

INTER-AMERICAN COURT OF HUMAN RIGHTS

CASE OF GARZÓN GUZMÁN ET AL. V. ECUADOR

JUDGMENT OF SEPTEMBER 1, 2021

(Merits, Reparations and Costs)

In the Case of Garzón Guzmán et al. v. Ecuador,

the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”), composed of the following judges:

Elizabeth Odio Benito, President;
Eduardo Vio Grossi, Judge;
Humberto Antonio Sierra Porto, Judge;
Eduardo Ferrer Mac-Gregor Poisot, Judge;
Eugenio Raúl Zaffaroni, Judge, and
Ricardo Pérez Manrique, Judge;

also present,

Pablo Saavedra Alessandri, Secretary, and
Romina I. Sijniensky, Deputy Secretary,

pursuant to Articles 62(3) and 63(1) of the American Convention on Human Rights (hereinafter “the American Convention” or “the Convention”) and to Articles 31, 32, 42, 65 and 67 of the Rules of Procedure of the Court (hereinafter “the Rules” or “the Rules of the Court”), delivers this Judgment, which is structured as follows:

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INTRODUCTION OF THE CASE AND PURPOSE OF THE CONTROVERSY

1. *The case submitted to the Court.* – On July 26, 2019, the Inter-American Commission on Human Rights (hereinafter “the Commission”) submitted to the Inter-American Court the *Garzón Guzmán v. Ecuador* case. This case is related to the alleged international responsibility of the Republic of Ecuador (hereinafter “the State” or “Ecuador”) for acts related to the forced disappearance of César Gustavo Garzón Guzmán, which occurred on November 10, 1990 in Quito, Ecuador. According to the Commission, there are sufficient elements that permit the conclusion that, at the moment of his disappearance, Mr. Garzón Guzmán was deprived of his freedom by State agents. These acts occurred in a context of forced disappearances by State agents against persons identified as subversive, especially the members of the “Alfaro Vive Carajo” and “Montoneras Patria Libre” groups, which, added to the refusal of the authorities to recognize the detention and the evidence in the record, led the Commission to conclude that there was a cover-up of what occurred. Thus, the Commission alleged the violation of the rights to the recognition of a juridical personality, to life, to personal integrity, to personal freedom, to judicial guarantees and to judicial protection enshrined in the American Convention on Human Rights and Article I(a) and (b) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Mr. Garzón Guzmán. In addition, the case refers to the alleged violation of the mental and moral integrity of his next of kin.

2. *Procedure before the Commission.* – The procedure before the Commission was the following:

- a. *Petition.* On November 8, 1994, the Ecumenical Commission for Human Rights (hereinafter “the representative”) presented a petition before the Inter-American Commission.
- b. *Report on Admissibility.* On July 12, 2010, the Commission issued Report 70/10, in which it declared the case admissible. On July 20, 2010, the Commission notified the parties that the case had been ruled admissible and placed itself at their disposal with a view to reaching a friendly settlement.
- c. *Merits Report.* On March 18, 2017, the Commission adopted Merits Report No. 22/17, pursuant to Article 50 of the Convention (hereinafter “Merits Report” or “Report No. 22/17”), in which it reached a series of conclusions and made several recommendations to the State.
- d. *Notification to the State.* On April 26, 2017, the Commission notified the Merits Report to the State, granting it a period of two months to report on its compliance with the recommendations. The State requested an extension, which was granted by the Commission. It subsequently requested seven new extensions. After more than two years without receiving information on any significant progress in compliance with the recommendations, the Commission decided not to grant any more extensions and to submit the case to the Inter-American Court.

3. *Submission to the Court.* – On July 26, 2019, the Commission submitted all of the facts and the alleged human rights violations described in Report N° 22/17 to the Inter-American Court because of “the need to obtain justice and reparation for the victims.”¹ The Court notes,

¹ The Commission appointed Commissioner Esmeralda Arosemena de Troitiño and then Executive Secretary, Paulo Abrão, as its delegates and Christian González Chacón, a Secretariat lawyer, as its legal advisor.

with concern, that almost 25 years had elapsed between the initial petition to the Commission and the submission of the case to the Court.

4. *Requests of the Inter-American Commission.* – The Commission requested that the Court declare the international responsibility of the State for the violation of Articles 3, 4(1), 5(1), 5(2), 7, 8(1) and 25(1) of the American Convention, in relation to Article 1(1) thereof, and of Article I(a) and (b) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of César Gustavo Garzón Guzmán. With respect to the next of kin of the alleged victim, the Commission requested that the Court declare the violation of Articles 5(1), 8(1) and 25(1) of the Convention, in relation to Article 1(1) thereof. In addition, the Commission requested that the State be ordered to adopt measures of reparation.

II PROCEEDINGS BEFORE THE COURT

5. *Notification to the State and to the representative.* – The submission of the case was notified to the State and to the representative of the alleged victims on September 10, 2019.

6. *Brief with pleadings, motions and evidence.* – On November 12, 2019, the Ecumenical Commission for Human Rights presented its brief with pleadings, motions and evidence (hereinafter “brief with pleadings and motions”), as established in Articles 25 and 40 of the Court’s Rules. The arguments in the brief coincided with those raised in the Commission’s Merits Report and it also requested that a violation of Article 2 of the American Convention be declared.

7. *Answering brief.*² – On February 10, 2020, the State presented its brief in response to the Commission’s submission of the case and its observations on the brief of pleadings and motions (hereinafter “answering brief”). In its brief, the State filed a preliminary objection that referred to the retroactivity of the provisions of the Inter-American Convention on Forced Disappearance of Persons.

8. *Observations to the preliminary objection.* – On April 9, 2020, the Commission submitted its observations to the preliminary objection filed by the State. The representative made its observations in a brief submitted, extemporaneously, on June 16, 2020 in the Court’s Secretariat.³

9. *Order of the public hearing.* – On November 24, 2020, the President of the Court issued an order convoking the parties and the Commission to a public hearing on the preliminary objection and eventual merits, reparations and costs with the purpose of receiving the statement of one of the alleged victims and two experts and to hear the final oral arguments and observations of the parties and of the Commission.⁴

10. *Public hearing.* – The public hearing was held virtually January 27-28, 2021 during the Court’s 139th Regular Session.⁵ The statements of one of the alleged victims and an expert

² The State appointed María Fernanda Álvarez as its agent and Magda Aspirot and Byron Villagomez as deputy agents.

³ Pursuant to its Decisions 1/20 of March 17, 2020 and 2/20 of April 16, 2020, the Court suspended the computation of all of the deadlines due to the emergency caused by the COVID-19 pandemic. Thus, the deadline for the presentation of observations to the preliminary objection in this case was extended to June 15, 2020.

⁴ Cf. *Case of Garzón Guzmán v. Ecuador. Convocation to a public hearing.* Order of the President of the Court of November 24, 2020. Available at: http://www.corteidh.or.cr/docs/asuntos/garzon_guzman_24_11_20.pdf.

⁵ Appearing at the hearing were: a) for the Inter-American Commission: Antonia Urrejola García, then First

proposed by the Commission were received during the hearing, as was the recognition by the State of its international responsibility in this case.

11. Final written arguments and observations. – On March 1, 2021, the State, the representative and the Commission submitted their respective final written arguments and observations. The State also attached annexes to its document. At the instructions of the President of the Court, the representative and the Commission were offered the opportunity to submit the considerations that they deemed relevant regarding the annexes. On March 17, 2021, the representative submitted its observations. The Commission did not comment on the matter (*infra* para. 34).

12. *Deliberation of the present case.* – The Court deliberated this Judgment in a virtual session held on September 1, 2021.⁶

III JURISDICTION

13. The Court has jurisdiction to hear this case, pursuant to Article 62(3) of the Convention, because Ecuador ratified the American Convention on Human Rights on December 28, 1977 and accepted the contentious jurisdiction of the Court on July 24, 1984. It ratified the Inter-American Convention on Forced Disappearance of Persons on July 27, 2006.⁷

IV RECOGNITION OF INTERNATIONAL RESPONSIBILITY

A. Recognition of responsibility by the State and observations of the Commission and of the representative

14. The **State**, in the public hearing held January 27-28, 2021 and in its final written arguments, recognized its international responsibility in this case. It, thus, withdrew its preliminary objection, accepted the facts “as they were described by the Inter-American Commission on Human Rights in its Merits Report” and accepted the claims contained in the Commission’s brief of submission.

15. The State indicated that it agreed with the analysis of the Inter-American Commission in the sense that Mr. Garzón Guzmán was a disappeared person and that this fact and the response of the national authorities were incompatible with the inter-American standards and violated Articles 3, 4(1), 5(1), 5(2) and 7 of the American Convention on Human Rights, in relation to Article 1(1) thereof, and Article I(a) and (b) of the Inter-American Convention on Forced Disappearance of Persons for the violations that have occurred since its entry into force, to the detriment of Mr. Garzón Guzmán. It also accepted that, 30 years after his disappearance, the investigation continues in its first stages without having clarified the circumstances of the crime, determined the whereabouts of the victim, and punished those responsible, has greatly exceeded the time that could be deemed reasonable and has infringed

Vice President; Marisol Blanchard, Deputy Executive Secretary, and Jorge Meza Flores and Christian Gonzalez, Advisors; b) for the representative of the alleged victims: César Duque, and c) for the State: María Fernanda Álvarez, Magda Aspirot and Alonso Fonseca.

⁶ Due to the exceptional circumstances caused by the COVID-19 pandemic, this Judgment was deliberated and adopted at the 143rd Regular Session of the Court, which was held using technological means, in accordance with the Rules of the Court.

⁷ Ecuador ratified the Inter-American Convention on Forced Disappearance of Persons on July 27, 2006. This treaty entered into force for the State on August 26, 2006, pursuant to its Article XX.

the rights recognized in Articles 8(1) and 25(1) of the Convention, in relation to Article 1(1) thereof, to the detriment of Mr. Garzón Guzmán.

16. Finally, it recognized its international responsibility for the violation of Articles 8(1), 25(1) and 5(1) of the American Convention, in relation to Article 1(1) thereof, and Article I(b) of the Inter-American Convention on Forced Disappearance of Persons for the violations that occurred after its entry into force, to the detriment of the next of kin of Mr. Garzón Guzmán, as indicated in the Merits Report.

17. The **Commission** took note of the State's recognition of international responsibility and found it to be a positive contribution to the search for truth, justice and reparations and for the dignity of Mr. Garzón Guzmán and his family members. It, nevertheless, requested that the Court deliver a judgment in which it determine the scope of the recognition in light of the facts of the case and thus give it legal effect. It also asked the Court that it resolve the issues that the representative raised and determine the reparations.

18. The **representative** appreciated the importance of the State's recognition of responsibility made during the public hearing and indicated that the recognition permitted the family of Mr. Garzón Guzmán to obtain justice. It requested that the Court declare the State's international responsibility.

B. Considerations of the Court

19. The Court recalls that, based on Articles 62 and 64 of its Rules and in exercise of its authority to oversee the judicial protection of human rights, a matter of international public order, it is incumbent on it to ensure that the acknowledgement of responsibility is acceptable for the purposes sought by the inter-American system.⁸ The Court, therefore, will analyze the scope of the recognition of responsibility, considering its effects in relation to the facts of this case, the legal claims and the measures of reparation.

B.1 Regarding the facts

20. Ecuador accepted "the facts as they were described by the Inter-American Commission on Human Rights in its Merits Report No. 22/17 issued on March 18, 2017." The Court finds that no controversy remains on the factual framework of the case. It, nonetheless, notes that there remains a controversy on the determination of the victims in this case. It will refer to this matter at a later stage (*infra* paras. 31 and 32).

B.2 Regarding the legal claims

21. The State accepted the claims contained in the brief of submission of the case and accepted that the response of the national authorities was incompatible with international standards and affected the rights that the Commission found to be violated.

