

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS**

**OF AUGUST 22, 2013**

**CASE OF SALVADOR CHIRIBOGA v. ECUADOR  
MONITORING COMPLIANCE WITH JUDGMENT**

**HAVING SEEN:**

1. The Judgment on preliminary objection and merits, delivered by the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) on May 6, 2008 (hereinafter “the Judgment”).

2. The Judgment on reparations and costs (hereinafter “the Judgment on reparations”) handed down by the Inter-American Court on March 3, 2011. In this Judgment on reparations the Court decided that the State must pay a sum of money to María Salvador Chiriboga as fair compensation and payment of the interest accrued on the pecuniary damage, in five consecutive tranches, and pay compensation for non-pecuniary damage. In addition, the State was ordered to return the amount collected unduly for additional land taxes, other taxes and an additional charge on a lot without a building. Lastly, it ordered the State to make certain publications relating to the judgments on preliminary objection and merits, and on reparations and costs.<sup>1</sup>

3. The Order on monitoring compliance with the Judgment on reparations issued by the Court on October 24, 2012, in which it declared that:

- a. [...]
1. As indicated in the pertinent considering paragraphs of th[e] Order, the State has complied fully with its obligations:
  - (a) To pay the amounts corresponding to the first tranche of the fair compensation and the interests accrued on the pecuniary damage, in accordance with the second, third and fourth operative paragraphs of the Judgment;
  - (b) To pay the amounts ordered for non-pecuniary damage, costs and expenses, and the taxes collected unduly, as well as the respective interest and fines, as stipulated in the fifth, sixth, seventh and eighth operative paragraphs of the Judgment, and
  - (c) To publish the official summary of the said Judgments in a national newspaper with widespread circulation, in keeping with the eighth operative paragraph of the Judgment.

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<sup>1</sup> Cf. *Case of Salvador Chiriboga v. Ecuador. Reparations and costs*. Judgment of March 3, 2011. Series C No. [222](#), paras. 80 to 146 and operative paragraphs 1 to 8.

2. It will keep open the procedure of monitoring compliance with regard to the second and third operative paragraphs of the Judgment regarding the State's obligation:
  - (a) "To pay María Salvador Chiriboga, for fair compensation, the amount indicated in paragraph 84 of th[e] Judgment,"
  - (b) "To pay, for the interest accrued on pecuniary damage, the amount indicated in paragraph 101 of th[e] Judgment" in consecutive tranches, as ordered in the Judgment on reparations and costs, and
  - (c) To publish in the Official Gazette the operative paragraphs of the Judgments on merits, and on reparations and costs, and also paragraphs 2 and 3 of the Judgment on reparations and costs of March 3, 2011, making the clarification indicated in the fourteenth considering paragraph of th[e] Order.

**AND DECIDE[D]:**

1. That it will rule on the measures of reparation ordered in the second, third and eighth operative paragraphs of the Judgment of March 3, 2011, when the State of Ecuador has provided information on the payment of the consecutive tranches that it must make on March 30, 2013, 2014, 2015 and 2016, in keeping with paragraphs 84, 101 and 102 to 104 of the Judgment, as well as on the publication of the operative paragraphs of both Judgments, as ordered in paragraphs 127 of the Judgment.

[...]

4. The brief of April 23, 2013, in which the State presented a report on compliance with the Judgment on reparations delivered by the Court in this case (*supra* having seen paragraph 2).
5. The communication of June 14, 2013, in which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") presented its observations on the information provided by the State.
6. The communication of the Secretariat of the Court (hereinafter "the Secretariat") of April 25, 2013, with which it forwarded the State's report to the representatives of the victim (hereinafter "the representatives") and advised them that they had four weeks to present any observations they considered pertinent. On June 4 and 17, and July 9 and 30, 2013, in notes of the Secretariat, on the instruction of the President of the Court, the representatives were reminded of the request that they submit their observations on the State's report, the time frame for which had expired on May 23, 2013. On August 7, 2013, the representatives presented the observations that had been requested.

