

TECHNICAL INFORMATION SHEET
CASE 11.512 LIDA ÁNGELA RIERA RODRIGUEZ
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 20/01
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Lida Angela Riera Rodriguez

Petitioner(s): Ecumenical Commission for Human Rights of Ecuador

State: Ecuador

FSA signature date: June 11, 1999

Report on Friendly Settlement Agreement No. 20/01, published on February 20, 2001

Rapporteurships involved: Persons Deprived of Liberty/[Rights of] Women

Topics: Personas deprived of liberty/detention centers/detention conditions/police precincts/care and custody/investigation/prison system

Facts: The case relates to the duration of Lida Ángela Riera Rodríguez's pretrial detention for the offense of graft in the second degree. The victim was detained on January 7, 1992, and on June 26, 1995, a judgment was handed down whereby she was sentenced to two years of imprisonment as an accessory after the fact; at that time, she had already been in custody for almost three years and six months. Ms. Riera had been detained on January 7, 1992, for having allegedly committed fraud. On January 24, 1994, the Fifth Criminal Law Judge of Pichincha instituted criminal proceedings against, among others, Ms. Riera, for complicity in fraud. The private accuser appealed that ruling, arguing that the facts supported the crime of graft. The case was examined by the Sixth Chamber of the Superior Court of Quito, which deemed that the facts did constitute the crime of graft in the second degree and ordered a trial to proceed. The petitioner reported that under Ecuadorian law, the summary proceeding [*sumario*] in this case should have lasted 60 days, but took more than two years, and the appeal should have been ruled on in 15 days, but more than 210 days elapsed without a judgment. Because of this delay, Ms. Riera remained in detention from January 1992 to July 1995. The Second Criminal Court of Pichincha finally issued a judgment in the case on June 26, 1995, pursuant to which Ms. Riera was sentenced to two years imprisonment as an accessory after the fact; by that time, she had already been in custody for almost three years and six months. On July 11, 1995, Ms. Riera was released after having been detained for a period that was one year and six months longer than the sentence imposed.

Rights alleged: The petitioners alleged violation of the rights to personal liberty (Article 7), a fair trial (Article 8), and judicial protection (Article 25) of the American Convention on Human Rights (ACHR), all in breach of the obligations provided for under Article 1(1) thereof, to the detriment of Lida Riera Rodriguez.

II. PROCEDURAL ACTIVITY

1. On June 11, 1999, the parties signed the friendly settlement agreement.
2. On February 20, 2001, the Commission approved the friendly settlement agreement by report No. 20/01.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement clause	State of compliance
<p>III. STATE RESPONSIBILITY AND ACCEPTANCE</p> <p>The Ecuadorian State acknowledges its international responsibility for having violated the human rights of Mrs. Lida Angela Riera Rodríguez, enshrined in Article 7 (personal liberty), Article 8 (a fair trial), Article 25 (judicial protection), and the general obligation set forth in Article 1(1) of the American Convention on Human Rights and other international instruments, since the violations were committed by State agents, which could not be disproved by the State, giving rise to State responsibility.</p> <p>Given the above, the Ecuadorian State accepts the facts in case 11.512 before the Inter-American Commission on Human Rights and undertakes the necessary reparative steps to compensate the victims, or their successors, for the damages caused by those violations.</p>	<p>Declarative</p>
<p>IV.- COMPENSATION</p> <p>In view of the foregoing, the Ecuadorian State, through the Attorney General, as the sole judicial representative of the Ecuadorian State, pursuant to Article 215 of the Constitution of Ecuador, enacted in Official Register N° 1 and in force since August 11, 1998, is awarding Mrs. Lida Angela Riera Rodríguez, a one-time compensatory payment of twenty thousand US dollars (US\$ 20,000), or the equivalent in local currency, calculated at the exchange rate in effect at the time the payment is made, to be paid from the National Budget.</p> <p>This compensation covers the consequential damages, loss of income, and moral damages suffered by Mrs. Lida Angela Riera Rodríguez, and any other claim that Mrs. Lida Angela Riera Rodríguez or her next-of-kin may have, regarding the subject of this agreement, under domestic and international law, and is chargeable to the National Budget. To this end, the Office of the Attorney General will notify the Ministry of Finance for it to carry out this obligation within 90 days of the signing of this document.</p>	<p>Total¹</p>
<p>V. PUNISHMENT OF THE PERSONS RESPONSIBLE</p> <p>The Ecuadorian State pledges to bring civil and criminal proceedings against and shall seek the punishment of those persons who are alleged to have participated in the violation in the performance of State functions or under the color of public authority.</p> <p>The Office of the Attorney General pledges to encourage the State Attorney General, the competent judicial organs, and public agencies or private institutions to contribute legal evidence to determine the liability of those persons. If admissible, the prosecution will be subject</p>	<p>Noncompliance²</p>

¹ IACHR, Report No. 20/01, Case 11.512, Friendly Settlement, Lida Angela Riera Rodriguez, Ecuador, February 20, 2001.

² See IACHR, Annual Report 2018, Chapter II, Section G. "Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR. Available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

to the constitution and laws of the Ecuadorian State.	
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IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission evaluated the petitioner’s request of December 3, 2015, to have the Commission cease monitoring the agreement and archive the case given the prescription of the criminal action and loss of contact with the victims in the case. Bearing in mind that this is not a case of grave human rights violations that are imprescriptible pursuant to settled case law of the Inter-American Court and Commission, the Commission decided to note on the record that the Ecuadorian State has failed to comply with the measure to bring the perpetrators to justice and that compliance with the agreement remains partial.

4. Consequently, the Commission decided to cease the follow-up on compliance with the friendly settlement agreement and archive the matter.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual results in the case

- The State paid financial compensation, as set forth under the agreement.