

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-88/2023 English

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I/A Court H.R. Protecting Rights

ECUADOR IS RESPONSIBLE FOR THE FORCED DISAPPEARANCE OF FREDY NÚÑEZ NARANJO

San José, Costa Rica, November 29, 2023 - In the Judgment notified today in the *Case of Núñez Naranjo et al. v. Ecuador*, the Inter-American Court of Human Rights declared the State of Ecuador responsible for the forced disappearance of Fredy Núñez Naranjo. The Court determined that the victim was kidnapped by a group of approximately 400 persons when he was detained at a police station. The group also held and took with them Gregoria Naranjo (his mother) and Marcia Núñez Naranjo (his sister), who were outside the police station. Ms. Naranjo and Ms. Núñez Naranjo were subsequently released, while Mr. Núñez Naranjo was put in a car and his whereabouts since then are unknown. The Court determined that the State failed to comply with due diligence in its position as guarantor of rights with regard to Fredy Núñez Naranjo.

In the instant case, Ecuador partially acknowledged its international responsibility for the insufficiency of the actions aimed at investigating the facts and prosecuting and punishing those responsible.

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

The Court concluded that Ecuador violated articles 3, 4.1, 5.1, 5.2 and 7.1 of the American Convention, in relation to that set forth in article 1.1 thereof, and article I.a) of the Inter-American Convention on the Forced Disappearance of Persons (IACFDP), to the detriment of Fredy Núñez.

Similarly, it declared that the State violated articles 8.1 and 25.1 of the American Convention, pursuant to article 1.1 thereof, and article I.b) of the Inter-American Convention on the Forced Disappearance of Persons, to the detriment of Fredy Marcelo Núñez Naranjo and his next of kin.

Moreover, the Court determined that the State infringed the right to the truth, derived from articles 8.1, 13.1 and 25.1 of the American Convention, in relation to article 1.1 thereof, to the detriment of the next of kin of Fredy Núñez Naranjo.

The Court also concluded that the State violated the obligation to perform an immediate search, derived from articles 8.1 and 25.1 of the American Convention, in relation to article 1.1 thereof, to the detriment of Fredy Núñez Naranjo and his next of kin.

Similarly, the Court established that the State violated the right to humane treatment of the next of kin of Fredy Núñez Naranjo, as a result of the suffering and uncertainty that they've had to endure for over 22 years. In this regard, it declared the violation of article 5.1 of the American Convention, in relation to article 1.1 thereof.

Lastly, the Court determined that the State violated articles 8.1 and 25.1 of the American Convention, in relation to article 1.1 thereof, to the detriment of María Gregoria Naranjo and Marcia Núñez Naranjo, due to the lack of investigation during more than 17 years, of the physical aggressions that they were subject to.

Based on these violations, the Court ordered several reparation measures to the State.

Judge Rodrigo Mudrovitsch and Judge Verónica Gómez disclosed their concurring opinions, which accompany the Judgment.

The Court's composition for the issue of this Judgment was as follows: Judge Ricardo C. Pérez Manrique, President; Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President; Judge Humberto Antonio Sierra Porto; Judge Nancy Hernández López; Judge Verónica Gómez; Judge Patricia Pérez Goldberg and Judge Rodrigo Mudrovitsch.

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