**CONSIDERING THAT:**

1. One of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.
2. Ecuador has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") since December 28, 1977, and accepted the contentious jurisdiction of the Court on July 24, 1984.
3. Pursuant to Article 67 of the American Convention on Human Rights, States Parties must comply fully and promptly with the judgments delivered by the Court. Furthermore, Article 68(1) of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they

are parties.”<sup>2</sup> Therefore, the States must ensure implementation at the domestic level of the Court’s decisions in its judgments.

***A. Obligation to pay the amounts for fair compensation, and interest accrued on pecuniary damage (second, third and fourth operative paragraphs of the Judgment on reparations)***

4. In its brief of April 23, 2013, the State advised that it had taken the following “steps to comply with the measures ordered by the Court [...] in the judgment of March 3, 2011”:

*Regarding fair compensation*

- a) On March 28, 2013, the Ministry of Justice, Human Rights and Worship made a transfer in favor of María Salvador Chiriboga, that included the sum of US\$3,741,000 (three million seven hundred and forty-one thousand United States dollars) corresponding to the payment of the second tranche for fair compensation.<sup>3</sup>

*Regarding pecuniary damage*

- b) On March 28, 2013, the Municipality of the Metropolitan District of Quito made a transfer of US\$1,820,545.50 (one million eight hundred and twenty thousand five hundred and forty-five United States dollars and fifty cents), plus US\$66,606.20 (sixty-six thousand six hundred and six United States dollars and twenty cents),<sup>4</sup> for a total of US\$1,887,151.70 (one million eight hundred and eighty-seven thousand one hundred and fifty-one United States dollars and seventy cents), corresponding to the total payment of the second tranche for pecuniary damage.<sup>5</sup>

5. In their observations of August 7, 2013, the representatives indicated that “the information provided by the State [...] is true and it has, indeed, made the payments ordered by the Court.” Lastly, they indicated that, “to date, the State has complied with what the Court ordered” and that “the payments that should be made on March 30, 2014, 2015 and 2016 remain to be made.”

6. In its communication of June 14, 2013, the Commission “appreciate[d ...] the information provided by the State regarding the amounts that it indicated had been paid.” Despite this, it indicated that it “awaited information from the representatives in this regard.”

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<sup>2</sup> Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Palamara Iribarne v. Chile. Monitoring compliance with judgment*. Order of the Court of November 30, 2007, third considering paragraph, and *Case of the Yean y Bosico Girls v. Dominican Republic. Monitoring compliance with judgment*. Order of the Court of November 28, 2007, fourth considering paragraph.

<sup>3</sup> In its report, the State indicated that, of the transfer of US\$3,807,606.20 (three million eight hundred and seven thousand six hundred and six United States dollars and twenty cents) made by the Ministry of Justice, Human Rights and Worship on March 28, 2013, US\$66,606.20 (sixty-six thousand six hundred and six United States dollars and twenty cents) was part of the payment corresponding to the second tranche for pecuniary damage.

<sup>4</sup> As mentioned above, this amount corresponds to part of the payment of the second tranche for pecuniary damage.

<sup>5</sup> According to the State, the Municipality of the Metropolitan District of Quito made a second transfer of US\$1,820,545.50 (one million eight hundred and twenty thousand five hundred and forty-five United States dollars and fifty cents), to which, according to the State, should be added the sum of US\$66,606.20 (sixty-six thousand six hundred and six United States dollars and twenty cents) all of which corresponds to the payment of the second tranche for pecuniary damage.

*Considerations of the Court*

7. From the information submitted by the parties and the Inter-American Commission, as well as from the documents provided by Ecuador, the Court notes that, in accordance with paragraphs 84 and 101 to 104 of the Judgment, the State has complied with payment of the second tranche of the following obligations:

- a) Payment of fair compensation (second and fourth operative paragraphs of the Judgment), and
- b) Payment of interest accrued on pecuniary damage (third and fourth operative paragraphs of the Judgment).

