

**TECHNICAL INFORMATION SHEET**  
**CASE 11.515 BOLÍVAR FRANCO CAMACHO ARBOLEDA**  
**REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 63/03**  
**ARCHIVE**  
**(ECUADOR)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Bolívar Franco Camacho Arboleda

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

**State:** Ecuador

**FSA signature date:** July 17, 2002

**Report on Friendly Settlement Agreement No. 63/03,** published on October 10, 2003

**Report on Admissibility No. 13/97,** published on March 12, 1997

**Rapporteurship involved:** Persons Deprived of Liberty

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

**Facts:** This case refers to the duration of the pretrial detention of Bolívar Franco Camacho Arboleda. The petitioner alleged that on October 7, 1989, at around 4:00 p.m., Bolivar Camacho Arboleda, 25 years of age and a citizen of Ecuador, was arrested by INTERPOL officers from Santo Domingo de los Colorados. Mr. Camacho Arboleda was charged with the illegal possession of cocaine (amounting to 6 grams), and was brought before the Sixth Criminal Court of Pichincha, in Santo Domingo de los Colorados. The victim is seeking damages for having been arbitrarily deprived of his liberty for more than five years (63 months). The petitioner argues that Ecuador has no law that would allow him to file a claim for compensation.

**Rights declared admissible:** The Commission found that it was competent to examine the instant case and the petition was admissible with respect to the rights to personal liberty (Article 7), a fair trial (Article 8), and judicial protection (Article 25) of the American Convention on Human Rights, in keeping with the obligations provided for under Articles 1(1) and 2 thereof, to the detriment of Mr. Bolivar Franco Camacho Arboleda. [The Commission decided to:] notify the parties of the report, order its publication, and include it in its Annual Report to the OAS General Assembly.

**II. PROCEDURAL ACTIVITY**

1. On July 17, 2002, the parties signed the friendly settlement agreement.
2. On October 10, 2003, the Commission approved the friendly settlement agreement by report No. 63/03.

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

Agreement clause	State of compliance
<p><b>III. STATE RESPONSIBILITY AND ACCEPTANCE</b></p> <p>The Ecuadorian State recognizes its international responsibility for having violated the human rights of Mr. Bolivar Franco Camacho Arboleda enshrined in Article 8 (right to a fair trial), Article 7 (right to personal liberty) and Article 25 (right to 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 and could not be disproved by the State, thus giving rise to State responsibility.</p> <p>Given the above, the Ecuadorian State accepts the facts in case No. 11.515 now before the Inter-American Commission on Human Rights and undertakes the necessary reparatory steps to compensate the victims, or their successors, for the damages caused by those violations.</p>	<b>Declarative</b>
<p><b>IV. COMPENSATION</b></p> <p>In view of the foregoing, the Ecuadorian State, through the Attorney General, as the sole judicial representative of the Ecuadorian State, according to Article 215 of the Constitution of Ecuador, promulgated in Official Register No. 1, and in force since August 11, 1998, is awarding Mr. Cliter Celso Arboleda, holder of citizenship number 110207616-1, representing Mr. Bolivar Franco Camacho Arboleda, through special powers granted before the fifth Notary Public of Canton Loja, lump sum compensatory damages of thirty thousand United States dollars (US \$30,000), to be paid from the National Budget. [...]</p>	<b>Total<sup>1</sup></b>
<p><b>V. PUNISHMENT OF THOSE RESPONSIBLE</b></p> <p>The Ecuadorian State undertakes, to the extent possible, to bring both civil and criminal proceedings and to pursue administrative sanctions against those persons who, in the course of their official duties, are presumed to have participated in the alleged violation.</p> <p>The Office of the Attorney General undertakes to encourage the Public Prosecutor, the competent judicial organs, and public or private agencies to provide legal evidence to determine the responsibility of those persons. If appropriate, prosecution will be pursued in accordance with the constitutional and legal framework of the Ecuadorian State.</p>	<b>Noncompliance<sup>2</sup></b>

#### 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

<sup>1</sup> Report No. 63/03, Case 11.515, Bolívar Franco Camacho Arboleda, October 10, 2003.

<sup>2</sup> 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>

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 compliance with the agreement remains partial.

**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.