22. The Court notes that the recognition of responsibility expressly encompasses all of the violations of the American Convention on Human Rights and of the Inter-American Convention on Forced Disappearance of Persons alleged by the Commission. However, the representative also alleged the violation of Article 2 of the American Convention, in relation to Articles I and II of the Inter-American Convention on Forced Disappearance of Persons with respect to which

⁸ Cf. *Case of Cepeda Vargas v. Colombia. Preliminary Objections, Merits, Reparations and Costs*. Judgment of May 26, 2010. Series C No. 213, para. 17 and *Case of Guerrero, Molina et al. v. Venezuela. Merits, Reparations and Costs*. Judgment of June 3, 2021. Series C No. 424, para. 18.

the State did not recognize its international responsibility. The Court reiterates that the victims and their representative, as holders of all of the rights established in the American Convention, may assert the violation of rights other than those included in the Merits Report, provided that they are within the factual framework defined by the Commission.⁹ Therefore, the alleged violation of Article 2 of the American Convention, in relation to Articles I and II of the Inter-American Convention on Forced Disappearance of Persons, will be analyzed in the chapter on the merits of this Judgment (*infra* para. 81).

23. With respect to the other legal claims, the Court finds that the controversy no longer exists.

B.3 Regarding reparations

24. The Court notes that the recognition of responsibility made by the State encompasses the claims contained in the brief of submission of the case to the Court and that these include requests on reparations. The State also submitted to the Court the provisions adopted by the national authorities as guarantees of non-repetition and requested that the ruling on the relevant measures of reparation be governed by the applicable inter-American standards.

25. In view of the foregoing, there is no longer a controversy on the need to grant measures of reparation. The Court must now decide on exactly what measures should be adopted and on their scope in response to the requests of the Commission and the representative.

B.4 Evaluation of the scope of the recognition of responsibility

26. The Court, as it has in other cases,¹⁰ appreciates the State's recognition of international responsibility, which is a positive contribution to the development of this process, to the validity of the principles that the Convention inspires and to satisfying the need to repair the victims of the human rights violations. The recognition of international responsibility produces full legal effects in accordance with Articles 62 and 64 of the Rules and has a high symbolic significance in relation to the non-repetition of similar events and in view of the time elapsed since the disappearance of Mr. Garzón Guzmán. The Court, therefore, finds that there is no longer a dispute on the facts, on the law and on the need to adopt measures of reparation. Nonetheless, in view of the violations recognized by the State and the requests of the representative and of the Commission, the Court finds it necessary to deliver a judgment in which it will determine the facts according to the evidence gathered during the proceedings and in light of the State's recognition of international responsibility. The above will contribute to the reparation of the victims, avoid the repetition of similar events and satisfy, in short, the purposes of the inter-American jurisdiction.¹¹ The Court also deems it necessary to analyze the scope of the State's international responsibility for the violation of rights set out in the American Convention on Human Rights and the Inter-American Convention on Forced Disappearance of Persons. The Court will also rule on the corresponding reparations.

27. Finally, the Court notes that the representative alleged the violation of Article 2 of the

⁹ Cf. *Case of the Pacheco Tineo Family v. Bolivia. Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 25, 2013. Series C No. 272, para. 22 and *Case of Moya Solís v. Peru. Preliminary Objections, Merits, Reparations and Costs*. Judgment of June 3, 2021. Series C No. 425, para. 32.

¹⁰ Cf. *Case of Benavides Cevallos v. Ecuador. Merits, Reparations and Costs*. Judgment of June 19, 1998. Series C No. 38, para. 57 and *Case of Guerrero, Molina et al. v. Venezuela. Merits, Reparations and Costs, supra*, para. 31.

¹¹ Cf. *Case of Tiu Tojín v. Guatemala. Merits, Reparations and Costs*. Judgment of November 26, 2008. Series C No. 190, para. 26 and *Case of Guerrero, Molina et al. v. Venezuela. Merits, Reparations and Costs, supra*, para. 33.

American Convention, in relation to Articles I and II of the Inter-American Convention on Forced Disappearance of Persons. Inasmuch as this violation was not alleged by the Commission and regarding which the State did not recognize international responsibility, the Court will rule on the matter in the chapter on the merits of this Judgment.

V

PRELIMINARY QUESTION: DETERMINATION OF THE VICTIMS

28. The **Commission** identified the following persons as alleged victims in this case: Cesar Gustavo Garzón Guzmán; his father, Julio Garzón; his mother, Clorinda Guzmán de Garzón; his brothers, Luis Alberto Garzón Guzmán and Rodrigo Garzón Guzmán and his brother-in-law, Luis Lascano. The Commission also stated that, during the proceedings in the case, the representative mentioned a sister and a niece of Mr. Garzón Guzmán, whose names are not in the file.¹²

29. The **representative**, for its part, identified, as presumed victims, in addition to Mr. Garzón Guzmán, (i) María Clorinda Guzmán, (ii) Ana Julia Lascano, (iii) Luis Alberto Garzón Guzmán, (iv) Carlos Eduardo Garzón Guzmán, (v) Byron Gonzalo Garzón Guzmán, and (vi) Iván Rodrigo Garzón Guzmán. It also indicated that Julio Garzón, father of César Gustavo, had died and that Luis Lascano “was the brother-in-law of the victim, who at the beginning aided the family in the search for César Gustavo Garzón Guzmán.” As to Ana Julia Lascano Garzón, it indicated that she is the niece of Mr. Garzón Guzmán and “for years, together with the victim’s mother, went every Wednesday to the Plaza Grande to demand that the Government investigate the event.” Finally, with respect to Byron Gonzalo Garzón and Carlos Eduardo Garzón Guzmán, the representative pointed out that they are brothers of César Gustavo and that, together with the other siblings and the mother have demanded that the State investigate the event and identify those responsible in order that they be appropriately punished.

30. In its answering brief, the **State** maintained that, pursuant to Article 35(1) of the Rules of the Court, the alleged victims must be identified during the procedure before the Commission and that it is not possible to add beneficiaries after the submission of the Merits Report, except in the event of the exceptional circumstances indicated in Article 35(2) of the Rules, which, according to the State, do not exist in the present case. Later, during the public hearing held on January 28, 2021, in referring to the recognition of international responsibility, it stated that its acceptance was limited to the contents of the Merits Report with respect to the determination of the victims.

31. The Court reiterates that, pursuant to Article 35(1) of the Rules and the Court’s consistent case law, the alleged victims must be identified in the Merits Report referred to in Article 50 of the Convention.¹³ On some occasions, in accordance with Article 35(2) of the Rules, in view of the special circumstances of the case and the magnitude of the violation, the Court has admitted persons not included in that document as victims, provided that it was not possible to identify them because of massive or collective violations.¹⁴ The Court, finds

¹² The Merits Report 22/17 states: “According to the file of the case, the next of kin of César Gustavo Garzón Guzmán are: i) his father Julio Garzón; his mother Clorinda Guzmán de Garzón; ii) his brothers Luis Alberto Garzón Guzmán and Rodrigo Garzón Guzmán and iii) his brother-in-law Luis Lascano. In some briefs of the petitioners, there is a mention of a sister and a niece of Mr. Garzón Guzmán, whose names are not included in the file.

¹³ Cf. *Case of the Barrios Family v. Venezuela. Merits, Reparations and Costs*. Judgment of November 24, 2011. Series C No. 237, footnote 214 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs*. Judgment of March 26, 2021. Series C No. 423, para. 23.

¹⁴ Cf. *Case of the Río Negro Massacres v. Guatemala. Preliminary Objection, Merits, Reparations and Costs*.

that this case does not have the characteristics defined in Article 35(2) and, therefore, it will consider those persons identified in the Commission's Merits Report as victims.¹⁵

32. In view of the foregoing, the Court will not consider Carlos Eduardo Garzón Guzmán and Byron Gonzalo Garzón Guzmán as victims in this case, as they were not identified as such by the Commission. Similarly, since the Commission stated in its Merits Report that during the proceedings of the case mention was made of a niece of Mr. Garzón Guzmán as a member of his family, who was identified by the representative as Ana Julia Lascano Garzón, and since the State manifested that the recognition of responsibility in this case should be limited to the contents of the Merits Report, Ms. Lascano Garzón will be considered a victim.

VI EVIDENCE

A. Documentary, testimonial and expert evidence

33. The Court received various documents, attached to the main briefs, presented as evidence by the Commission, the representative and the State, (*supra* paras. 3, 6 and 7). As in other cases, the Court admits those documents that have been presented in a timely manner (Article 57 of the Rules)¹⁶ by the parties and by the Commission, the admissibility of which was not disputed nor objected to and the authenticity of which was not doubted.¹⁷

34. The Court also received documents attached to the final written arguments presented by the State. The representative of the alleged victims made some observations on those attachments and the Commission did not comment on the matter. The Court finds that, among the annexes provided by the State, there are four documents¹⁸ issued by national authorities after the period, defined in the Court's Rules, to provide evidence. The Court considers that it is supervening evidence and, therefore, the documents will be admitted as such. With respect to the other documents,¹⁹ the Court notes that they were not offered within the period

Judgment of September 4, 2012. Series C No. 250, para. 48 and *Case of Olivares Muñoz et al. v. Venezuela. Merits, Reparations and Costs*. Judgment of November 10, 2020. Series C No. 415, para. 20.

¹⁵ During the public hearing held January 27-28, 2021, the State responded in the affirmative when asked whether the acquiescence was limited to what was established in the Merits Report with respect to the alleged victims.

¹⁶ Documentary evidence may be presented, in general and in accordance with Article 57(2) of the Rules, together with the brief with pleadings and motions or with the answering brief, as applicable. Evidence submitted outside the procedural moment is not admissible, except in situations defined in Article 57(2) (*force majeure* or serious impediment) or if it concerns a supervening event; namely, occurring after the aforementioned procedural moments.

¹⁷ Cf. Article 57 of the Rules. See also, *Case of Velásquez Rodríguez v. Honduras. Merits*. Judgment of July 29, 1988. Series C No. 4, para. 140 and *Case of Grijalva Bueno v. Ecuador. Preliminary Objection, Merits, Reparations and Costs*. Judgment of June 3, 2021. Serie C No. 426, para. 39.

¹⁸ These documents are: (i) Memorandum N° FGE-CGAJP-DDHPC-2021-00002-M of January 4, 2021, signed by the prosecutor Andrés Jorge Cuasapaz Arcos, transmitted by communication N° FGE-CGAJP-DDHPC-2021-000021-O on the same day; (ii) Report on the Agreements of Moral Redress, transmitted by communication N° DPE-CGPDHN-2021-0001-O, of January 15, 2021, signed by Harold Andrés Burbano Villareal, General Coordinator of the Protection of Human Rights and the Environment of the Office of the Ombudsman; (iii) Report on the actions taken in relation to the procedure of punitary reparation to documented victims in the Report of the Truth and Human Rights Commission, transmitted by communication N° SDH-DPRIAC-2021-0008-O of January 7, 2021, signed by Andrea Verónica Álvarez Morquecho, Director of Protection, Full Reparation and Central Authority of the Secretariat of Human Rights and (iv) Report on the Gustavo Garzón case, transmitted by communication N° DPECGPDHN- 2021-0001-O, of January 15, 2021, signed by Harold Andrés Burbano Villareal, General Coordinator of the Protection of Human Rights and the Environment of the Office of the Ombudsman.

¹⁹ These documents are: (i) Report N° FGE-DCVDH-2018-037 of March 19, 2018, signed by María Carolina Baca, Director of the Office of the Truth and Human Rights Commission of the Office of the Prosecutor General of the State; (ii) Report N° FGE-DCVDH-2018-086 of July 9, 2018, signed by María Carolina Baca, Director of the Office of

established in the Court's Rules; that is, together with the State's answering brief and that this case does not involve any of the exceptions in the Rules for the admission of extemporaneous evidence. Therefore, those documents will not be admitted.

B. Admissibility of testimonial and expert evidence

35. The Court deems it relevant to admit the notarized statements²⁰ and those made in the public hearing,²¹ to the extent that they are in conformity with the purpose that was defined by the President's order to receive them and that stated the purpose of the present case.