Based on the above, the following remains pending:

- c) Payment of the sum of US\$11,223,000.00 (eleven million two hundred and twenty-three thousand United States dollars), in the corresponding tranches for fair compensation (second and fourth operative paragraphs of the Judgment on reparations), and
- d) Payment of the sum of US\$5,661,454.50 (five million six hundred and sixty-one thousand four hundred and fifty-four United States dollars and fifty cents), in the corresponding tranches for pecuniary damage (third and fourth operative paragraphs of the Judgment on reparations).

**B. Obligation to publish in the Official Gazette the operative paragraphs of the Judgment on preliminary objection and merits, as well as paragraphs 2 and 3 of the Judgment on reparations and costs of March 3, 2011**

8. The State advised that, on April 1, 2013, it had published the paragraphs and operative paragraphs corresponding to the Judgments of March 3, 2011, and May 6, 2008, in the Supplement to Official Gazette No. 923, as established in the fourteenth considering paragraph of the Order of October 24, 2012.

9. The representatives indicated in their brief of August 7, 2013, that, "on April 1, 2013, paragraphs 2 and 3 of the Judgment on reparations of March 3, 2011, as well as the operative paragraphs of this judgment, and also of the Judgment on merits of May 6, 2008, had been published in the Official Gazette of Ecuador." Accordingly, "to date, the State has complied with what the Court ordered."

10. In its communication of June 14, 2013 the Commission "assessed the publication that appeared in annex 3 of the State's report and observe[d] that it was in keeping with the indications given by the Court." Nevertheless, the Commission indicated that it "awaited information from the representatives in this regard."

*Considerations of the Court*

11. From the information presented, the Court notes that the State has complied with what was required in the Order of October 24, 2012 and, thus, has complied fully with what the Court ordered in the eighth operative paragraph of its Judgment on reparations.

**THEREFORE**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

in exercise of its authority to monitor compliance with its decisions under Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, 25(1) and 30 of its Statute and 31 and 69 of its Rules of Procedure,

**DECLARES THAT:**

1. As indicated in the preceding considerations, the State has complied fully with its obligations to:

a) Pay the amounts corresponding to the second tranche of the fair compensation and the interest accrued on pecuniary damage, pursuant to the second, third and fourth operative paragraphs of the Judgment on reparations, and

b) Publish in the Official Gazette the operative paragraphs of the Judgment on preliminary objection and merits, as well as paragraphs 2 and 3 of the Judgment on reparations and costs of March 3, 2011, pursuant to the eighth operative paragraph of the Judgment on reparations.

2. It will keep open the procedure of monitoring compliance with regard to the second and third operative paragraphs of the Judgment on reparations regarding the State's obligation to:

(a) "To pay María Salvador Chiriboga, for fair compensation, the amount indicated in paragraph 84 of th[e] Judgment," and

(b) "To pay, for the interest accrued on pecuniary damage, the amount indicated in paragraph 101 of th[e] Judgment" in consecutive tranches, as ordered in the Judgment on reparations and costs, and

**AND DECIDES:**

3. That it will rule on the measures of reparation ordered in the second and third operative paragraphs of the Judgment of March 3, 2011, when the State of Ecuador has provided information on the payment of the consecutive tranches that it must make on March 30, 2014, 2015 and 2016, in keeping with paragraphs 84, 101 and 102 to 104 of the Judgment.

4. That the representatives of the victim and the Inter-American Commission on Human Rights must present any observations they deem pertinent on the report of the Republic of Ecuador within four and six weeks, respectively, of receiving it.

5. That it will continue monitoring compliance with the Judgment on reparations, costs and expenses of March 3, 2011.

6. To require the Secretariat of the Inter-American Court of Human Rights to notify this Order to the Republic of Ecuador, the Inter-American Commission on Human Rights, and the victim or her representatives.

Diego García-Sayán  
President

Manuel E. Ventura Robles

Alberto Pérez Pérez

Eduardo Vio Grossi

Roberto F. Caldas

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary