

TECHNICAL INFORMATION SHEET
CASE 12.207 LIZANDRO RAMIRO MONTERO MASACHE
REPORT ON FRIENDLY SETTLEMENT AGREEMENT Nº 45/06
ARCHIVE
(ECUADOR)

I. SUMMARY OF THE CASE

Victim(s): Lizandro Ramiro Montero Masache
Petitioner(s): Ecumenical Commission for Human Rights of Ecuador
State: Ecuador
FSA signature date: September 20, 2005
Report on Friendly Settlement Agreement No. 45/06, published on March 15, 2006
Rapporteurship involved: Persons Deprived of Liberty
Topics: Persons deprived of liberty/investigation/right to humane treatment/personal liberty/a fair trial/equal protection/judicial protection

Facts: This case relates to the events that took place on June 19, 1992, when Lizandro Ramiro Montero Masache was arrested without an arrest warrant issued by a competent authority. He was then taken to the jail at what is now Quito Regiment No. 2, where he was held incommunicado until July 23 of that year. When the Presiding Judge of the Superior Court took up the case, he issued an order for three proceedings to be opened against Mr. Montero Masache, on the basis of the police report: acting as a front for illegal activities (November 18, 1992), for which he was indicted and remanded into custody; illicit enrichment (November 30, 1992); and money laundering (November 30, 1992). In 1998 and 1999 all three cases against Mr. Montero Masache were dismissed.

Rights alleged: The petitioner alleged violation of the rights provided for under Articles 5 (humane treatment), 7 (personal liberty), 8 (a fair trial), 24 (equal protection), and 25 (judicial protection) of the American Convention on Human Rights.

II. PROCEDURAL ACTIVITY

1. On September 20, 2005, the parties signed the friendly settlement agreement.
2. On March 15, 2006, the Commission approved the friendly settlement agreement by report No. 45/06.

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

Agreement clause	State of compliance
III. RESPONSIBILITY OF THE STATE Ecuador accepts responsibility for violating the human rights of Mr. Lizandro Ramiro Montero Masache, rights emanating from the	Declarative

<p>general obligations of Article 1(1) of the American Convention and other international instruments, and that are specifically enshrined in Articles 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the Convention. These violations were committed by agents of the State and have not been refuted by the State, which thus must bear responsibility for them before society.</p> <p>The Ecuadorian State thus agrees to accept the facts outlined in Petition 12.207, currently being examined by the IACHR, and to take any reparatory measures necessary to assuring compensation of the damages suffered by the victim.</p>	
<p>IV. COMPENSATION</p> <p>The Ecuadorian State, through its Attorney General, the sole legal representative of the State according to Article 215 of the Constitution of the Republic of Ecuador, promulgated in Official Register No. 1 and in force since August 11, 1998, will compensate Mr. Mr. Lizandro Ramiro Montero Masache with a lump sum payment of sixty thousand US dollars (US \$60,000), to be paid from the National Budget. [...]</p>	Total¹
<p>V. PUNISHMENT OF THOSE RESPONSIBLE</p> <p>The Ecuadorian State will undertake, to the extent possible, to bring both civil and criminal proceedings and to pursue administrative sanctions against those persons who, in the course of their official duties or by taking advantage of their position, are presumed to have participated in the alleged violation.</p> <p>The Office of the Attorney General will make available to the Public Prosecutor all documentation needed to initiate investigations that could lead to the punishment of the parties responsible for the violations in question. Likewise, it will encourage the competent judicial organs and other public or private entities to provide any legal evidence that may contribute to establishing responsibility for the violations. Any prosecution that may ensue will be carried out in accordance with the constitutional and legal framework of Ecuador.</p>	Noncompliance²

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission evaluated the petitioner's request of December 3, 2015, to have the Commission cease monitoring the agreement and archive the case given the prescription of the criminal action and loss of contact with the victims in the case. Bearing in mind that this is not a case of grave human rights violations that are imprescriptible pursuant to settled case law of the Inter-American Court and Commission, the Commission decided to note on the record that the Ecuadorian State has failed to comply with the measure to bring the perpetrators to justice and compliance with the agreement remains partial.

¹ Report No. 45/06, Case 12.207, Lizandro Ramiro Montero Masache, March 15, de 2006.

² See IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR. Available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual results in the case

- The State paid financial compensation, as set forth under the agreement.