

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-66/2023 English

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I/A Court H.R.
Protecting Rights

ECUADOR HAS COMPLIED WITH JUDGMENT IN THE CASE OF CORTEZ ESPINOZA

San José, Costa Rica, September 26th, 2023.- In conformity with that set forth in the Order on Monitoring Compliance with Judgment issued by the Court on August 30th, 2023, Ecuador has complied with the execution of all of the reparations ordered in the Judgment of October 18th, 2022. Therefore, the Inter-American Court decided to conclude and archive the case. For more information, the Judgment of October 18th, 2022, can be accessed [here](#) and the Order of August 30th, 2023, which declares the archiving of the case, can be accessed [here](#).

On October 18th, 2022, the Inter-American Court of Human Rights issued a Judgment whereby it declared the Republic of Ecuador (hereinafter “the State” or “Ecuador”) to be internationally responsible for the violation of the rights to a fair trial, to personal liberty and to humane treatment, to detriment of Gonzalo Orlando Cortez Espinoza.

These violations took place during the three detentions of Mr. Cortez as part of criminal proceedings against him for an allegedly illicit act related to removal of equipment from an airplane, as well as the violation of the right to be heard within a reasonable term in ordinary criminal proceedings. Mr. Cortez was part of the Armed Forces of Ecuador from 1978 to 1994. The first detention took place in January 1997. The Inter-American Court concluded that the State violated the right to personal liberty and presumption of innocence to the detriment of Mr. Cortez because, among other reasons: it did not guarantee, without delay, judicial control of the deprivation of liberty by a competent authority; the first two detentions were ordered and executed by military authorities, which did not have jurisdiction; during the second detention, he was left in solitary confinement for more time than the maximum allowed in the constitution, and he was not informed of the reasons for his detainment; the third detention was ordered based on a rule that allows preventive detention in the absence of valid procedural purposes and it did not follow the legal requirement of issuing the corresponding arrest warrant, as declared by the Constitutional Court.

Moreover, due to the solitary confinement and the treatment received by Mr. Cortez during the 1997 detentions, the Court determined that his personal integrity was affected and concluded that he suffered both cruel and inhumane treatment during the days when he was left in solitary confinement in July of 1997.

Based on these violations, the Court ordered in its Judgment the following four reparation measures:

- i) publish the Judgment and the official summary, indicated in paragraph 169 thereof;

- ii) pay the amount indicated in paragraph 184 of the Judgment to the victim for psychological and/or psychiatric attention;
- iii) pay the amounts established in paragraphs 182 and 184 of the Judgment to the victim as compensation for pecuniary and non-pecuniary damages; and
- iv) pay the amount set forth in paragraph 187 of the Judgment for reimbursement of legal costs and expenses to the victim's representatives.

In addition, it ordered the State to reimburse the Victims' Legal Assistance Fund of the Inter-American Court of Human Rights for the amount indicated in paragraph 190 of the Judgment.

Monitoring Compliance with Judgment

In the Monitoring Compliance stage, the Court confirmed in the Order of August 30th, 2023, that Ecuador fully complied with the four reparation measures ordered in the Judgment, as well as the reimbursement to the Legal Assistance Fund. Consequently, the Court declared the closing of this case and noted the efforts made by Ecuador to comply with the reparations and the reimbursement within the terms set forth in the Judgment.

The Court's composition for the Order of August 30th, 2023, was as follows: Judge Ricardo C. Pérez Manrique, President (Uruguay); Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President (Mexico); Judge Humberto Antonio Sierra Porto (Colombia); Judge Nancy Hernández López (Costa Rica); Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil).

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