to provide "all the information it had available on the case in order to prepare a more complete report and [... **take**] into account the specific aspects that **the [...representative]** had mentioned" (*supra* considering paragraph 4).

A.2. Observations of the representative

6. He indicated that "during a meeting held at the Ministry of Justice, it was observed that [...] the report [... presented] did not comply with the obligation to inform the mother [of Pedro Miguel Vera Vera] of the truth of what happened, because it was a summary of the relevant parts of the proceedings before the [...] Court [...]," and did not answer several questions.³ According to the representative, "[i]n view of this, the Ministry of Justice officials stated that the police had appointed an investigator trained in human rights and they hoped that the Ministry of the Interior would soon proceed to draft the said report."

A.3. Observations of the Inter-American Commission

7. It mentioned that "[e]ven though the State had indicated that the victim [had] expressed her agreement" with the official report presented to her at the meeting of June 29, 2012, the representative "indicate[d] that the report does not comply with the measure of reparation ordered. [... I]n any case, both parties agreed that a new report by the Ministry of the Interior is pending." Thus, the Commission "consider[ed] that the State must take the appropriate measures to ensure that, in this new report, an official answer is provided to the questions raised by [the] representative, because they precisely reflect the **victim's** questions regarding what happened to her son."

A.4. Considerations of the Inter-American Court

8. The State submitted a copy of the report prepared by the Ministry of Justice, presumably in compliance with this measure of reparation, which was "validat[ed]" by

³ According to the representative, the said report "did not answer, for example, questions such as: why the police agents who saw the mob pursuing the victim and heard the shot, only arrested the victim and not those who fired on him; why the Santo Domingo doctors, without a full assessment and examination, decided to discharge him and order his transfer to the police cell; why the doctor in charge of the victim in the police cell issued a report saying that [Mr. Vera Vera was] all right[,] contradicting the medical assessment that indicated the seriousness of his condition and requested his immediate transfer to a hospital; and why the judge opened criminal proceedings against Pedro Vera for theft and did not open a criminal action to investigate those responsible for the shot that **resulted in [his] death [...].**"

Mercedes Vera Valdez and her representative “by her signature.”⁴ The State also provided the minutes of the meeting held with the victim and her representative on June 29, 2012, in which it was stipulated that, in its future investigations, the Ministry of the Interior must clarify various aspects that they had indicated.⁵

9. The Court observes that, in the second operative paragraph of the Judgment, the State was ordered “to adopt, within a reasonable time, the necessary measures for the mother of Pedro Miguel Vera Vera to know what happened to her son [...].” As is clear from the Judgment, the case concerns the shooting of Mr. Vera Vera, the medical negligence he suffered after he was shot, and his subsequent death while in State custody, all of which was not formally investigated by the State, as recorded in the Judgment. Thus, “the necessary measures that the State must adopt for the mother of Pedro Miguel Vera Vera to know what happened to her son,” should encompass these three situations. In this regard, the information presented by the State refers mainly to the investigation into the medical attention provided to Mr. Vera Vera after he was shot. Regarding the other two points, as indicated by the State, instructions were only given for State officials to draft “a more complete report and [to take] into account the specific facts referred to by” the representative, which are basically those relating to the shooting of Mr. Vera Vera and his death while in State custody. In this regard, the Court awaits a “more complete” report from the State.

10. Based on the above, the Court considers that the second operative paragraph of the Judgment remains pending compliance.

B. Obligation to disseminate the Judgment among the police and prison authorities and the medical personnel in charge of those deprived of liberty (third operative paragraph of the Judgment)

B.1. Information from the State

11. It indicated that the Ministry of Justice had “prepared 1,000 informative leaflets” containing, *inter alia*, the facts of the case, the human rights violations declared in the Judgment, and the standards of human rights protection that must be observed by police and prison authorities, and medical personnel in charge of persons deprived of liberty. Thus, regarding the dissemination of the Judgment among police personnel, the State reported that on June 26, 2012, “[496] leaflets were distributed [...] and a brief presentation was made on the requirement that similar facts should not be repeated.” This event counted with the participation of the “Head of the Human Rights Department of the National Education Directorate of the National Police[, as well as ...] members of the police, who were instructors on human rights who had been trained under the Ongoing Comprehensive Training Program (PCIC).” This program was created “towards the end of 2009, and is an institutionalized program aimed at providing theoretical and practical training [...] on] human rights issues, use of force, and topics related to police work [...].” In 2011, 14,296 police agents were trained at the national level. The State provided the Court with a copy of the said information leaflets.

