

TECHNICAL INFORMATION SHEET
CASE 11.632 VIDAL SEGURA HURTADO
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 109/01
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Vidal Segura Hurtado

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. 109/01, published on October 11, 2001

Estimated length of the negotiation phase: 2 years

Rapporteurship involved: N/A

Topics: Use of force/torture/cruel, inhuman, and/or degrading treatment or punishment/arbitrary or illegal detention/investigation

Facts: This case relates to the arrest without a warrant of Vidal Segura Hurtado on April 8, 1993, by national police officers dressed as civilians. The victim was subjected to torture and cruel and inhuman treatment, after which he was executed. His body was found on May 8, 1993, on the road that runs along the outskirts of the city of Guayaquil ("*vía perimetral*"). On April 8, 1993, at 2:00 a.m., police officer Ricardo Enríquez and eight more agents, who were dressed as civilians and heavily armed, broke down the door of Vidal Segura Hurtado's home and entered in search of Segura Hurtado, without the constitutionally-required search warrant. After the police had searched all the rooms without finding him, Officer Rodríguez exclaimed, "...tell that black man to take care, we're going to kill him, he was spared, because if he had been here right now, he'd be a dead man, since we were going to shoot him while he tried to escape..." Given this illegal persecution by the two above-mentioned police officers, according to María Hurtado, Vidal Segura Hurtado went to live at his grandmother's house for a few days. Yet the persecution continued, since the two agents sought him out, as they said that they had been sent subpoenas by the attorney Yagual and were going to take revenge on Vidal Segura Hurtado by killing him. Later, the police detained a friend of Vidal Segura Hurtado at the prison known as *Penitenciaría del Litoral*, in order to force him to reveal Vidal Segura Hurtado's whereabouts, which he did. Thereafter, the police went to take Vidal Segura Hurtado from the house where he was hiding. They detained him, beat him, and put him in a truck. Police officer Ricardo Enríquez told someone in the neighborhood that Vidal Segura Hurtado's corpse was at the National Police morgue. According to the complaint, the body showed signs of torture, and three gunshot wounds to the head.

Rights alleged: The petitioners alleged violation of the rights to life (Article 4), a fair trial (Article 8), humane treatment (Article 5), personal liberty (Article 7), 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. Vidal Segura Hurtado.

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. 109/01.

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. Vidal Segura Hurtado, 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^o 11.632 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 N^o 1 and in force since August 11, 1998, is awarding Mrs. María Almizar Hurtado Villa, with citizen identification number 090492558-3, mother of Mr. Vidal Segura Hurtado (deceased), 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> |

¹ IACHR, Report No. 109/01, Case 11.632, Friendly Settlement, Vidal Segura Hurtado, Ecuador, October 11, 2001.

V. PUNISHMENT OF THE PERSONS RESPONSIBLE

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.

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.

Noncompliance²

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 implemented 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.

² 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>