VII FACTS

36. This case is related to the violations of the conventional rights of César Gustavo Garzón Guzmán and his next of kin, as a result of his forced disappearance in the early morning of November 10, 1990. The disappearance of Mr. Garzón Guzmán occurred in the context of forced disappearances committed by State agents against persons identified as subversive, particularly as members of the "Alfaro Vive Carajo" and "Montoneras Patria Libre" groups.²² More than thirty years after the events, the investigations into this case do not report any significant advance.

37. The Court will now proceed to detail some of the facts of the case, in light of the State's recognition of international responsibility and of the evidence contained in the record. To do so, it shall make reference (A) to the context of forced disappearances in Ecuador and (B) the forced disappearance of Mr. Garzón Guzmán and (C) the internal procedures.

A. Context of forced disappearances in Ecuador

38. From 1984 to 1988, Raúl Febres Cordero was President of Ecuador. His government was marked by repression against the so-called "subversive groups," especially "Alfaro Vive Carajo" and "Montoneras Patria Libre," as they were considered comprised of persons who were dangerous to the security of the community and of the country."²³ In this context, the

the Truth and Human Rights Commission of the Office of the Prosecutor General of the State; (iii) Report N° FGE-DCVDH-2018-130 of September 24, 2018, signed by Ángel Cujilema, Interim Director of the Office of the Truth and Human Rights Commission of the Office of the Prosecutor General of the State; (iv) Communication N° FGE-GCVDH-2019-001916-O of April 9, 2019, signed by Diego Fabián Bolaños Reyes, Interim Director of the Office of the Truth and Human Rights Commission of the Office of the Prosecutor General of the State; (v) Rules of Procedure for the Signing of Compensatory Agreements with Documented Victims in the Report of the Truth Commission, of August 13, 2019; Office of the Ombudsman, Follow-up Report, of January 22, 2020, transmitted by communication No.-ADHN-2020-0009-O, of February 6, 2020, signed by Carmen Marianela Maldonado López, Deputy of the Office of Protection of Human Rights and the Environment.

²⁰ The Court received the notarized statements of the alleged victims Iván Rodrigo Garzón Guzmán and Luis Alberto Garzón Guzmán and of the expert Juan Pablo Albán, as well as the testimony of Clara Elena Merino Serrano.

²¹ The Court received, at the public hearing, the statements of the alleged victim María Clorinda Guzmán Bedón and the expert Federico Andreu Guzmán.

²² "Alfaro Vive Carajo" and "Montoneras Patria Libre" were groups of guerillas that operated in Ecuador.

²³ Cf. Executive Summary. *Sin Verdad no hay Justicia (No Justice without Truth)*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folios 2507 to 2508). In addition to the Report of the Truth Commission, other sources supported the assertion that, during the Government of Febres Cordero, there was a policy of repression. The Report of January 20, 1989 of the Multi-Party Commission of the Ecuadorian Congress, charged with studying requests for amnesty and the disappearance of Consuelo Benavides Cevallos, affirmed that "the Government of León Febres Cordero implemented a repressive policy that manifested itself in repeated human rights violations." It also claimed that the statements gathered "prove the involvement of the Armed Forces and the Police in a repressive policy that violates the guarantees of citizens established in the Constitution and the Law. The principal

SIC-10, a repressive structure of the police that arose from the Criminal Investigations Service (SIC) began to function and it clandestinely endeavored to “repress and eliminate” members of “Alfaro Vive Carajo” and other organizations.²⁴

39. During the presidency of Rodrigo Borja (1988-1992), although there was a greater respect for political rights and freedom of expression, the security and repressive policies continued. During this period, police and Armed Forces groups accused of human rights violations were not dismantled nor were measures adopted with regard to those responsible for the violations committed during the government of Febres Cordero.²⁵

40. According to the Report of the Truth Commission, there were 17 forced disappearances from 1985 to 2004 in Ecuador.²⁶ Of the 17, three were known as members of “Alfaro Vive Carajo” and one was associated with “Montoneras Patria Libre.” In the cases known to the Truth Commission, the forced disappearances began with the detention of the victims by State agents who “abused their authority and used unjustified and excessive force” in the context of repressive or routine operations.²⁷ The Truth Commission also indicated that the *modus operandi* was characterized by a pact of silence among the members of the institutions of the public forces who participated in the human rights violations and a similar pact among other members who had or could have information, as well as by the destruction of incriminating records and documents, misinformation and a public denial of the events denounced by family members and public opinion.²⁸

41. Other sources also refer to the statistics on forced disappearances in Ecuador. Thus, according to the Inter-American Commission’s “Report on the Situation of Human Rights in Ecuador” of 1997, from 1985 to 1995, there were between 25 and 30 forced disappearances.²⁹ For its part, the UN Working Group on Forced and Involuntary Disappearances informed on 17 cases of disappearances in Ecuador between 1985 and 1992, and indicated that the majority of the cases referred to persons who had been detained by members of the SIC of the National Police.³⁰

responsibility of this policy of the elimination of the subversion and of the alleged subversives falls on the former President of the Republic, León Febres Cordero and his Ministers of Government and Defense” (evidence file, folios 2207 to 2236).

²⁴ Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 2582).

²⁵ The Report of the Truth Commission of Ecuador states: “Since 1988 to date, successive governments in which in some of them many of the security doctrines and policies remained unchanged, while others only changed in name and form. Although the extent of human rights violations has diminished in terms of State policy, the repressive basis of many of the practices remained in different periods without substantial change with respect to the doctrine of security and some of the practices, such as torture and the undue use of force.” Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 2514).

²⁶ Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folios 2466 and 2466).

²⁷ Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 2467).

²⁸ Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 2467).

²⁹ Cf. Inter-American Commission on Human Rights. *Report on the Situation of Human Rights in Ecuador*, OEA/Ser.L/V/II.96, Doc.10 rev. 1, April 24, 1997, Chapter IV: RIGHT TO LIFE, E. Complaints on disappearances. Available at: <http://www.cidh.org/countryrep/ecuador-sp/Capitulo%204.htm>

³⁰ Cf. United Nations, Economic and Social Council, *Report of the Working Group on Forced and Involuntary Disappearances*, UN Doc. E/CN.4/1995/36, December 21, 1994, para. 145.

B. Forced disappearance of César Gustavo Garzón Guzmán

42. César Gustavo Garzón Guzmán was born on June 8, 1958. He was a writer and trainer at the Casa de Cultura of Ecuador and worked at the “El Conejo” publishing house. At the moment of the events, he was 32 years old and was writing his doctoral dissertation in literature.

B.1 Regarding the detention in 1989

43. On August 7, 1989, Mr. Garzón Guzmán was detained and taken to the García Moreno Prison, where he was held for approximately 13 months. During his detention, Mr. Garzón Guzmán was held *incomunicado* for four days and was tortured in order that he acknowledge that he belonged to an illegal armed group.³¹ He was accused of having committed various crimes and being involved in “subversive activities.”³² On September 7, 1990, the judge dismissed the case and freed Mr. Garzón Guzmán.

B.2 Regarding the facts around the disappearance of Mr. Garzón Guzmán

44. On the afternoon of November 9, 1990, Mr. Garzón Guzmán went to the “El Conejo” publishing house to pick up a check. At 17:30, he met a friend and went to the Exposition Center of Quito, where another friend met them. Later, the three of them went to the Chamber of Construction and met a fourth person. The group then went to the “Bar Tropical.” At 22:00, they left for the “Son Candela” discotheque, where they found two more friends. The discotheque is the last place where Mr. Garzón Guzmán was seen alive.³³

45. The family of Mr. Garzón Guzmán, upon noting that he did not return home, checked with his friends and family and, the following day, went to clinics, hospitals, jails and the morgue in an attempt to locate his whereabouts.³⁴ They also went to the Criminal Investigations Service of Pichincha (SIC-P) to denounce the disappearance, where the complaint was not received because 48 hours had not elapsed.³⁵

46. On November 16, 1990, a friend of Mr. Garzón Guzmán lodged a complaint concerning his disappearance to the National Police.³⁶ The same day, the Inspector General of the Police requested the relevant authorities to search for him. One month later, on December 17, 1990, the request was repeated.³⁷ The State disseminated police bulletins, which requested an

³¹ The arrest of Mr. Garzón Guzmán occurred on August 7, 1989 (evidence file, folio 11). However, he was only entered as a detainee on August 11, 1989 (evidence file, folio 9). Subsequently, Mr. Garzón Guzmán completed a “questionnaire on torture and mistreatment” in which he declared that after his arrest he was interrogated while being tortured by at least three policemen in the installations of the SIC-P (evidence file, folios 36 to 39). *Cf.* Vol. 4: History of Cases 1989 – 2008. Truth Commission of Ecuador, 2010 (evidence file, folio 3447)

³² *Cf.* Office of investigation of crime of Pichincha. Informative Report 1526 OIDP, August 22, 1994 (evidence file, folio 1103).

³³ *Cf.* Vol. 4: Case Histories 1989 – 2008. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folios 3447 to 3448)

³⁴ *Cf.* Vol. 4: Case Histories 1989 – 2008. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 3448)

³⁵ *Cf.* Statement of Clorinda Guzmán in the public hearing held on January 27, 2021.

³⁶ *Cf.* Vol. 4: Case Histories 1989 – 2008. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 3448)

³⁷ *Cf.* Telegram 900233-IGPN of November 16, 1990, signed by the Inspector General of the Police and Telegram No. 270-SICP of December 7, 1990, signed by the Head of Criminal Investigations (evidence file, folios 4427 and 4429).

investigation into the facts; took statements of family members and friends of Mr. Garzón Guzmán, as well as of the owners and employees of the places that he visited on the day of his disappearance; visited clinics, detention centers and the morgue and reviewed migratory movements.³⁸ None of these actions was successful.

47. On December 3, 1990, one of the friends who was with Mr. Garzón Guzmán at the discotheque was summoned to give testimony at the Department of Homocides of the SIC-P. There, she was "accused of being an active member of the Montoneras Patria Libre group," of being romantically involved with Mr. Garzón Guzmán and was threatened. In addition, her identification document was confiscated and not returned until December 4, 1990.³⁹

48. From the moment of the occurrence of the events, the mother of Mr. Garzón Guzmán, accompanied by family members of victims of human rights violations, went to the plaza in front of the Office of the President of the Republic to demand justice, the right to know the truth and that the body of her son be delivered to her.⁴⁰

49. More than ten years after the disappearance, on May 4, 2003, a newspaper published an article on General Edgar Vaca, which stated that "a former Intelligence Officer of the Army" assured "that General Vaca knows the whereabouts of the remains of Gustavo Garzón and he knows how Arturo Jarrín, a leader of the AVC [Alfaro Vive Carajo] was killed in the 80s." When he was questioned about being the mastermind of a police force that tortured and killed members of "Alfaro Vive Carajo," General Vaca responded that "then I had a hierarchical position and over me there was a whole institutional structure. It was not a policy of Edgar Vaca against the criminals, but of the institution in fulfillment of its institutional mission."⁴¹

50. On May 5, 2003, the Ecumenical Commission of Human Rights, the representative of the alleged victims, sent communications to the Ministers of Government and of Defense and requested them to order an exhaustive investigation into what had been published in the newspaper. There was no answer.⁴²

51. In June 2003, the newspaper "El Comercio" published an article in which it stated that "General Vaca knows exactly the whereabouts of the remains of Gustavo Garzón"⁴³ and another in which a friend of Mr. Garzón Guzmán asserted that the day of the events, he told him "I know that they are following me, the agents are following my steps." This latter article stated that a military intelligence officer had said that "behind the disappearance of the writer were the security forces of the State."⁴⁴

52. On May 3, 2007, by Executive Decree No. 305, a Truth Commission was formed in Ecuador with the purpose of investigating the human rights violations that occurred between 1984 and 1988. On June 6, 2010, the Truth Commission presented its final report "Without

³⁸ Cf. Information Report No. 051-SICP of January 8, 1991 to the Provincial Head of Criminal Investigations of Pichincha (evidence file, folios 4431 to 4434).

³⁹ Cf. Vol. 4: Case Histories 1989 – 2008. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 3449).

