

TECHNICAL INFORMATION SHEET
CASE 11.443 WASHINGTON AYORA RODRIGUEZ
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 105/01
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Washington Ayora Rodriguez

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

State: Ecuador

Beginning of the negotiation date: October 19, 1999

FSA signature date: August 15, 2001

Report on Friendly Settlement Agreement No. 105/01, published on October 11, 2001

Estimated length of the negotiation phase: 2 years

Rapporteurship involved: Persons Deprived of Liberty

Topics: Personas deprived of liberty/detention centers/detention conditions/police precincts/care and custody/investigation/prison system/torture/cruel, inhuman, and/or degrading treatment or punishment/arbitrary or illegal detention

Facts: Washington Ayora was convicted in 1989, via court judgment, of the crime of theft. According the allegations contained in the petition, thereafter Washington Ayora felt besieged by the National Police, who, on several occasions, detained him under the pretext that he was “under investigation;” this led him to experience a constant state of insecurity and fear. On February 14, 1994, at 4:30 p.m., Washington Ayora was at the *Ciudadela del Maestro* in the city of Loja when he was arrested by police officers who told him they had a warrant [which they never showed him], and taken to the police jail, where he was held incommunicado until February 18, when he was transferred to the Loja Social Rehabilitation Center to be investigated. He was tortured while in police custody; this was confirmed in the records and a report of the medical exam performed on him. On February 21, 1994, the First National Commander for the District of Loja issued an order for the release of Washington Ayora, considering that there were insufficient grounds for keeping him in detention.

Rights alleged: The petitioners alleged violation of the rights to life (Article 4), humane treatment (Article 5), 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 Mr. Washington Ayora Rodríguez.

II. PROCEDURAL ACTIVITY

1. On August 15, 2001, the parties signed the friendly settlement agreement.
2. On October 11, 2001, the Commission approved the friendly settlement agreement by report No. 105/01.

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 Mr. Washington Ayora Rodríguez, recognized in Article 4 (right to life), Article 8 (right to a fair trial), Article 5 (right to humane treatment), Article 7 (right to personal liberty), and Article 25 (right to judicial protection), in relation to the general obligation contained in Article 1(1) of the American Convention on Human Rights and other international instruments, considering that 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 N° 11.443 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 No. 1 and in force since August 11, 1998, is awarding Mrs. Eusebia Imelda Rodríguez Bosa, with citizen identification number 1100133923, mother of Mr. Washington Ayora Rodríguez, deceased, and representative of Mrs. Merci Rosalía Vásquez Trujillo, widow of Mr. Washington Ayora Rodríguez, a one-time compensatory payment in the amount of thirty thousand US dollars (US\$ 30,000), to be paid from the National Budget. [...]</p>	<p>Total¹</p>
<p>V. PUNISHMENT OF THE PERSONS RESPONSIBLE</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>	<p>Noncompliance²</p>

¹ IACHR, Report No. 105/01, Case 11.443, Friendly Settlement, Washington Ayora Rodriguez, Ecuador, October 11, 2001.

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>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission assessed the request filed on January 17, 2020, by the petitioners seeking termination of supervision of the agreement and archiving of the case, given that they were unable to contact the victims of the case. In this respect, the Commission decided to cease supervision of the friendly settlement agreement and archive the case, noting on the record 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, as set forth under the agreement.