

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-81/2021 English

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I/A Court H.R. Protecting Rights

ECUADOR IS RESPONSIBLE FOR THE ARBITRARY DETENTION OF POLICE OFFICERS

San José, Costa Rica, November 10, 2021. In the Judgment notified today of the *Case of Villarroel Merino et al. v. Ecuador*, the Inter-American Court of Human Rights found the State of Ecuador internationally responsible for the violation of the right to personal liberty, the principle of presumption of innocence and equality before the law, due to the lack of detention review; the lack of justification for the decision that ordered the arrest and the lack of a suitable and effective remedy to control the legality of the deprivation of liberty; and violation of the judicial guarantees of independence and impartiality, to the detriment of former police officers Jorge Humberto Villarroel Merino, Mario Romel Cevallos Moreno, Jorge Enrique Coloma Gaibor, Fernando Marcelo López Ortiz, Leoncio Amílcar Ascázubi Albán and Alfonso Patricio Vinueza Pánchez.

The official summary of the Judgment can be consulted [here](#), and the full text of the Judgment can be consulted [here](#).

On July 13, 2001, the Office of the State Comptroller General issued a report regarding the administrative and financial operations of the General Command of the National Police, in which it identified the existence of irregularities in the contractual processes carried out by the General Command of the National Police and a criminal investigation was opened for the crime of embezzlement and falsification of private documents. Subsequently, the Prosecutor of the National Court of Police Justice (CNJP) asked the President of the CNJP to issue a "commencement order" against the persons mentioned in the report and enforce pre-trial detention of the victims.

It has been proven that Jorge Villarroel Merino, Jorge Coloma Gaibor, Fernando López Ortiz, Amílcar Ascázubi Albán and Patricio Vinueza Pánchez were deprived of their liberty under pre-trial detention for eight months, between May 26, 2003 and January 27 of 2004, on this last date the mode of detention was changed to preventive detention, until May 25, 2004 for the last four alleged victims mentioned. Mr. Jorge Humberto Villarroel Merino remained in detention until June 4, 2004. In the case of Mr. Mario Romel Cevallos Moreno, the duration of pre-trial detention was five months and seventeen days, from May 26, 2003 to May 13, November 2003

The Court concluded that the deprivation of liberty ordered through pre-trial detention was illegal and arbitrary, in violation of personal liberty, as well as a violation of the principle of presumption of innocence and equality before the law. During the period of pre-trial detention, the Judge failed to assess the purposes, suitability, necessity and proportionality of the detention

The Court indicated in its Judgment that the investigation against the victims was carried out before the CNJP, which, in turn, was in charge of hearing and resolving the appeals, answered administratively to the Ministry of Government, and the President of the Republic was in charge of appointing its judges. The Court had already had the opportunity, in previous cases against Ecuador, to analyze the compatibility of the police criminal jurisdiction with the American Convention, and in accordance with its jurisprudence it concluded that in this case, the police criminal jurisdiction did not offer the guarantees of independence and impartiality from an institutional point of view.

The Court assessed the normative changes made by Ecuador in the Constitution in 2008 that repealed police jurisdiction but noted that said modification was not applied in this case.

In this Judgment, the Court ordered various measures of reparation.

The Court's composition for issuance of this Judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Eduardo Vio Grossi (Chile); Judge Humberto Antonio Sierra Porto (Colombia), Judge Eduardo Ferrer Mac-Gregor (México), Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Ricardo Pérez Manrique (Uruguay).

The Judge Patricio Pazmiño Freire, Ecuadorian by nationality, did not participate in the deliberation of this Judgment, in accordance with the provisions of Articles 19 of the Court's Rules of Procedure.

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