

**TECHNICAL INFORMATION SHEET**  
**CASE 11.574 WILBERTO SAMUEL MANZANO**  
**REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 108/01**  
**ARCHIVE**  
**(ECUADOR)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Wilberto Samuel Manzano

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

**State:** Ecuador

**Beginning of the negotiation date:** February 4, 1999.

**FSA signature date:** August 15, 2001

**Report on Friendly Settlement Agreement No. 108/01,** published on October 11, 2001

**Estimated length of the negotiation phase:** 2 years.

**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/arbitrary or illegal detention

**Facts:** On May 11, 1991, in the Recinto Almorzadero of the Rosa Zárate Parish of the Quinidé District, province of Esmeraldas, Wilberto Samuel Manzano was shot when he was at a volleyball court participating in a community meeting. It is presumed that those who fired the shots were police in civilian dress, and they arrested him without a showing a warrant. He was taken to the La Unión police station and then driven to Quinidé Hospital, where he died. According to the complaint, the autopsy determined that he died from cardiac arrest brought on by the wound to his gluteus. His family members and those who saw the corpse verified there were hematomas on his head and chest, thus it is presumed that Wilberto Samuel Manzano was tortured even after he was wounded. In addition, the police report made Wilberto Samuel Manzano out to be a dangerous criminal and noted that the police had an arrest warrant for him on suspicion of robbery as lawful grounds for his arrest. Proceedings concerning these events were initiated before the Second Judge of the First District Court of the National Police. On May 22, 1995, the Second Judge of the First District Court of the National Police dismissed the charges, with prejudice, against the persons accused in the death of Wilberto Samuel Manzano. The dismissal was appealed by the private accuser on May 23; nonetheless, on September 29, 1995, the District Court of the Police upheld the dismissal, putting an end to legal action for securing punishment for the homicide of Wilberto Samuel Manzano. According to the petitioner and the prosecutor, the decisions of the Police Judge and of the District Court were biased in favor of the indicted police officers. It is alleged that important witness testimony was not taken into account in the proceedings, and that, to the contrary, the judges tried to justify the police's actions in their decisions.

**Rights alleged:** The petitioners alleged violation of the rights to life (Article 4), a fair trial (Article 8), and judicial protection (Article 25) of the American Convention on Human Rights, all in breach of the obligations provided for under Article 1(1) thereof, to the detriment of Mr. Wilberto Samuel Manzano.

## 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. 108/01.

## 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 acknowledges its international responsibility for having violated the human rights of Mr. Wilberto Samuel Manzano Aguiar, recognized in Article 4 (right to life), Article 8 (right to a fair trial), 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° 11.574 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>Declarative</b></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 Sister Elsie Hope Monge Yoder, with citizen identification number 090509576-6, in representation of Mrs. María Eloisa Aguiar de Manzano, mother, and Mrs. Teresa Olivia Izurieta, widow of Mr. Wilberto Samuel Manzano Aguiar, by special power-of-attorney executed before the Fourth Notary Public of Esmeraldas District, 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><b>Total<sup>1</sup></b></p>
<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</p>	<p><b>Noncompliance<sup>2</sup></b></p>

<sup>1</sup> IACHR, Report No. 108/01, case 11.574, Friendly Settlement, Wilberto Samuel Manzano, Ecuador, October 11, 2001.

<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>

<p>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>	
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**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 in the agreement.