⁴⁰ Cf. Statement of Clorinda Guzmán in the public hearing held on January 27, 2021.

⁴¹ "Vaca, so powerful as to be untouchable." "El Comercio," May 4, 2003 (evidence file, folio 40).

⁴² Cf. Note 349 CEDHU/2003 of May 5, 2003, sent by the representative to the Minister of Government and the Minister of Defense (evidence file, folios 42 to 45).

⁴³ "The dark side of antsubversive espionage." "El Comercio," June 18, 2003 (evidence file, folio 49).

⁴⁴ "A search without echo of the disappeared." "El Comercio," May 19, 2003 (evidence file, folio 47).

Truth there in no Justice."⁴⁵

53. The Truth Commission documented the case of Mr. Garzón Guzmán and classified it as a forced disappearance. It stated that Mr. Garzón Guzmán disappeared two months after being released from the García Moreno Prison and that "it appears to be the responsibility of the National Police."⁴⁶ The report, in different parts, indicated the members of the National Police, without naming them, as the alleged persons responsible.⁴⁷

C. Internal procedures

54. The investigation regarding Mr. Garzón Guzmán can be condensed into three information reports produced by the Police:

C.1 First information report

55. On January 8, 1991, the Police published Information Report No. 051-SICP, which informed on the investigations conducted on the disappearance of the victim. The document states that the investigating officials received various denunciations concerning the disappearance and took a series of actions, among them taking the statements of the persons who had been with Mr. Garzón Guzmán on the day that he disappeared and of Luis Alberto Garzón Guzmán, brother of the victim. It also indicated that Luis Lascano and Rodrigo Guzmán, brother-in-law and brother of Mr. Garzón Guzmán had been interviewed.⁴⁸

56. The police also conducted an investigation into the cashing of a check on the day of the disappearance of the victim; visited hospitals, clinics, assistance houses, morgues and detention centers, in search of signs of the disappearance of Mr. Garzón Guzmán. They also contacted offices of emigration "in the possibility that Mr. CÉSAR GUSTAVO GARZÓN GUZMÁN had left the country," but the records did not show any migratory movement.⁴⁹

57. The police report also indicated that the investigation would continue its search to find Mr. Garzón Guzmán.

C.2 Second information report

58. On July 30, 1991, a Second Lieutenant of the Police issued Information Report No. 1972-SICP, explaining that agents had visited the "Son Candela," health centers, morgues, prisons and migration offices in Quito and Guayaquil in order to obtain new information, but were unsuccessful. It also indicated that a telegram had been sent to the Heads of the different offices of the National Police in May 1991, but there was no response. It stated that the investigations would continue into the whereabouts of the victim.⁵⁰

⁴⁵ Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 2369).

⁴⁶ Cf. Executive Summary. *Sin Verdad no hay Justicia*. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folio 2729).

⁴⁷ Cf. Vol. 5: Conclusions Recommendations. Final Report of the Truth Commission of Ecuador, 2010 (evidence file, folios 3817 and 4057)

⁴⁸ Cf. Information Report No. 051-SICP of January 8, 1991 addressed to the Provincial Head of Criminal Investigations of Pichincha (evidence file, folios 4431 to 4434).

⁴⁹ Cf. Information Report No. 051-SICP of January 8, 1991 sent to the Provincial Head of Criminal Investigations of Pichincha (evidence file, folios 4433 and 4434).

⁵⁰ Cf. Information Report No. 1972-SICP, of July 30, 1991, sent to the Provincial Head of Criminal Investigations of Pichincha (evidence file, folio 84).

C.3 Third information report

59. On August 22, 1994, the Second Lieutenant issued Information Report No. 1526-OIDP, informing on the status of the investigations into the disappearance of Mr. Garzón Guzmán. It stated that, because of Mr. Garzón Guzmán's statements during his detention in 1989, other active members of "Montoneras Patria Libre" were captured and, since the victim had disappeared three months after having obtained his freedom, it is presumed that members of that organization are linked to his disappearance. It stated that the investigations would continue until the case is totally clarified and the whereabouts of Mr. Garzón Guzmán is discovered.⁵¹

C.4 Judicial investigations

60. In September 2011, due to the work of the Truth Commission, a prior inquiry was begun with respect to this case.⁵² In May 2013, the family members of Mr. Garzón Guzmán lodged a complaint intended to shed light on what had occurred. Therefore, a new prior inquiry was begun in July 2013. On January 2, 2014, a second inquiry was joined to that already begun.⁵³ According to the information provided by the State, as of April 2019, the process was at the " pre-procedural inquiry stage."⁵⁴

VIII MERITS

61. The Court recalls that the State made a total recognition of international responsibility in relation to the rights alleged to have been violated by the Inter-American Commission and that the Court has decided to deliver a judgment on the merits of the present matter (*supra* para. 26). Therefore, in view of the State's recognition of responsibility and the Court's consistent case law, it will rule on the violations of the rights established in the Convention and recognized by the State in this case and on the allegations referring to the violation of Article 2 of the American Convention, in relation to Articles I and II of the Inter-American Convention on Forced Disappearance of Persons, in the terms raised by the representative of the victims. For that, the analysis of the merits will be divided into three main parts: (1) the violation of the rights to the recognition of juridical personality, personal freedom, personal integrity and life, in relation to the obligation to respect and guarantee the rights and the mandates of Article I(a) of the Inter-American Convention on Forced Disappearance of Persons; (2) the violation of the rights to judicial guarantees and to judicial protection in

⁵¹ Cf. Information Report No. 1526-0IDP, of August 22, 1994, sent to the Head of Criminal Investigations of Pichincha (evidence file, folio 86).

⁵² Cf. Prosecutor General of the Republic, Report No. FGE-DCVDH-2018-086 of July 9, 2018 (evidence file, folio 747) and communication No. 04530 of February 2, 2026, sent by the Prosecutor General of the Republic to the Inter-American Commission on Human Rights (evidence file, folio 1443)

⁵³ Cf. Ministry of Justice, Human Rights and Religion. Follow-up Report to the Merits Report No. 22/17. Case 11.587. César Gustavo Garzón Guzmán (evidence file, folio 791) and communication No. 04530 of February 2, 2016, sent by the Office of the Prosecutor General of the Republic to the Inter-American Commission on Human Rights (evidence file, folio 1443)

⁵⁴ "The present case is at the pre-procedural inquiry stage, since its opening on October 28, 2011, in which the parameters established in the domestic normative and the international instruments of the protection of human rights have been complied with and the Protocols and Directives have been applied in the search and localization of the disappeared persons, forced disappearances, sent by the Council of the Judicature and the Prosecutor General of the Republic." Cf. Communication No. FGE-GCVDH-2019-009160 of April 9, 2019, sent by the Prosecutor General of the Republic to the National Director of Human Rights of the Office of the Prosecutor General of the Republic (evidence file, folios 4438 to 4440).

relation to the obligation to respect and guarantee the rights, the duty to adopt provisions of domestic law and the mandates of Article I(b) of the Inter-American Convention on Forced Disappearance of Persons, and (3) the violation of the right to physical integrity of the next of kin of Mr. Garzón Guzmán, in relation to the obligation to respect and guarantee the rights.

VIII-1

RIGHTS TO THE RECOGNITION OF JURIDICAL PERSONALITY, PERSONAL FREEDOM, PERSONAL INTEGRITY AND LIFE, IN RELATION TO THE OBLIGATION TO RESPECT THE RIGHTS⁵⁵ AND THE MANDATES OF ARTICLE I(A) OF THE INTER-AMERICAN CONVENTION ON FORCED DISAPPEARANCE OF PERSONS

A. Considerations of the Court

62. This Court has repeatedly referred to the multiple nature of a forced disappearance and its permanent and continuous character, which begins with the deprivation of freedom and the lack of information on the person's fate and it continues until the person's whereabouts is known or the remains are identified with certainty.⁵⁶ The Court has also established that forced disappearance is a human rights violation comprised of three concurrent elements: a) the deprivation of freedom; b) the direct intervention of State agents or their acquiescence and c) the refusal to recognize the detention or the lack of information on the fate or whereabouts of the person.⁵⁷ These elements have also been identified in the Inter-American Convention on Forced Disappearance of Persons;⁵⁸ the Statute of Rome;⁵⁹ the definitions of the UN Working Group on Forced or Involuntary Disappearances;⁶⁰ as well as the case law of the European Court of Human Rights⁶¹ and the decisions of different international instances.⁶² In addition, this Court has referred on different occasions to cases of forced disappearances in Ecuador.⁶³

63. Thus, by virtue of the State's recognition of responsibility, its consistent case law in the area of forced disappearance and the proven facts, the Court does not deem it necessary to rule on the elements that comprise forced disappearance and its configuration in this specific case, nor on the scope of the violation of the rights to recognition of juridical personality,

⁵⁵ Articles 3, 4, 5 and 7 of the American Convention, in relation to Article 1(1) thereof.

⁵⁶ Cf. Inter-American Convention on Forced Disappearance of Persons. Article III; *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, paras. 155 to 157 and *Case of Munárriz Escobar et al. v. Peru. Preliminary Objection, Merits, Reparations and Costs*. Judgment of August 20, 2018. Series C No. 355, para. 65.

⁵⁷ Cf. *Case of Gómez Palomino v. Peru. Merits, Reparations and Costs*. Judgment of November 22, 2005. Series C No. 136, para. 97 and *Case of Munárriz Escobar et al. v. Peru, supra*, paras. 63 and 80.

⁵⁸ Cf. Inter-American Convention on Forced Disappearance of Persons. Article II.

⁵⁹ Cf. Statute of Rome. Article 7(1)(i).

⁶⁰ Cf. Council of Human Rights. Report of the Working Group on Forced or Involuntary Disappearances. Best practices of the national criminal legislation in the area of forced disappearances. A/HRC/16/48/Add.3, December 28, 2010, paras. 21-32.

⁶¹ Cf. ECHR, *Cyprus v. Turkey* [GS], No 25781/94, Judgment of May 10, 2001, paras. 132 to 134 and 147 to 148 and ECHR, *Varnava et al. v. Turkey* [GS], Nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 y 16073/90, January 10, 2008.

⁶² Cf. Committee of Human Rights, *Nydia Erika Bautista de Arellana v. Colombia* (Communication No. 563/1993), UN. Doc. CCPR/C/55/D/563/1993, November 13, 1995, para. 8.3 to 8.6 and Committee of Human Rights, *Messaouda Grioua and Mohamed Grioua v. Algeria* (Communication No. 1327/2004), UN Doc. CCPR/C/90/D/1327/2004, July 10, 2007, para. 7(2), 7(5) to 7(9).

⁶³ Cf. *Case of Benavides Cevallos v. Ecuador. Merits, Reparations and Costs, supra* and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*. Judgment of February 15, 2017. Series C No. 332.

personal freedom, personal integrity and life, in relation to the obligation to respect established in Article 1(1) of the American Convention, and Article I(a) of the Inter-American Convention on Forced Disappearance of Persons, since the forced disappearance of Mr. Garzón Guzmán has been proved and the State has recognized its international responsibility for the violations involved in the recognition.

64. Based on the foregoing, the Court concludes that Mr. Garzón Guzmán was the victim of a forced disappearance and finds that the State is responsible for the violation of his rights recognized in Articles 3, 4(1), 5(1), 5(2) and 7 of the American Convention, in relation to Article 1(1) thereof, and Article I(a) of the Inter-American Convention on Forced Disappearance of Persons, the latter as of August 26, 2006.

VIII-2
RIGHTS TO JUDICIAL GUARANTEES AND TO JUDICIAL PROTECTION, IN RELATION TO THE OBLIGATIONS TO RESPECT AND GUARANTEE THE RIGHTS, THE DUTY TO ADOPT PROVISIONS OF DOMESTIC LAW⁶⁴ AND THE MANDATES OF ARTICLE I(B) OF THE INTER-AMERICAN CONVENTION ON FORCED DISAPPEARANCE OF PERSONS

A. Arguments of the representative of the victims

65. The **representative** agreed with the arguments of the Commission with respect to those that involved recognition by the State of its international responsibility and, in addition, alleged the violation of Article 2 of the American Convention because, at the moment of the events, the crime of the forced disappearance of persons had not been defined.

