

TECHNICAL INFORMATION SHEET
CASE 11.445 ÁNGELO JAVIER RUALES PAREDES
FRIENDLY SETTLEMENT REPORT N° 95/00
TOTAL COMPLIANCE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim (s): Ángelo Javier Ruales Paredes

Petitioner (s): Ángelo Javier Ruales Paredes

State: Ecuador

Report on Friendly Settlement Agreement No.: 95/00 published on October 5, 2000

Related Rappporteurship: Rights of Persons Deprived of Liberty

Topics: Humane Treatment/ Personal Liberty/ Judicial Guarantees/ Judicial Protection

Facts: According to the petitioner's allegations, at 8:00 p.m on July 3, 1993, the petitioner, 21 years of age, was detained by Agent Palacios near the coliseum in Ibarra, province of Imbabura, where he was caught stealing accessories from the vehicle of the Provincial Chief of the Crime Investigation Office (OID) of Ibarra, Lieutenant Colonel Raúl Ruiz.

Lieutenant Colonel Ruiz ordered that the petitioner to be investigated and the latter was brought in to the Ibarra police station. At the station, the petitioner was tortured during interrogation. He was forced to remain in a tripod position and to flex, and was submerged in a pool. He was also sprayed with gas and pulled by the genitals with his shoelace. Police health personnel had to suture the resulting wound. In the days following his detention, the petitioner, writing on cigarette paper, was able to communicate his injury and his lack of communication with his family. The petitioner's family sent a physician to examine him; however, the physician was not allowed to see him. The situation became of public knowledge, and an investigation was initiated. Even though Article 145 of the Penal Code of the Police punishes offenders who commit torture with six to nine years in prison, the accused officers were detained for merely six months and then returned to duty.

Rights Alleged: The petitioner alleges the responsibility of the State of Ecuador for violation of the rights enshrined in Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights, in full contravention of the obligations set out in Article 1.1, to the detriment of the petitioner.

II. PROCEDURAL ACTIVITY

1. On June 11, 1999, the parties signed a friendly settlement agreement.
2. On October 5, 2000, the IACHR approved the friendly settlement agreement signed by the parties, in Report No. 95/00.

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

Agreement Clause	Status of Compliance
III. STATE RESPONSIBILITY AND ACCEPTANCE	
<p>The Ecuadorian State acknowledges its international responsibility for having violated the human rights of Mr. Angelo Javier Ruales Paredes enshrined in Articles 5 (right to humane treatment), Article 7 (right to 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 and could not be disproved by the State, thus giving rise to State responsibility.</p>	Declarative Clause
<p>Given the above, the Ecuadorian State accepts the facts in case No. 11.445 before the Inter-American Commission on Human Rights and undertakes the necessary reparatory steps to compensate the victims, or their successors, for the damages caused by those violations.</p>	Total¹
IV. COMPENSATION	
<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 Mr. Angelo Javier Ruales Paredes lump-sum compensatory damages of fifteen thousand US dollars (US\$15,000) 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. Angelo Javier Ruales Paredes, as well as any other claims of Mr. Angelo Javier Ruales Paredes or his family members 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>	Total²
V. PUNISHMENT OF THE PERSONS RESPONSIBLE	
<p>The Ecuadorian State commits to bring civil and criminal proceedings and pursue administrative sanctions against those individuals who are alleged to have participated in the violation of human rights during the performance of State functions or under the investiture of public authority.</p> <p>The Office of the Attorney General commits to encourage the general prosecutor (<i>Fiscal General del Estado</i>), the competent judicial organs, and public agencies or private institutions to contribute legal evidence to determine the liability of those persons. If admissible, the action will be subject to the constitution and laws of the Ecuadorian State.</p>	Total³

¹ See IACHR, Annual Report 2003, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 113-114.

² See IACHR, Annual Report 2003, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 113-114.

³ See IACHR, Report No. 95/00, Case 11.445, Friendly Settlement, Ángelo Javier Ruales Paredes, Ecuador, October 5, 2000.

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2008.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State acknowledged its responsibility for violation of the rights to humane treatment (Article 5), right to personal liberty (Article 7), right to a fair trial (Article 8), the right to judicial protection (Article 25), in full contravention of the obligations set out in Article 1.1, to the detriment of the petitioner.

- The State paid the appropriate compensation.

B. Structural outcomes of the case:

- The State punished those individuals responsible.