

**TECHNICAL INFORMATION SHEET**  
**CASE 11.439 BYRON ROBERTO CAÑAVERAL**  
**REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 94/00**  
**ARCHIVE**  
**(ECUADOR)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Byron Roberto Cañaverl  
**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. 94/00,** 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

**Facts:** This case relates to the arrest of Mr. Byron Roberto Cañaverl on May 26, 1993, by State agents who subjected him to torture and cruel and inhuman treatment. On May 26, 1993, Byron Roberto Cañaverl was detained by members of the National Police who were conducting operations during a civic strike called by the *Coordinadora Agraria* and several grassroots organizations.

**Rights alleged:** The petitioners alleged violation of the rights to humane treatment (Article 5), 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 guarantee their free and full exercise (Article 1(1)), to the detriment of Mr. Byron Roberto Cañaverl.

**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. 94/00.

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

Agreement clause	State of compliance
<b>III. STATE RESPONSIBILITY AND ACCEPTANCE</b> The Ecuadorian State acknowledges its international responsibility for having violated the human rights of Mr. Byron	<b>Declarative clause</b>

<p>Roberto Cañaverl Chiluisa, enshrined in Article 5 (right to humane treatment), 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 No. 11.439 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><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, pursuant to Article 215 of the Constitution of Ecuador, enacted in Official Register No. 1 and in force since August 11, 1998, is awarding Byron Roberto Cañaverl Chiluisa a one-time compensatory payment in the amount of seven thousand US dollars (US\$ 7,000) 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 Mr. Byron Roberto Cañaverl Chiluisa, his family members, as well as any other claims of the family members of Mr. Byron Roberto Cañaverl Chiluisa. 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>	<b>Total<sup>1</sup></b>
<p><b>V. PUNISHMENT OF THE PERSONS RESPONSIBLE</b></p> <p>The Ecuadorian State pledges to bring civil and criminal proceedings and pursue administrative sanctions against 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 to the constitution and laws of the Ecuadorian State.</p>	<b>Noncompliance<sup>2</sup></b>
<p><b>VII. TAX EXEMPTION AND DELAY IN COMPLIANCE</b></p> <p>[...]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</p>	<b>Total<sup>3</sup></b>

<sup>1</sup> IACHR, Report No. 94/00, Case 11.439, Friendly Settlement, Byron Roberto Cañaverl, Ecuador, October 5, 2000.

<sup>2</sup> See 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>

<sup>3</sup> See IACHR, Annual Report 2016, Chapter II, Section D: Status of compliance with recommendations and friendly settlements in individual cases, paragraph 731.

amount owed, corresponding to the current bank rate of the three largest banks in Ecuador for the duration of its delinquency.	
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#### **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.