B. Considerations of the Court

66. The Court recalls that the obligation to investigate human rights violations is one of the positive measures that States must take in order to guarantee the rights recognized in the Convention. Beginning with its very first judgment, the Court has emphasized the importance of the State's duty to investigate and punish this type of violation,⁶⁵ which acquires a special importance in view of the gravity of the offense and the nature of the infringed rights.⁶⁶ This obligation also arises from other inter-American instruments. In cases of forced disappearances, the obligation to investigate is reinforced by Article I(b) of the Inter-American Convention on Forced Disappearance of Persons,⁶⁷ in force for Ecuador since August 26, 2006.

67. Additionally, the Court has considered that, when a forced disappearance occurs, it is necessary that it effectively be considered and treated as an illegal act that must have as a consequence the imposition of sanctions on whoever committed, instigated, covered up or on whoever had in any other form participated in it.⁶⁸ In this respect, the Court has consistently

⁶⁴ Articles 8(1) and 25 of the American Convention, in relation to Articles 1(1) and 2 thereof.

⁶⁵ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 166 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs, supra*, para. 184.

⁶⁶ Cf. *Case of Goiburú et al. v. Paraguay. Merits, Reparations and Costs*. Judgment of September 22, 2006. Series C No. 153, para. 128 and *Case of Munárriz Escobar et al. v. Peru, supra*, para. 92.

⁶⁷ Article I(b) of the Inter-American Convention on Forced Disappearance of Persons establishes: "The States Parties in this Convention undertake to "(b) To punish, within their jurisdiction, those persons who commit or attempt to commit the crime of forced disappearance of persons and their accomplices and accessories."

⁶⁸ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, paras. 176 and 177 and *Case of Tenorio Roca et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs*. Judgment of June 22, 2016. Series C No. 314, para. 168.

pointed out that the duty to investigate is an obligation of means and not of result that must be assumed by the State as its legal duty and not as a simple formality preordained to be ineffective or as a step that depends upon the initiative of the victims or their next of kin or upon their offer of proof.⁶⁹ The investigation must also be serious, objective and effective and directed to determine the truth and to the pursuit, arrest, and eventual prosecution and punishment of the perpetrators.⁷⁰ Due diligence requires the investigating body to carry out every measure and inquiry necessary to obtain the required result.⁷¹

68. The State recognized its international responsibility in this case for the violations of the rights of judicial guarantees and to judicial protection of Mr. Garzón Guzmán and his next of kin. However, the Court deems it relevant to analyze the violation of these rights to establish their scope in this specific case. Thus, the Court will make reference to: 1) the duty of the State to undertake *de officio* and conduct the investigations with due diligence; 2) the omission of the duty of due diligence in the search for Mr. Garzón Guzmán and the alleged violation of the duty to adopt provisions of domestic law, and 3) the guarantee of a reasonable time and the right to know the truth.

B.1 Duty to undertake de officio and conduct the investigations with due diligence

69. With respect to the duty to undertake an investigation *de officio*, the Court has stated that, whenever there is reason to believe that a person has been forcibly disappeared, the State must undertake a criminal investigation, even without a formal complaint.⁷² This obligation is independent of whether there exists a complaint since, in cases of forced disappearance, international law and the general duty to guarantee impose upon the States the obligation to investigate the case *ex officio*, without delay and in a serious, impartial and effective manner and that it does not depend upon the initiative of the victim or his family members or upon their offer of proof.⁷³

70. It has been shown in this case that the next of kin of Mr. Garzón Guzmán informed the State authorities regarding his disappearance in the days following the occurrence of the events. The State, therefore, had the obligation to undertake an investigation *de officio*, independent of whether a formal complaint had been filed.

71. The Court also finds that, although a formal complaint was filed on November 16, 1990 and that there were numerous public complaints and press reports in 2003 (*supra* paras. 49 and 51), more than 20 years had elapsed before a judicial investigation was opened to establish the facts of the case. This occurred only because the Truth Commission had begun

⁶⁹ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 177 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs, supra*, para. 200.

⁷⁰ Cf. *Case of Juan Humberto Sánchez v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 7, 2003. Series C No. 99, para. 127 and Case of Carvajal Carvajal et al. v. Colombia. Merits, Reparations and Costs. Judgment of March 13, 2018. Series C No. 352, para. 102.*

⁷¹ Cf. *Case of the Serrano Cruz Brothers v. El Salvador. Merits, Reparations and Costs. Judgment of March 1, 2005. Series C No. 120, para. 83 and Case of Carvajal Carvajal et al. v. Colombia, supra*, para. 102.

⁷² Cf. *Case of Anzaldo Castro v. Peru. Preliminary Objection, Merits, Reparations and Costs, supra*, para. 65, and *Case of Tenorio Roca et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 168. In addition, Article 12(2) of the International Convention for the Protection of All Persons from Enforced Disappearance states: "Where there are reasonable grounds for believing that a person has been subjected to an enforced disappearance, the authorities referred to in paragraph 1 shall undertake an investigation, even if there has been no formal complaint."

⁷³ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 177 and *Case of Tenorio Roca et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 168.

its activities. In any event, the State did not offer any explanation that would justify the lack of a judicial investigations for more than 20 years.

72. The Court notes that, according to the information provided by the State, as of January 2001 the investigation into the possibility of a forced disappearance committed by State agents had not advanced substantially,⁷⁴ notwithstanding that this was the conclusion in the Final Report of the Truth Commission. This demonstrates that the judicial investigations were not aware of the substantive progress in the investigation of what occurred, specifically in the hypotheses that have been recognized at the national and international levels by the State.

73. In view of the foregoing and of the State's recognition of international responsibility, the Court holds that the State violated the obligation to undertake *de officio* and to conduct with due diligence the investigations into the forced disappearance of Mr. Garzón Guzmán. This also constitutes a violation of Article I(b) of the Inter-American Convention on Forced Disappearance of Persons, according to which the States Parties undertake to "punish within their jurisdictions, those persons who commit or attempt to commit the crime of forced disappearance of persons and their accomplices and accessories."

B.2 Omission of the duty of due diligence in the search for Mr. Garzón Guzmán and the alleged violation of the duty to adopt provisions of domestic law

74. On multiple ocasiones, this Court has ruled on the States' obligations to conduct a serious investigation, through judicial or administrative channels, in which they make every effort, in a systematic and rigorous manner, with the adequate and appropriate human, technical and scientific resources to locate the whereabouts of disappeared persons.⁷⁵ In this respect, the Court has pointed out that, in order that an investigation into an alleged forced disappearance be conducted efficiently and with due diligence, the authorities in charge must use all the necessary means to promptly carry out the essential and timely actions and inquiries to clarify the fate of the disappeared persons.⁷⁶

75. In view of the above, although the duty of due diligence in the search is related to the obligation to investigate the offense of enforced disappearance, it has an autonomous nature. The Court so recognized when it indicated that the search may use means other than judicial. In this same sense, the International Convention on Enforced Disappearances refers to the obligation to search for and locate the disappeared persons as an autonomous obligation⁷⁷ and the UN Committee against Enforced Disappearances⁷⁸ has also so ruled. The Guiding

⁷⁴ The expert Juan Pablo Albán underscored that "in the specific context of the present case, the State's line of argument seems to suggest that it considers that what might have occurred is a kind of involuntary disappearance, understood as one in which the arrest, detention, kidnapping or any other form of the deprivation of freedom is the work of persons or groups of persons who acted without the authorization, support or the acquiescence of the State, as the International Convention for the Protection of All Persons from Enforced Disappearances states." Affidavit of the expert Juan Pablo Albán, (evidence file, folio 4512).

⁷⁵ Cf. *Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala. Merits, Reparations and Costs*. Judgment of November 20, 2012. Series C No. 253, para. 334 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 154.

⁷⁶ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 174 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs, supra*, para. 199.

⁷⁷ Cf. International Convention for the Protection of All Persons from Enforced Disappearances, Articles 15, 19(1), 24(2), 24(3), 25(2) and 25(3).

⁷⁸ Cf. Committee against Enforced Disappearances, Final Observations on the Report submitted by Spain under Article 29(1) of the Convention, UN Doc. CED/C/ESP/CO/1, December 12, 2013, para. 32, Committee against Enforced Disappearances, Final Observations on the Report submitted by Burkina Faso under Article 29(1) of the Convention, UN Doc. CED/C/BFA/CO/1, May 24, 2016, para. 40; Committee against Enforced Disappearances, Final

Principles for the Search of Disappeared Persons state that the authorities responsible should launch the search on their own initiative, even when no formal complaint or request has been made;⁷⁹ that “the search for the disappeared persons and the criminal investigation of those responsible for the disappearance should be mutually reinforcing,” and “the comprehensive search of the disappeared persons should be initiated and conducted with the same effectiveness as the criminal investigation.”⁸⁰

76. In the present case, the Court finds that the State has not carried out effective judicial or administrative actions that would locate the whereabouts of Mr. Garzón Guzmán. For example, before initiating the judicial investigation in 2011, the authorities only presented hypotheses, such as Mr. Garzón Guzmán had disappeared at the hands of members of a subversive group or had left the country. In addition, they never investigated the police installations where Mr. Garzón Guzmán might have been detained. The activities deployed by the State were limited to check whether the authorities had someone detained with that name and to visit clinics, hospitals and the morgue. All of this indicates that Mr. Garzón Guzmán had already been without the protection of the law during the time that he was tortured after being detained (*supra* para. 43).

77. Therefore, the Court concludes that the State violated its obligation to conduct, with due diligence, a serious, coordinated and systematic search for the victim until it could determine with certainty his fate or his whereabouts, which also constitutes a violation of the right to access to justice to the detriment of his next of kin.

78. For its part, the representative argued that Article 2 of the American Convention, in relation to Articles I and II of the Inter-American Convention on Forced Disappearance of Persons, had been violated because, as of the date of the event, the forced disappearance of persons had not been defined as an offense in Ecuador.

79. The Court has repeatedly referred to the States’ general obligation to adapt their domestic legal order to the standards of the American Convention. In this specific case that obligation is related to the terms of Article III of the Inter-American Convention on Forced Disappearance of Persons, which establishes the obligation to define as an autonomous offense the forced disappearance and to define the punishable conducts that comprise the offense.⁸¹

80. In 2014, the offense of forced disappearance was introduced into Ecuadorian law by Article 84 of the Integral Organic Criminal Code (hereinafter COIP), which establishes:

Force disappearance. – A State agent or whoever acts with his consent, who by any means, deprives a person of his freedom, followed by a lack of information or the refusal to recognize the deprivation of freedom or to inform on the whereabouts or fate of a person that would impede the exercise of the constitutional or legal guarantees, shall be punished with a sanction of 22 to 26 years in prison.⁸²

Observations on the Report submitted by Honduras under Article 29(1) of the Convention, UN Doc. CED/C/HND/CO/1, May 25, 2018, para. 30(f) and Committee against Enforced Disappearances, Final Observations on the Report submitted by Chile under Article 29(1) of the Convention, UN Doc. CED/C/CHL/CO/1, April 18, 2019, para. 27(a).

⁷⁹ Cf. Committee against Enforced Disappearances, Guiding Principles for the Search for Disappeared Persons, UN Doc. CED/C/7. Principle 6.

⁸⁰ Cf. Committee against Enforced Disappearances. Guiding Principles for the Search for Disappeared Persons, UN Doc. CED/C/7. Principle 13.

⁸¹ Cf. *Case of Heliodoro Portugal v. Panama. Preliminary Objections, Merits, Reparations and Costs*. Judgment of August 12, 2008. Series C No. 186, para. 181 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 174.

⁸² Article 84 of the Integral Organic Criminal Code. Official Registry, Supplement 180 of February 10, 2014.