⁴ “Information on the reconstruction of the truth of the facts as a complementary measure of satisfaction in the case of *Vera Vera et al v. Ecuador*” of the Ministry of Justice, Human Rights and Worship (monitoring file, tome I, folio 348).

⁵ Cf. “Record of the meeting held between the Ministry of Justice, Human Rights and Worship (MJDHC) and the beneficiaries in the case of *Vera Vera et al v. Ecuador*” (monitoring file, tome I, folios 351 and 352).

12. Regarding the dissemination of the Judgment among prison personnel, the State advised that the MJSHC had prepared a "training module on the human rights of persons deprived of liberty for prison personnel (including medical, psychiatric and psychological staff)," which was distributed to instructors in charge of the "initial training procedure which includes the selection of candidates for the Surveillance and Security Unit of the Social Rehabilitation System and their technical, scientific, and methodological training on safety in the exercise of human rights." The training lasts for six months, and is taught by professionals hired directly by the **Army's** Polytechnic Institute. According to the State, "[o]n April 19, 2012, 479 guards graduated[,] and 560 applicants are currently enrolled in the said training" which "includes the study [...] of the case of Vera Vera." The State sent the Court photographs and videos of the training sessions for police personnel and candidates for the Surveillance and Security Unit.

13. Lastly, regarding the dissemination of the Judgment among the medical staff in charge of persons deprived of liberty, the State indicated "that, once it has the informative leaflets [...] and the Deputy Secretariat for Management of Attention to Adults and Adolescents in conflict with the law has sent a list with the number of doctors who provide services in the Social Rehabilitation Centers, the MJSHC will arrange for distribution of the leaflets [...]."

B.2. Observations of the representative

14. He indicated that, to date, this aspect has been fulfilled partially; he therefore "awaits the State's dissemination of the Judgment among medical staff in charge of persons deprived of liberty." In addition, he asked the Court to order the State to forward "the human rights training module for prison personnel, [and also ...] the curriculum used by the **Army's Polytechnic** Institute to incorporate this case into the training received by those who graduated in April this year and those who are being trained to become prison guards." He also asked the Court to order the State to provide information on how the police instructors incorporated "the leaflets" into the "curriculum of the Police Education Directorate"; to forward "this curriculum or any module prepared for this purpose," and to indicate "how many police agents the Judgment had been disseminated to, in which parts of the country, and on what dates."

B.3. Observations of the Inter-American Commission

15. The Commission "assessed the progress reported by the State positively, including the initiative of the informative leaflet on the content of the Judgment, and the dissemination achieved so far. However, [...] it observed] that, from the information provided by the parties, the dissemination among medical staff remains pending; [accordingly, it] hopes that the said dissemination takes place as soon as possible."

B.4. Considerations of the Inter-American Court

16. From the information and documentation submitted, the Court observes that the State has disseminated the Judgment among police and prison authorities by preparing informative leaflets and training courses, and it is only the dissemination among medical personnel in charge of persons deprived of liberty that remains pending. Accordingly, the Court awaits this information.

17. Consequently, the Court considers that the State has complied partially with the third operative paragraph of the Judgment.

THEFORE:

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. As indicated in the pertinent considering paragraphs of this Order, the State has complied partially with its obligation to ensure dissemination of the Judgment among the police and prison authorities, and the medical personnel in charge of persons deprived of liberty (*third operative paragraph of the Judgment*).
2. As indicated in the pertinent considering paragraphs of this Order, the 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 remains pending compliance (*second operative paragraph of the Judgment*).

AND DECIDES:

1. To request the Republic of Ecuador to continue taking all necessary measures to comply effectively and promptly with the aspects pending compliance indicated in the first and second declarative paragraphs *supra*, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights.
2. To request the Republic of Ecuador to submit to the Inter-American Court of Human Rights, by February 15, 2012, at the latest, a report indicating all the measures taken to comply with the reparations ordered by this Court that are pending compliance, in accordance with considering paragraphs 9, 10, 16 and 17, and the first and second declarative paragraphs of this Order. Subsequently, the Republic of Ecuador should continue reporting to the Court every three months.
3. To request the representative of the victims and the Inter-American Commission on Human Rights to submit any observations they deem pertinent on the reports of the Republic of Ecuador mentioned in the preceding operative paragraph, within four and six weeks, respectively, of notification of the said reports.
4. To require the Secretariat of the Inter-American Court of Human Rights to notify this Order to the Republic of Ecuador, the representative of the victims, and the Inter-American Commission on Human Rights.

Diego García-Sayán
President

Manuel Ventura Robles

Leonardo A. Franco

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary