

TECHNICAL INFORMATION SHEET
PETITION 533-05 JULIO RUBÉN ROBLES ERAS
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 122/12
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Julio Rubén Robles Eras
Petitioner(s): Ecumenical Commission for Human Rights of Ecuador
State: Ecuador
Beginning of the negotiation date: September 7, 2006
FSA signature date: October 10, 2006
Report on Friendly Settlement Agreement No. 122/12, published on November 13, 2012
Estimated length of the negotiation phase: 6 years
Rapporteurship involved: Memory, Truth, and Justice
Topics: Right to life/investigation/right to humane treatment/fair trial/judicial protection

Facts: This case relates to the death of a 22-year old Army Second Lieutenant, Julio Rubén Robles Eras, who died on the night of August 2001, allegedly during a “hazing”, under unclear circumstances, by the second lieutenants who had recently arrived at the battalion. These events gave rise to two criminal proceedings, one in the military courts headed up by the First Criminal Judge of the Third Military Zone, and the other in the civilian courts brought by the Prosecutor of Macará and the Seventh Criminal Court Judge of Loja. This led to a conflict of jurisdiction that was resolved by the Court of Military Justice, which held in its ruling that the military justice system had jurisdiction in the case. Consequently, the proceedings instituted in the civilian courts were joined with the existing criminal proceedings in the military courts.

Rights alleged: The petitioners alleged violation of the rights provided for under Articles 4 (life), 5 (humane treatment), 8 (fair trial), and 25 (judicial protection) [of the American Convention on Human Rights], in breach of the obligations provided for under Article 1(1) thereof, to the detriment of Julio Rubén Robles Eras.

II. PROCEDURAL ACTIVITY

1. On October 10, 2006, the parties signed the friendly settlement agreement.
2. On November 13, 2012, the Commission approved the friendly settlement agreement by report No. 122/12.

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

Agreement clause	State of compliance
IV. THE STATE'S INTERNATIONAL RESPONSIBILITY	Declarative

<p>Based on the case history and the evidence presented at trial, and given the international nature of these violations, which occurred within the jurisdiction of the Ecuadorian state, the State expresses its willingness to accept international responsibility for the violation of Julio Robles Eras' human rights; the State, therefore, is shouldering its duty to provide some measure of redress for the violation.</p> <p>The State thus acknowledges its international responsibility for violation of the human rights recognized in articles 4 (right to life), 5 (humane treatment), 8 (judicial guarantees) and 25 (judicial protection) and the obligation undertaken in Article 1(1) (obligation to respect and ensure human rights) of the American Convention, to the detriment of Mr. Julio Robles Eras.</p>	
<p>V. PECUNIARY REPARATIONS</p> <p>The Ecuadorian state pledges to pay the sum of three hundred thousand United States dollars (USD\$300,000) in compensatory damages to Dr. Luis Vega Eras, the victim's representative. The sum that the Ecuadorian state will pay shall be exempt of any current taxes and any taxes that may one day be decreed.</p>	Total¹
<p>VI. NON-PECUNIARY REPARATIONS</p> <p>To ensure a unitary system of justice in practice, the Office of the Attorney General of the State shall ensure that this principle is enforced, so that the military and police systems of justice, which now come under the Executive Branch, will become part of the Judicial Branch, in keeping with transitory provision twenty-six of the Constitution. Until this principle becomes practice, measures will be taken to ensure that military proceedings are respectful of all judicial guarantees.</p> <p>The Office of the Attorney General of the State shall make overtures to the Ministry of National Defense to do away with the routine practice of initiation procedures within the Armed Forces, which have frequently been a source of excess and offensive to human dignity.</p>	Total²
<p>VII. THE RIGHT TO THE TRUTH OF THE VICTIM'S FAMILY MEMBERS AND THE RIGHT OF RECOURSE AGAINST THE RESPONSIBLE PARTIES</p> <p>The Ecuadorian state shall do everything within its power to ensure that the persons who participated in the act that violated the victim's human rights and that engaged the state's international responsibility, shall face civil and criminal liability.</p> <p>The state reserves exercise of the right of recourse against the former officers that the military courts convicted of violating Mr. Robles Eras' right to life. It shall exercise this right in accordance</p>	Noncompliance³

¹ Report No. 122/12, Petition 533-05, Julio Rubén Robles Eras, November 13, 2012.

² Report No. 122/12, Petition 533-05, Julio Rubén Robles Eras, November 13, 2012.

³ 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>with Article 22 of the Constitution.</p> <p>The Office of the Attorney General of the State shall present all the necessary documents to enable the Public Prosecutor’s Office and the Judicial Investigation Service to investigate the violations of Mr. Robles Eras’ right to personal integrity. Once the circumstances of Sub-Lieutenant Robles Eras’ death are known, i.e., once the culpable parties’ degree of blame has been established and they are sentenced accordingly, the final judgment shall be sufficient for the state to reclaim damages from the convicted former officers.</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 under the agreement.

B. Structural outcomes of the case

- The State banned the practice of “hazing” in the armed forces.