81. The Court notes that the Inter-American Convention on Forced Disappearance of Persons entered into force for Ecuador on August 26, 2006 and the Integral Organic Code was adopted in 2014. Thus, it was only until February 2014 that the State defined the offense of forced disappearance in its domestic law and included in that law the elements that this criminal offense should contain according to Article II of the Inter-American Convention. However, in September 2011, due to the work of the Truth Commission, the Prosecutor General initiated an inquiry in relation to the forced disappearance of Mr. Garzón Guzmán (*supra* para. 60). The representative did not provide information or elements that would permit the Court to establish the impact of the lack of an autonomous definition of the offense of forced disappearance in the investigations and actions of the search initiated in this case. Therefore, the Court does not have the necessary information to analyze the alleged violation of Article II of the Inter-American Convention.

B.3 Guarantee of a reasonable time and the right to know the truth

82. The Court has stated that the right to access to justice implies taking the necessary actions to determine the truth of what occurred and punish those responsible within a reasonable time.⁸³ The Court considers that the process concludes when there is a definitive and final judgment on the matter. It has also considered that a prolonged time may constitute, in and of itself, a violation of the judicial guarantees set out in Article 8(1) of the Convention.⁸⁴

83. In this case, although the Court appreciates the State's recognition of international responsibility, it considers it necessary to emphasize that the judicial investigations into the disappearance of Mr. Garzón Guzmán initiated in 2011, after the work of the Truth Commission and more than 20 years after the filing of the complaint of his disappearance. Since then, the judicial proceedings have not made significant progress to the point that, ten years after the investigations began, these are now in a preliminary stage and have not produced any results, excessively exceeding any time that might be considered reasonable.⁸⁵

84. The Court considers that the fact that more than 20 years have elapsed between the disappearance of Mr. Garzón Guzmán and the initiation of a judicial investigation and that more than 30 years after the occurrence of the events the investigations have not produced any result, is a violation of the guarantee of a reasonable time. Therefore, the Court does not find it necessary to make a detailed analysis of the elements.

85. In view of the foregoing and of the State's recognition of international responsibility, the Court finds that the State has violated its obligation to guarantee a reasonable time for the investigation and criminal proceedings of the forced disappearance of Mr. Garzón Guzmán.

⁸³ Cf. *Case of Bulacio v. Argentina. Merits, Reparations and Costs*. Judgment of September 18, 2003. Series C No. 100, para. 114 and *Case of Guerrero, Molina et al. v. Venezuela. Merits, Reparations and Costs, supra*, para. 136.

⁸⁴ Cf. *Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago. Merits, Reparations and Costs*. Judgment of June 21, 2002. Series C No. 94, para. 145 and *Case of Mota Abarullo et al. v. Venezuela. Merits, Reparations and Costs*. Judgment of November 18, 2020. Series C No. 417, para. 122.

⁸⁵ Cf. In view of the time elapsed and the recognition of international responsibility, the Court does not consider it necessary to make an exhaustive analysis of the elements of a reasonable time. That would imply, in determining whether there was reasonableness in the time elapsed, to make a thorough examination of different elements of the case: a) the complexity of the matter; b) the procedural activity of the interested party; c) the conduct of the judicial authorities, and d) the harm created to the legal situation Cf. *Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations and Costs*. Judgment of November 27, 2008. Series C No. 192, para. 155 and *Case of Terrones Silva et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 193.

86. The Court recalls that every person, including the family members of the victims of grave human rights violations, has the right to know the truth of what occurred. Therefore, the family members of the victims and society should be informed of what occurred with respect to such violations. Although the right to know the truth has been basically found within the right to access to justice, it has a broad nature and its infringement can affect different rights established in the American Convention, depending on the particular circumstances of the case.⁸⁶

87. In cases of forced disappearances, the right to know the whereabouts of the victims is an essential component of the right to truth. In this case, more than 30 years after the first news of the forced disappearance of Mr. Garzón Guzmán, his whereabouts is still unknown. Although the case was included in the Report of the Truth Commission, which indicated that Mr. Garzón Guzmán was the victim of a forced disappearance presumably committed by State agents -and the Court recognizes that the Report is the best effort available to clarify what occurred- that type of report, while important, is a complement and not a substitute for the State's obligation to establish the truth by means of judicial proceedings.⁸⁷ In addition, the Report makes no reference in any way to the whereabouts or fate of Mr. Garzón Guzmán.

88. Therefore, the Court declares the violation of the right to know the truth, to the detriment of the next of kin of Mr. Garzón Guzmán. In this case in particular, this violation is part of the right to access to justice.

C. Conclusion

89. The Inter-American Court finds that the State of Ecuador: i) failed to comply with its duty to initiate *de officio* and conduct, with due diligence, the investigations relating to the forced disappearance of Mr. Garzón Guzmán; 2) failed to comply with its duty of due diligence in searching for Mr. Garzón Guzmán and 3) failed in its duty to guarantee a reasonable time in the judicial proceedings and the right to know the truth. Therefore, the Court concludes that the State is responsible for the violation of Articles 8(1) and 25(1) of the Convention, in relation to Article 1(1) thereof, and Article I(b) of the Inter-American Convention on Forced Disappearance of Persons, the latter as of August 26, 2006, to the detriment of César Gustavo Garzón Guzmán and Julio Garzón, Clorinda Guzmán, Luis Alberto Garzón Guzmán, Rodrigo Garzón Guzmán, Luis Lascano and Ana Julia Lascano, as next of kin of Mr. Garzón Guzmán.

VIII-3

RIGHT TO PERSONAL INTEGRITY OF THE NEXT OF KIN OF MR. GARZÓN GUZMÁN, IN RELATION TO THE OBLIGATION TO RESPECT AND ENSURE THE RIGHTS⁸⁸

A. Considerations of the Court

⁸⁶ Cf. *Case of Trujillo Oroza v. Bolivia. Reparations and Costs*. Judgment of February 27, 2002. Series C No. 92, para. 100 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs, supra*, para. 213. This Court also finds that different instances have recognized the autonomous nature of the right to truth in cases related to grave human rights violations. Cf. Human Rights Commission, *Study on the right to truth*, Report of the Office of the United Nations High Commissioner of Human Rights, UN Doc. E/CN.4/2006/91, January 9, 2006, para. 42.

⁸⁷ Cf. *Case of Zambrano Vélez et al. v. Ecuador. Merits, Reparations and Costs*. Judgment of July 4, 2007. Series C No. 166, para. 128 and *Case of Rodríguez Vera et al. (The Disappeared from the Palace of Justice) v. Colombia. Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 14, 2014. Series C No. 287, para. 510.

⁸⁸ Article 5(1) of the American Convention, in relation to Article 1(1) thereof.

90. The Court has repeatedly considered that, in cases involving the forced disappearance of persons, it is possible to understand that the violation of the right to the mental and moral integrity of the victim's family members is a direct consequence of this phenomenon, which causes them severe suffering for the event itself that is increased, among other factors, by the constant refusal of the State authorities to provide information on the victim's whereabouts or to conduct an effective investigation to clarify what occurred. This distress leads to a presumption of harm to the mental and moral integrity of the family members. In previous cases, the Court has established that such a presumption is established *juris tantum* with respect to parents, children, spouses, permanent companions and siblings as long as they correspond to the specific circumstances of the case.⁸⁹

91. In this case, the State recognized its responsibility for the violation of the right to personal integrity of the family members of Mr. Garzón Guzmán identified in the Merits Report. Some of the statements made before the Court allow it to note that those persons have endured uncertainty, suffering and anguish in detriment to their mental and moral integrity due to the forced disappearance of Mr. Garzón Guzmán and the actions of the State authorities.

92. Specifically, the Court finds that the mother of Mr. Garzón Guzmán was revictimized while she was searching for her son. Thus, according to her statement in the public hearing before the Court, her protest in front of the Palace of Government: "sometimes they were pacific, other times they were rather unpleasant because they broke the placards, each of us left with a placard of their disappeared person, they broke the placards, they used tear gas, sometimes they forced us from the Palace of Government, we had to go a block away." According to the statement of her son, Iván Rodrigo Garzón Guzmán, Clorinda Guzmán participated in these manifestations until approximately 2010.⁹⁰ In those activities, only Mrs. Guzmán participated "since she feared for the security of the other members of her family."⁹¹

93. Thus, in addition to the uncertainty, suffering and anguish of the next of kin of Mr. Garzón Guzmán, his mother endured specific forms of revictimization when she was searching for her son and for the lack of a differential focus in the search.

94. In view of the above, the Court finds that the State violated the right to personal integrity recognized in Article 5(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Julio Garzón, Clorinda Guzmán de Garzón, Luis Alberto Garzón Guzmán, Rodrigo Garzón Guzmán, Luis Lascano and Ana Julia Lascano, as next of kin of Mr. Garzón Guzmán.

IX REPARATIONS

95. Based on the provisions of Article 63(1) of the American Convention, the Court has indicated that any violation of an international obligation that has caused harm entails the duty to make adequate reparation, and that this provision reflects a customary norm that constitutes one of the fundamental principles of contemporary international law on State responsibility.⁹²

⁸⁹ Cf. *Case of Blake v. Guatemala. Merits*. Judgment of January 24, 1998. Series C No. 36, para. 114 and *Case of Guachalá Chimbo et al. v. Ecuador, Merits, Reparations and Costs, supra*, para. 217.

⁹⁰ Affidavit of Iván Rodrigo Garzón Guzmán (evidence file, folio 4563).

⁹¹ Affidavit of Iván Rodrigo Garzón Guzmán (evidence file, folio 4565).

⁹² Cf. *Case of Velásquez Rodríguez vs. Honduras. Reparations and Costs*. Judgment of July 21, 1989. Series C

96. Reparation for the harm caused by the breach of an international obligation requires, whenever possible, full restitution (*restitutio in integrum*), which consists of reestablishing the situation prior to the violation. If this is not feasible, as in the majority of cases of human rights violations, the Court may order measures to protect the violated rights and repair the harm caused by the violations.⁹³

97. International jurisprudence, and especially that of this Court, has repeatedly established that the judgment is, *per se*, a form of reparation.⁹⁴ Nevertheless, considering the circumstances of the present case and the suffering that the violations caused to the victims, the Court finds it relevant to establish the measures that it will identify in this chapter.

A. Injured parties

98. The Court reiterates that it considers the injured party, pursuant to the provisions of Article 63(1) of the Convention, anyone who has been a declared victim of the violation of any right recognized therein. Therefore, the Court considers the injured parties to be César Gustavo Garzón Guzmán; his father, Julio Garzón; his mother, Clorinda Guzmán; his brothers, Luis Alberto Garzón Guzmán and Rodrigo Garzón Guzmán; his brother-in-law, Luis Lascano, and his niece, Ana Julia Lascano, who as victims of the violations declared in Chapter VIII will be the beneficiaries of what the Court orders below. The Court takes note that Julio Garzón, father of Cesar Gustavo Garzón Guzmán, died during the proceedings of this case.

B. Obligation to investigate the facts and identify, prosecute and, if applicable, punish those responsible, as well as to determine the whereabouts of the victim

B.1 Investigation, determination, prosecution and, if applicable, punishment of all those responsible

99. The **Commission** requested that the Court order that the relevant proceedings be carried out for the offense of the forced disappearance of Mr. Garzón Guzmán, in an impartial and effective manner and within a reasonable time, in order to shed light on what occurred, identify those responsible and impose the relevant sanctions. It also asked that the Court order administrative, disciplinary or criminal measures for the acts or omissions of the State agents who contributed to the denial of justice and to the impunity that exists in the case, including the acts or omission of authorities who might have impeded the search.

100. The **representative** requested that the State conduct, as soon as possible, an investigation to clarify the facts and punish those responsible.

101. The **State** did not refer specifically to this matter.

102. The **Court** has declared in this Judgment that the State is responsible for the violation of the right to access to justice of the victims in that it failed in its obligation to initiate an

No. 7, para. 25 and *Case of Jenkins v. Argentina. Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 26, 2019. Series C No. 397, para. 122.

