

TECHNICAL INFORMATION SHEET
CASE 12.188 JOFFRE JOSÉ VALENCIA MERO, PRISCILA FIERRO, ZOREIDA VALENCIA SÁNCHEZ,
ROCÍO VALENCIA SÁNCHEZ
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 64/03
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Joffre José Valencia Mero, Priscila Fierro, Zoreida Valencia Sánchez, Rocío Valencia Sánchez

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

State: Ecuador

FSA signature date: November 12, 2002

Report on Friendly Settlement Agreement No. 64/03, published on October 10, 2003

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

Topics: Persons deprived of liberty/detention centers/rights of women/right to humane treatment/detention conditions/police precincts/care and custody/investigation/prison system/a fair trial/right to privacy/right to equal protection/right to judicial protection

Facts: The IACHR received a petition on May 19, 1993, in which the petitioners alleged that on May 19, 1993, at 3:00 p.m., Joffre José Valencia Mero and his daughters, Ivonne Rocío Valencia Sánchez and Priscila Zobeida Valencia Sánchez, were detained by the police in Guayaquil at the home of Rosendo Torres, husband of Mr. Valencia's other daughter. The police, who were heavily armed, violently entered without a search or arrest warrant in search of Rosendo Torres. The police accused the victims of being drug traffickers and took them to the Cuartel Modelo where they were held incommunicado for 12 days. During this time, they were subjected to verbal and physical assault, had to sleep on the floor—or many times standing up—and received threats they would be killed if they did not plead guilty to drug trafficking. During the first few days they were kept blindfolded and were not allowed to eat or bathe. On June 1, 1993, Mr. Valencia was sent to the Men's Social Rehabilitation Center in Quito and his daughters were sent to the Women's Prison in Quito.

Rights alleged: The petitioners alleged violation of the rights provided for under Articles 5 (humane treatment), 7 (personal liberty), 8 (a fair trial), 11 (privacy), and 25 (judicial protection) [of the American Convention], in breach of the obligations provided for under Article 1(1) thereof, to the detriment of Mr. Joffre José Valencia Mero and his daughters, Ivonne Rocío Valencia Sánchez and Priscila Zobeida Valencia Sánchez.

II. PROCEDURAL ACTIVITY

1. On November 12, 2002, the parties signed the friendly settlement agreement.
2. On October 10, 2003, the Commission approved the friendly settlement agreement by report No. 64/03.

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 recognizes its international responsibility for having violated the human rights of Mr. Joffre José Valencia Mero [of Ms. Ivonne Rocío Valencia Sánchez] [of Ms. Priscilla Zoreida Valencia Sánchez] as enshrined in Article 8 (Right to a Fair Trial), Article 7 (Right to Personal Liberty), and Article 25 (Judicial Protection) of the American Convention on Human Rights, in conjunction with the general obligation contained in Article 1(1) thereof, and in 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. 12.188 now before the Inter-American Commission on Human Rights and agrees to undertake the necessary reparatory steps to compensate the victims, or their successors, for the damages caused by those violations.</p>	Declarative
<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, 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. Joffre José Valencia Mero, citizenship document No. 120027574-9 [is awarding Ms. Ivonne Valencia Sánchez, citizenship document No. 091197036-6] [is awarding Ms. Priscilla Zoreida Valencia Sánchez, citizenship document No. 091492945-0] lump sum compensatory damages of twenty-five thousand United States dollars (USD \$25,000.00), to be paid from the National Budget. [...]</p>	Total¹
<p>V. PUNISHMENT OF THOSE RESPONSIBLE</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 or the exercise of public power, are presumed to have participated in the reported violations.</p> <p>The office of the Attorney General undertakes to encourage the Public Prosecutor of the State, the competent judicial organs, and the competent 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>	Noncompliance²

¹ Report No. 64/03, Case 12.188, Joffre José Valencia Mero, Priscilla Zoreida Valencia Sánchez, Rocío Valencia Sánchez, October 10, 2003.

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>

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 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.