

Press Release 01/2025 English

ECUADOR IS RESPONSIBLE FOR VIOLATING THE RIGHTS TO PERSONAL LIBERTY AND DUE PROCESS OF THREE INDIVIDUALS SUBJECTED TO CRIMINAL PROCEEDINGS

San José, Costa Rica, January 23, 2025. In the judgment in the case of *Reyes Mantilla et al. v. Ecuador*, notified today, the Inter-American Court of Human Rights declared that the State of Ecuador is internationally responsible for the illegal and arbitrary detention of Walter Ernesto Reyes Mantilla, Vicente Hipólito Arce Ronquillo and José Frank Serrano Barrera, the victims. Moreover, it determined that the preventive detention measures applied to them entailed a violation of the rights to personal liberty, presumption of innocence, equal protection and non-discrimination. It also concluded that there was a violation of the rights to judicial guarantees and judicial protection in the criminal proceedings against them and determined that they were victims of inhumane and degrading treatment due to the aggressions and threats during the time that they were detained.

The official summary and the full text of the judgment can be accessed [here](#).

The facts of the case refer to the arrest, preventive detention and criminal proceedings against Walter Ernesto Reyes Mantilla, José Frank Serrano Barrera and Vicente Hipólito Arce Ronquillo, between 1995 and 1999, in the context of operations aimed at dismantling drug trafficking organizations linked to the Cali cartel.

Walter Reyes and José Serrano were arrested without a warrant and held in solitary confinement and during that period they endured physical aggressions and threats. Vicente Arce was held in solitary confinement and was not granted access to a lawyer for one week after he was coerced to confess. Messrs. Reyes and Serrano were imprisoned for more than three years before they were finally acquitted in February of 1999, although their release was delayed until September of that same year. Mr. Arce was convicted in 1998 of being an accomplice to a drug trafficking-related crime, but achieved a sentence reduction and was released in September of 1999. During the proceedings the victims denounced the violation of their human rights through legal remedies, and in 2021 an investigation was opened regarding possible acts of torture during Mr. Arce's detention.

The Court dismissed the three preliminary objections filed by the State.

The Court concluded that the State violated the personal liberty of the victims by failing to adequately inform them of the grounds for their detention. Moreover, it found that Mr. Arce's detention was arbitrary, subject to a regulation that allowed arrests based on "grave presumptions of liability" without defining the objective circumstances.

In addition, the preventive detention of the victims was done without an analysis of the goal or need for said detention, and it was based on a law in effect at the time of the facts that contravened the American Convention, since it set forth that the measures for release from prison were not admissible for individuals being processed for crimes related to drug trafficking, without permitting a judge to perform an assessment of each case. Moreover, the Court determined that the preventive detention was delayed without justification, without periodical control, which violated the rights to presumption of innocence, personal liberty, equality of rights and non-discrimination.

The Court also found the State responsible for the violation of the right to be brought promptly before a judge or other officer authorized by law to exercise judicial power



to the detriment of Messrs. Reyes, Serrano and Arce, since it was unable to confirm that they were brought before a judicial authority after their detention.

The Court determined that the State did not guarantee an effective remedy to question the lawfulness of detentions, since the *habeas corpus* remedies filed had to be brought before the mayor, an authority that does not comply with the requirements set forth in the Convention to guarantee an adequate process in this type of case.

The Court found that Messrs. Reyes, Serrano and Arce were subjected to mistreatment, threats and coercion during the proceedings held against them, in addition to having been subjected to solitary confinement and detention conditions that did not comply with the minimum standards for humane treatment. Therefore, it concluded that they were victims of cruel, inhumane and degrading treatment.

In addition, the Court determined that the victims did not have an adequate technical defense during their interrogations. Moreover, Mr. Serrano, who was a foreigner, was not informed of his right to receive consular assistance. The Court also considered that the application of Article 116 of the Law on Narcotics violated the right to presumption of innocence, since it set forth as a grave presumption of liability the pre-trial inquiry and statements. The Court also found the State responsible for the violation of the right against self-incrimination or admission of guilt to the detriment of Mr. Arce, given that he was coerced to declare himself guilty of the crime that he was being accused of.

Finally, the Court concluded that the suffering and anguish endured by the next of kin of Messrs. Reyes and Serrano due to these facts constituted a violation of their right to mental and moral integrity.

Based on the violations declared, the Court ordered several reparation measures, including: as a guarantee of non-repetition, to implement training programs for members of the police force, judiciary police and criminal prosecutors. It also ordered criminal investigations to be conducted in order to fully clarify what happened and to identify individually, prosecute and if applicable punish the perpetrators and participants of the cruel, inhumane and degrading treatment of Messrs. Reyes, Serrano and Arce. Lastly, it ordered the pertinent steps to be taken so that the personal information of Messrs. Reyes and Serrano is eliminated from the Criminal Records and to adopt all measures necessary in the domestic body of law to annul any consequences that may arise from Mr. Arce's conviction.

The Court's composition for the issuing of this judgment was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Rodrigo Mudrovitsch, Vice-President (Brazil); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer Mac-Gregor Poisot (México); Judge Ricardo C. Pérez Manrique (Uruguay); Judge Verónica Gómez (Argentina) and Judge Patricia Pérez Goldberg (Chile).

Judge Nancy Hernández López disclosed her individual dissenting opinion. Judges Rodrigo Mudrovitsch and Eduardo Ferrer Mac-Gregor Poisot disclosed their joint concurring opinion.

This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

For more information on the Inter-American Court of Human Rights, please visit www.corteidh.or.cr or write to the Registrar, Pablo Saavedra Alessandri, at



corteidh@corteidh.or.cr. To contact the press office please write to Dannel Pinilla, Director of Communications and Press, at prensa@corteidh.or.cr.

You may subscribe to the Court's information services [here](#). If you wish to unsubscribe, please send an email to comunicaciones@corteidh.or.cr. You may also follow the Court's activities through: [Facebook](#), [Twitter](#) (@CorteIDH for the account in Spanish, @IACourTHR for the account in English, and @CorteDirHumanos for the account in Portuguese), [Instagram](#), [Flickr](#), [Vimeo](#), [YouTube](#), [LinkedIn](#) and [SoundCloud](#).



(506) 2527-1600



www.corteidh.or.cr
corteidh@corteidh.or.cr



Avenida 10, Calles 45 y 47 Los Yoses,
San Pedro, San José, Costa Rica.