⁹³ Cf. *Case of Velásquez Rodríguez v. Honduras. Reparations and Costs*, *supra*, para. 26 and *Case of Almeida v. Argentina. Merits, Reparations and Costs*. Judgment of November 17, 2020. Series C No. 416, para. 55.

⁹⁴ Cf. *Case of Neira Alegría et al. v. Peru. Reparations and Costs*. Judgment of September 19, 1996. Series C No. 29, para. 56 and *Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs*. Judgment of March 6, 2019. Series C No. 375, para. 267.

investigation on its own within a reasonable time and because it has not conducted a serious search to establish the whereabouts of Mr. Garzón Guzmán, incurring also in a violation of the right to know the truth.

103. Given that criminal proceedings have been opened for the forced disappearance of Mr. Garzón Guzmán and in view of its consistent case law,⁹⁵ the Court orders that the State must continue, effectively and with due diligence, the ongoing investigations and the criminal proceedings. To do this, it must open the lines of investigation that are necessary in order to identify, prosecute and, if applicable, punish those responsible for the forced disappearance of Mr. Garzón Guzmán within a reasonable time and with the purpose of establishing the truth of what had occurred. For this, the State must take all relevant measures to remove the obstacles that maintain impunity in this case. Due diligence in the investigation implies that all of the State authorities are obligated to collaborate in gathering evidence and, therefore, they must provide the judge, prosecutor or other competent authorities with all of the information and must abstain from actions that might obstruct the investigative process.⁹⁶

104. Specifically, the State must ensure that the investigations take into account every hypothesis of what might have occurred, placing special attention on those that have been recognized by the State within the framework of these proceedings; namely, that Mr. Garzón Guzmán was the victim of a forced disappearance committed by State agents. In addition, the State must ensure that the following criteria are observed:⁹⁷

- a. conduct the relevant investigation with respect to the present case, without any omissions in the collection of evidence and in the follow-up of the logical lines of investigation;
- b. investigate with due diligence, including all the elements involved in the forced disappearance;
- c. identify and individualize the presumed intellectual and material perpetrators of the forced disappearance of the victim;
- d. ensure that the competent authorities conduct the pertinent investigations *ex officio* and that they have available and use all the necessary logistical and scientific resources to collect and process the evidence and, specifically, that they have the authority to examine the relevant documentation and information in order to investigate the denounced acts and to conduct, in a timely manner, the essential actions and inquiries to shed light on what occurred to Mr. Garzón Guzmán,
- e. in view of the gravity of the events, the State must not apply laws of amnesty nor provisions of prescription, nor employ reasons to exclude responsibility, which in reality are excuses to impede the investigation.

105. In accordance with its consistent case law, the Court reiterates that the State must

⁹⁵ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 174 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs, supra*, para. 199.

⁹⁶ Cf. *Case of Myrna Mack Chang v. Guatemala. Merits, Reparations and Costs. Judgment of November 25, 2003. Series C No. 101*, para. 277 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 203.

⁹⁷ Cf. *Case of Vásquez Durand et al. v. Ecuador, Preliminary Objections, Merits, Reparations and Costs, supra*, para. 203.

ensure that the victims or their family members have full access and capacity to act at every stage of the investigation and of the prosecution of those responsible. That participation is based on their rights to access to justice and knowing the truth of what happened.⁹⁸

B.2 Determination of the whereabouts of the victim

106. The **Commission** requested that the Court order the State “to investigate fully, impartially and effectively the whereabouts of Mr. Garzón Guzmán.” It also requested that, if applicable, the Court order the State “to adopt the necessary measures to deliver to the next of kin the remains, according to their wishes.”

107. The **representative** requested that the State be ordered to deliver the remains or to inform on the location of the remains of the victim.

108. The **State** made no specific reference to this matter.

109. In the present case, the whereabouts of Mr. Garzón Guzmán is still unknown and, to date, the State has not adopted measures tending to determine his fate. The Court underscores that Mr. Garzón Guzmán was forcibly disappeared more than 30 years ago and, therefore, his next of kin have the reasonable expectation that his whereabouts would have been identified, which would be a measure of reparation and, thus, creates the correlative duty of the State to satisfy it. At the same time, that would allow the next of kin to alleviate the anguish and suffering caused by this uncertainty.⁹⁹

110. Consequently, the State must conduct a rigorous search by relevant judicial and administrative means, in which it makes every effort to determine, as soon as possible, the whereabouts of Mr. Garzón Guzmán. To do so, it must use the adequate and appropriate human, technical and scientific resources. It must establish a communications strategy with the next of kin and agree to a coordinated action for their participation, knowledge and presence, in accordance with the pertinent directives and protocols. In the event that it is established that the victim is deceased, his remains must be delivered to his next of kin, after having been positively identified, as soon as possible and without any cost to them. In addition, the State must pay the funeral expenses, if applicable, in agreement with the next of kin.¹⁰⁰

C. Measures of rehabilitation

111. The **Commission** requested the implementation of a program of appropriate attention to the next of kin of Mr. Garzón Guzmán, in consultation with them.

112. The **representative** requested that adequate medical and psychological attention be provided to the family members of Mr. Garzón Guzmán.

113. The **State** indicated that it had already provided medical and psychological attention to the family members of Mr. Garzón Guzmán as part of the priority attention given to victims

⁹⁸ Cf. *Case of the Caracazo v. Venezuela. Reparations and Costs*. Judgment of August 29, 2002. Series C No. 95, para. 118 and *Case of Olivares Muñoz et al. v. Venezuela. Merits, Reparations and Costs*, *supra*, para. 152.

⁹⁹ Cf. *Case of Neira Alegría et al. v. Peru. Reparations and Costs*, *supra*, para. 69 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 208.

¹⁰⁰ Cf. *Case of Contreras et al. v. El Salvador. Merits, Reparations and Costs*. Judgment of August 31, 2011. Series C No. 232, para. 191 and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs*, *supra*, paras. 229 and 231.

that was created by the Program of Reparation for Victims. It emphasized that the family members of Mr. Garzón Guzmán informed the Ombudsman that they considered the psychological support was extemporaneous and that they had decided not to accede to the Law of Victims because it would mean renouncing their international claims. Nevertheless, the State informed that it had maintained contact with the family members of Mr. Garzón Guzmán and remitted a report on the psychological attention received by Iván Rodrigo Garzón Guzmán and Luis Alberto Garzón Guzmán. It also indicated that it had provided medical and psychological attention to the brothers of Mr. Garzón Guzmán, who were not identified as victims by the Commission.

114. The **Court** considers, as it has in other cases,¹⁰¹ that regardless of the State's actions, it is necessary to order a measure of reparation directed at providing adequate attention to the psychological and psychiatric ailments of the family members of Mr. Garzón Guzmán (*supra* paras. 90-94). Consequently, the Court finds that the State must provide without charge, through its specialized health institutions, immediately, adequately and effectively the psychological and psychiatric treatment that the victims require, with prior informed consent and for the time necessary, including the free provision of medications that eventually may be required, bearing in mind the ailments of each beneficiary. The respective treatments must also be provided, to the extent possible, in places chosen by the victims. The victims have six months, from the notification of this Judgment, to require that the State provide the treatment.¹⁰² In providing the psychological and/or psychiatric treatment, the specific circumstances and needs of each victim must be taken into account, as agreed by each one and following an individual evaluation. The State will have a period of three months, from the reception of such request, to effectively render the psychological and/or psychiatric treatment requested.

D. Measures of satisfaction

D.1 Publication and dissemination of this Judgment

115. The **representative** requested that the State publicize the Judgment of the Court.

116. The **State** did not specifically refer to this matter.

117. The **Court** considers, as it has in other cases,¹⁰³ that the State must publish, with six months of the notification of this Judgment: a) the Court's official summary of this Judgment, once in the Official Gazette, in an adequate and legible font; b) the Court's official summary of this Judgment, once in a newspaper of wide national circulation, in an adequate and legible font and c) the present Judgment, in its entirety, available for one year on an official Web site of the national government. The State shall immediately inform this Court once it has made each of the publications ordered, notwithstanding the period of one year to submit its first report ordered in Operative Paragraph 11 of this Judgment.

¹⁰¹ Cf. *Case of Barrios Altos v. Peru. Reparations and Costs*. Judgment of November 30, 2001. Series C No. 87, paras. 42 and 45 and *Case of Azul Rojas Marín et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs*. Judgment of March 12, 2020. Series C No. 402, para. 236.

¹⁰² Cf. *Case of Rosendo Cantú et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs*, *supra*, para. 253 and *Case of Azul Rojas Marín et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 237.

¹⁰³ Cf. *Case of Cantoral Benavides v. Peru. Reparations and Costs*. Judgment of December 3, 2001. Series C No. 88, para. 227 and *Case of Grijalva Bueno v. Ecuador. Preliminary Objection, Merits, Reparations and Costs*. Judgment of June 3, 2021. Series C No. 426, para. 177.

D.2 Public act of recognition of responsibility

118. The **Commission** requested that the historical truth of the events be assembled and disseminated and, specifically, that there be a public act of recognition of responsibility.

119. The **representative** requested that public apologies be made for what occurred.

120. The **State** did not specifically refer to this matter.

121. The **Court** positively values the State's recognition of international responsibility, which can be viewed as partial satisfaction for the victims for the violations declared in this Judgment. However, the Court deems it necessary to order, with a view to repairing the harm caused to the victims and to avoid that events such as those in this case are not repeated, that the State perform a public act of recognition of international responsibility in relation to the events of the present case. In that act, the State must make reference to the acts and violations of human rights declared in this Judgment. The State must ensure the participation of the victims declared in the present Judgment, if they so wish, and shall invite to the event the organization that represented them nationally and internationally. The State and the victims and/or their representatives must agree to the means of compliance of the public act, as well as the necessary details, such as the place and date of its holding. The State authorities who should be present or participate in such act should be high officials of the State. To comply with this obligation the State has one year as of the notification of this Judgment.

E. Other measures requested

122. The **Commission** requested the adoption of the necessary measures of non-repetition to avoid that similar events occur in the future. These must include, in the opinion of the Commission, legislative, administrative and other measures so that the investigations into the forced disappearance of persons in Ecuador comply with the standards in the matter.

123. The **representative** requested that the State create a public policy that establishes human rights training for agents of the public forces.

124. The **State** maintained that "it had developed an effort of maximum importance in the investigation, documentation, recognition and full reparation in favor of the victims of forced disappearances, through the work of the Truth Commission and the enactment of the Law of Victims." It emphasized that, by virtue of the Law of Victims, "the State recognized its objective responsibility with respect to the human rights violations documented by the Truth Commission." That law also refers to the principal of full reparation, through which it delegates competences to different State agencies to implement the reparation of the violations documented by the Truth Commission and to create an administrative program of moral redress, which resulted in the Program of Administrative Reparation under the Ombudsman. With respect to human rights training for the public forces, the State indicated that the National Police and the Armed Forces had already implemented human rights training. It also referred to the human rights training by the Council of the Judicature for operators of justice.

125. The **Court** recognizes and appreciates the progress made by the State in the area of guarantees of non-repetition. As it has in other cases,¹⁰⁴ the Court deems it appropriate that the State continue to implement those measures, but it does not consider it necessary to

¹⁰⁴ Cf. *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs, supra*, para. 219.

monitor compliance in this case. In view of the foregoing, in relation to the requests on the adoption of legislative, administrative and other measures related to the investigations on forced disappearances and the implementation of a policy on human rights training, the Court considers that the delivery of this Judgment and the reparations ordered in this chapter are sufficient and adequate to remedy the violations suffered by the victims.

F. Compensation

126. The **Commission** requested that the human rights violations declared in the Merits Report be adequately repaired, both in material and moral terms, including fair compensation.

127. The **representative** referred to the concept and scope of consequential damages and lost wages, but did not refer to the amounts claimed under this concept. In addition, it referred to the case law of the Court on moral redress and requested that the Court determine the amount under the concept of reparations for the next of kin of Mr. Garzón Guzmán.

128. The **State** did not specifically refer to this matter.

129. It is incumbent on the Court to determine the compensation due for the violations declared in this Judgment under the concept of pecuniary and non-pecuniary damages.

