

TECHNICAL INFORMATION SHEET
CASE 11.421 EDISON PATRICIO QUISHPE
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 93/00
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Edison Patricio Quishpe
Petitioner(s): Ecumenical Commission for Human Rights of Ecuador
State: Ecuador
Beginning of the negotiation date: April 5, 1999
FSA signature date: June 11, 1999
Report on Friendly Settlement Agreement No. 93/00, published on October 5, 2000
Estimated length of the negotiation phase: 1 year
Rapporteurship involved: Persons Deprived of Liberty
Topics: Persons deprived of liberty/detention centers/detention conditions/police precincts/care and custody/investigation/prison system/torture/cruel, inhuman, and/or degrading treatment or punishment/use of force/arbitrary or illegal detention/summary, extrajudicial, or arbitrary executions

Facts: The case relates to the responsibility of the State in the violation of the rights to life, personal liberty, a fair trial, and judicial protection, protected under the American Convention on Human Rights, for acts perpetrated by State agents. On September 7, 1992, there was a clash with police that left one police officer dead and Edison Patricio Quishpe Alcívar wounded. Half an hour after this incident, 70 police officers surrounded Mr. Quishpe Alcívar and threw him from the second floor. His body was dragged and then placed into a police car. Mr. Quishpe's aunt, Martha Quishpe, stated that her nephew had been murdered by a police officer because he was blamed for the death of the police agent killed in the clash. Edison Quishpe, age 24, was arrested, suffered a minor injury to his leg, had his hands beaten with the butt of a rifle—breaking several fingers—by members of the police, who also kicked him in the genitals. He was taken to the police station in the city along with two other individuals, and there they were savagely beaten and subjected to cruel treatment, which caused their death.

Rights alleged: The petitioners alleged violation of the rights to life (Article 4), personal liberty (Article 7), a fair trial (Article 8), and judicial protection (Article 25), and at the same time the general obligation of the Ecuadorian State to respect the rights contained in the American Convention, and to guarantee their free and full exercise (Article 1(1)), to the detriment of Mr. Edison Patricio Quishpe Alcívar.

II. PROCEDURAL ACTIVITY

1. On June 11, 1999, the parties signed the friendly settlement agreement.
2. On October 5, 2000, the Commission approved the friendly settlement agreement by report No. 93/00.

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

Agreement clause	State of compliance
<p>III. STATE RESPONSIBILITY AND ACCEPTANCE The Ecuadorian State acknowledges its international responsibility for having violated the human rights of Mr. Edison Patricio Quishpe Alcívar enshrined in Article 4 (right to life), 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>	Declarative clause
<p>IV. COMPENSATION [...] a one-time compensatory payment in the amount of thirty thousand US dollars (US\$ 30,000) 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. This compensation covers the consequential damages, loss of income, and moral damages suffered by Mr. Edison Patricio Quishpe Alcívar, his family members, as well as any other claims of the family members of Mr. Edison Patricio Quishpe Alcívar. 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>	Total¹
<p>V. PUNISHMENT OF THE PERSONS RESPONSIBLE 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. 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 to the constitution and laws of the Ecuadorian State.</p>	Noncompliance²
<p>VII. TAX EXEMPTION AND DELAY IN COMPLIANCE [...]In the event that the State is delinquent for over three months from the date the agreement is signed, it must pay interest on the amount owed, corresponding to the current bank rate of the three largest banks in Ecuador for the duration of its delinquency.</p>	Total³

¹ IACHR, Report No. 93/00, Case 11.421, Friendly Settlement, Edison Quishpe Alcívar, Ecuador, October 5, 2000.

²See IACHR, Annual Report 2020, Chapter II, Section G. Friendly Settlements. Available at: <http://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap2-en.pdf>

³ See IACHR, Annual Report 2016, Chapter II, Section D: Status of compliance with the recommendations and friendly settlements in individual cases, paragraph 721.

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission assessed the request filed on January 17, 2020, by the petitioner to terminate supervision of the agreement and archive the case, because it lost contact with the victims of the case. In this respect, the Commission decided to cease the supervision of the friendly settlement agreement and archive the case, noting in the Annual Report that the measure of justice was not complied by the Ecuadorian State and that the level of compliance of the agreement is partial.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

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