F.1 Pecuniary damages

130. The Court has developed its jurisprudence on the concept of pecuniary damages and has established that it presupposes the loss or the detriment of income of the victims, the expenses made because of the events and the consequences of a pecuniary nature that have a causal nexus with the facts of the case.¹⁰⁵ The representative did not submit evidence regarding the amounts relating to pecuniary damage. In any event, it may be presumed that the next of kin of Mr. Garzón Guzmán incurred expenses due to the disappearance. The Court recalls that, before the disappearance of the victim, Clorinda Guzmán made several efforts with different Ecuadorian institutions and organizations to obtain information on the fate and whereabouts of her son. For this reason, the Court is of the opinion that the State must grant compensation for such expenses, since they have a direct causal nexus with the facts of this case. As there are no vouchers to determine the exact amount of the expenses arising from those activities, in view of the specific circumstances of the case the Court deems it pertinent to set, in equity, the amount of USD \$10,000.00 (ten thousand United States dollars), as compensation under the concept of consequential damages, which is to be delivered to Clorinda Guzmán de Garzón.

131. The Court considers, as it has in other cases of forced disappearances,¹⁰⁶ that in this case in which the whereabouts of the victim is not known, it is possible to apply the criteria of compensation for loss of income, which includes the income that he would have received during his expected lifetime. Bearing in mind the age of the victim when he disappeared, the value of a minimum salary in Ecuador during the time that his whereabouts was not known, the life expectancy in Ecuador¹⁰⁷ and on the basis of the criterion of equity, the Court sets, in

¹⁰⁵ Cf. *Case of Bámaca Velásquez v. Guatemala. Reparations and Costs*. Judgment of February 22, 2002. Series C No. 91, para. 43 and *Case of Muelle Flores v. Peru. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 246.

¹⁰⁶ Cf. *Case of Velásquez Rodríguez v. Honduras. Reparations and Costs*, *supra*, paras. 46 and 47 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 230.

¹⁰⁷ Cf. Data of the World Bank on the life expectancy of those who were born in Ecuador in 1990. Available at:

equity, the amount of USD \$57,000.00 (fifty-seven thousand United States dollars) under the concept of lost income in favor of César Gustavo Garzón Guzmán. This amount is to be delivered to his mother, Clorinda Guzmán de Garzón.

F.2 Non-pecuniary damages

132. The Court has established that non-pecuniary damages can include the suffering and the afflictions caused to the direct victim and to his family and also the impairment of values of great significance to the individual, as well as the alterations of a non-pecuniary nature to the living conditions of the victim or his family.¹⁰⁸

133. Considering the circumstances of the present case, the violations committed, the suffering caused and endured in different degrees, the time elapsed, the denial of justice, the proved harm to the personal integrity of the family members and the other consequences of a non-pecuniary nature that they suffered, the Court now sets, in equity, the compensation for non-pecuniary damages in favor of the victims.

134. In the first place, the Court considers that the circumstances that surround the disappearance of Mr. Garzón Guzmán were of such a nature that they caused profound fear and suffering. In previous cases,¹⁰⁹ the Court estimated that similar circumstances had caused the victim a grave moral prejudice that should be valued in all of its dimensions at the moment of setting compensation for this concept. In light of this criterion, the Court considers that Mr. Garzón Guzmán should be compensated under the concept of non-pecuniary damages and orders, in equity, the payment of USD \$80,000.00 (eighty thousand United States dollars). This amount should be delivered to his mother, Clorinda Guzmán de Garzón.

135. In second place, the Court considers that Clorinda Guzmán de Garzón endured serious suffering due to the disappearance of her son and for the acts of revictimization when she was searching for him. In view of the above, the Court sets, in equity, the amount of USD \$40,000.00 (forty thousand United States dollars) as non-pecuniary damages, which should be paid in her favor.

136. The Court also finds that Julio Garzón, Luis Alberto Garzón Guzmán, Rodrigo Garzón Guzmán, Luis Lascano and Ana Julia Lascano endured great suffering that had a repercussion in their life projects. Therefore, the Court sets, in equity, as non-pecuniary damages, the amount of USD \$20,000.00 (twenty thousand United States dollars) each for Luis Alberto Garzón Guzmán, Rodrigo Garzón Guzmán, Luis Lascano and Ana Julia Lascano. The corresponding amount for Julio Garzón, father of César Gustavo Garzón Guzmán, should be distributed in the following manner:

https://datos.bancomundial.org/indicador/SP.DYN.LE00.IN?end=1990&locations=EC&most_recent_year_desc=false&start=1960&view=chart

¹⁰⁸ Cf. *Case of the "Street Children" (Villagrán Morales et al.) v. Guatemala. Reparations and Costs*. Judgment of May 26, 2001. Series C No. 77, para. 84 and *Case of Azul Rojas Marín et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 261.

¹⁰⁹ *Case of Velásquez Rodríguez v. Honduras. Reparations and Costs*, *supra*, paras. 46 and 47 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 233.

- a. fifty percent (50%) of the compensation shall be divided equally among the children of Julio Garzón. If one or more of the children have died, the part corresponding to the person shall be added to that of the other children;
- b. the other fifty percent (50%) of the compensation shall be delivered to Clorinda Guzmán de Garzón.

G. Costs and expenses

137. The **representative** requested that the Ecumenical Commission on Human Rights be paid, for the concept of costs and expenses, the amount of USD \$15,000.00 (fifteen thousand United States dollars). Nonetheless, when it presented its brief with pleadings and motions, the Ecumenical Commission stated that it was difficult to calculate the costs that might be incurred during the proceedings before the Court and, for that reason, it asked that it subsequently be permitted to present the evidence and details of the expenses that it incurred.

138. The Court reiterates that, pursuant to its case law, costs and expenses form part of the concept of reparation because the activities deployed by the victims in order to obtain justice, at both the domestic and international levels, entail disbursements that should be compensated when the international responsibility of the State has been declared in a judgment. Regarding reimbursement for costs and expenses, it is for the Court to prudently assess their scope, which includes the expenses arising before the authorities of the domestic jurisdiction and also those generated during the proceedings before the inter-American system, taking into account the circumstances of the specific case and the nature of the international jurisdiction of the protection of human rights. This assessment may be made based on the principle of equity and taking into account the expenses indicated by the parties, provided their *quantum* is reasonable.¹¹⁰

139. This Court has noted that the claims of the victims or their representatives regarding costs and expenses, and the evidence that supports them, must be presented to the Court at the first procedural moment granted them; namely, in the brief with pleadings and motions, without prejudice to those claims being updated subsequently to include new costs and expenses incurred as a result of the proceedings before this Court. The Court also reiterates that it is not sufficient to submit probative documents; rather the parties must develop the reasoning that relates the evidence to the fact under consideration, and, in the case of alleged monetary disbursements, the items and their justification must be described clearly.¹¹¹

140. The file of the present case does not contain evidence relating to the costs and expenses incurred by the victims or their representatives. In view of the absence of vouchers for those costs, the Court orders the payment, in equity, of USD \$15,000.00 (fifteen thousand United States dollars) for costs and expenses.

H. Method of compliance with the payments ordered

141. The State shall pay compensation for pecuniary and non-pecuniary damage and the reimbursement of costs and expenses, as established in this Judgment, directly to the persons

¹¹⁰ Cf. *Case of Velásquez Rodríguez v. Honduras. Reparations and Costs*, *supra*, paras. 42, 46 and 47 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 236.

¹¹¹ Cf. *Case of Chaparro Álvarez and Lapo Íñiguez v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 21, 2007. Series C No. 170, para. 277 and *Case of Vásquez Durand et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs*, *supra*, para. 237.

indicated herein, within one year of the notification of this Judgment, although it may make full payment at an earlier date.

142. If a beneficiary has died or dies before he or she receives the respective payment, this shall be paid directly to his or her heirs, in accordance with the applicable domestic law.

143. The State shall fulfill its monetary obligations through payment in United States dollars.

144. If, for reasons attributable to the beneficiaries of the compensation or their heirs, it is not possible to pay the compensation established within the time frame indicated, the State shall deposit these amounts in an account or certificate of deposit in an Ecuadorian solvent financial institution, in United States dollars, and on the most favorable financial terms permitted by banking law and practice. If the corresponding compensation is not claimed within ten years, the amounts shall be returned to the State with the accrued interest.

145. The amounts allocated in this Judgment as compensation for pecuniary and non-pecuniary damages and the reimbursement of costs and expenses shall be delivered in full to the persons indicated, as established in this Judgment, without any deductions arising from possible charges or taxes.

146. If the State should fall into arrears, it shall pay interest on the amount owed corresponding to banking interest on arrears in Ecuador.

X
OPERATIVE PARAGRAPHS

147. Therefore,

THE COURT

DECLARES,

Unanimously, that:

1. The State is responsible for the violation of the rights recognized in Articles 3, 4(1), 5(1), 5(2) and 7 of the American Convention, in relation to the provisions of Article 1(1) thereof, and in Article 1(a) of the Inter-American Convention on Forced Disappearance of Persons, the latter as of August 26, 2006, to the detriment of César Gustavo Garzón Guzmán, pursuant to paragraphs 62 to 64 of this Judgment.

2. The State is responsible for the violation of the rights recognized in Articles 8(1) and 25 of the American Convention, in relation to Article 1(1) thereof, and in Article I(b) of the Inter-American Convention on Forced Disappearance of Persons, the latter as of August 26, 2006, to the detriment of César Gustavo Garzón Guzmán and his next of kin Julio Garzón, Clorinda Guzmán de Garzón, Luis Alberto Garzón Guzmán, Rodrigo Garzón Guzmán, Luis Lascano and Ana Julia Lascano, pursuant to paragraphs 66 to 68 of this Judgment.

3. The State is responsible for the violation of the right to physical integrity recognized in Article 5(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of Julio Garzón, Clorinda Guzmán de Garzón, Luis Alberto Garzón Guzmán, Rodrigo Garzón Guzmán, Luis Lascano y Ana Julia Lascano, pursuant to paragraphs 90 to 94 of this Judgment.

AND ORDERS:

unanimously, that:

4. This Judgment is, *per se*, a form of reparation.
5. The State shall continue to conduct, within a reasonable period and with the utmost diligence, the investigations that are necessary to identify, prosecute and, if applicable, sanction those responsible for the forced disappearance of César Gustavo Garzón Guzmán, pursuant to the terms established in paragraphs 102 to 105 of this Judgment.
6. The State shall promptly conduct a rigorous, systematic search, with sufficient human and economic resources, that involves every effort to determine the whereabouts of César Gustavo Garzón Guzmán, which should be carried out in accordance with the terms of paragraphs 109 to 110 of this Judgment.
7. The State shall provide the psychological and psychiatric treatment that the victims require, pursuant to the terms established in paragraph 114 of this Judgment.
8. The State shall issue the publications indicated in paragraph 117 of this Judgment.
9. The State shall celebrate an act of recognition of international responsibility, pursuant to the terms of paragraph 121 of this Judgment.
10. The State shall pay the amounts established in paragraphs 130, 131, 134, 135 and 136 of this Judgment as compensation for pecuniary and non-pecuniary damages and for the reimbursement of costs and expenses, pursuant to paragraph 140.
11. The State, within one year of notification of this Judgment, shall provide the Court with a report on the measures adopted to comply with it, notwithstanding the provisions of paragraph 117 of this Judgment.
12. The Court shall monitor full compliance with this Judgment, in exercise of its authority and in fulfillment of its duties under the American Convention on Human Rights and shall consider this case closed when the State has complied fully with all of its provisions.

I/A Court HR. *Case of Garzón Guzmán et al. v. Ecuador. Merits, Reparations and Costs.*
Judgment of September 1, 2021.

Elizabeth Odio Benito
President

Eduardo Vio Grossi

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Eugenio Raúl Zaffaroni

Ricardo C. Pérez Manrique

Pablo Saavedra Alessandri
Secretary

So ordered,

Elizabeth Odio Benito
President

Pablo Saavedra Alessandri
Secretary