

REPORT No. 149/19
CASE 12.454
REPORT ON MERITS

WALTER GONZALO HUACÓN BAIDAL, MERCEDES EUGENIA SALAZAR CUEVA AND FAMILY
ECUADOR
September 28, 2019

I. INTRODUCTION

1. On October 28, 2002, the Inter-American Commission on Human Rights (hereinafter "the Commission," "the Inter-American Commission," or "the IACHR") received a petition lodged by José Ricardo Villagrán (hereinafter "the petitioner") alleging that the Republic of Ecuador (hereinafter "the Ecuadorian State," "the State," or "Ecuador") is internationally responsible for the extrajudicial execution of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva by State agents in March 1997 and for the impunity still surrounding the facts of the case.

2. The Commission approved Report on Admissibility No. 9/04 on February 26, 2004.¹ On March 15, 2004, the Commission notified the parties of that report and placed itself at their disposal with a view to reaching a friendly settlement, to no avail, given the absence of the conditions needed to resolve the case through that procedure. The parties were allowed time, in accordance with regulations, to submit additional observations on the merits. All the information received was duly relayed between the parties.

II. POSITION OF THE PARTIES

A. Petitioner

3. The petitioner argued that the Ecuadorian State was internationally responsible for the extrajudicial execution of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva by State agents in the city of Guayaquil, on March 31, 1997. The petitioner stated that both victims had been in a private automobile and that, after driving against the traffic, they had been chased by six state agents. The petitioner adds that during the chase, shots were fired at the vehicle, killing Ms. Salazar. The petitioner states that subsequently Mr. Huacón was shot at point-blank range by one of the State agents even though he posed no risk to the authorities.

4. The petitioner indicates that the State also violated the rights to judicial guarantees and judicial protection because the criminal suit brought was heard by a police court, contravening the guarantee of being tried by a competent court. The petitioner adds that the deaths of both victims have gone unpunished, since none of those involved has yet been convicted.

5. Furthermore, the petitioner argues that the next-of-kin of the victims had no appropriate and effective remedy that would enable them to obtain civil reparation. The petitioner explains that he filed two civil suits for damages that have still not been resolved. He adds that he is being asked to pay a very large sum of money as a judicial fee for processing those suits.

B. State

6. The Ecuadorian State maintains that it is not internationally responsible for the facts reported, inasmuch as, ex officio, it had initiated an investigation to determine responsibilities within a reasonable period of time. It argues that following the death of Mr. Huacón and Ms. Salazar, the petitioner had not brought any suit against those allegedly responsible.

7. As regards the participation of state agents in the facts of this case, the IACHR takes note of the differing versions presented by the State. In its written communication of May 2003, the State indicated

¹ IACHR. Report No. 9/04. Petition 4409-02. Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva. February 26, 2004. In its report, the IACHR declared the petition admissible and pointed out that the alleged deeds could constitute violations of the rights established in Articles 4, 8, 25, and 1.1 of the American Convention on Human Rights.

that "there is no circumstantial evidence or prima facie presumption for concluding that death occurred with the backing or tolerance of government authorities." In its written communication of September 2008, Ecuador stated that "it had made every effort to throw light on the murders and bring their perpetrators to justice." An indication that was that it had "punished" a police officer for the facts of this case, although it acknowledged that he had been released, having completed the maximum time allowed in pre-trial detention. The State stressed that said officer had been released because his time in pre-trial detention had exceeded the maximum allowed under Ecuadorian law. It adds that the cases against the other police officers had been dismissed because "ballistic experts' reports showed that they had not fired shots" against the deceased.

8. Regarding the alleged lack of reparation for what had happened, the Ecuadorian State maintains that the petitioner could sue for damages once one of those accused has been convicted.

III. DETERMINATIONS OF FACT

A. Regarding Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva

9. The Commission takes note of the information submitted by the petitioner to the effect that, at the time of the facts, Walter Gonzalo Huacón Baidal was 31 years old, a micro-entrepreneur, and a Civil Defense volunteer in Guayaquil, with no criminal record.² His family consisted of: i) his wife Mery del Pilar Chancay Quimis; ii) his children Karen Lisette and Wolther Bryan; iii) his brother Wilson Eduardo Huacón Baidal; and iv) his cousin William Huacón³.

10. The petitioner likewise reported that at the time of the facts of this case Mercedes Eugenia Salazar Cueva was 32 years old, a housewife who lived in Guayaquil, with no criminal record.⁴ Her family consisted of i) her partner Wilson Eduardo Huacón Baidal; ii) her children Wilson Fabián, Karla Fernanda, and Kerly Mercedes; and iii) her brother-in-law Walter Gonzalo Huacón Baidal.⁵

B. Regarding what happened on March 31, 1997

11. The petitioner reported that on the afternoon of March 31, 1997, Walter Huacón and his wife Mery Chancay organized a family gathering at their home to plan a 15th birthday party for Karla Huacón Salazar, the daughter of Mercedes Salazar and Wilson Huacón.⁶ The IACHR takes note that all the family members mentioned in the foregoing section, with the exception of Wilson Fabián Huacón, were present at that gathering.

12. The petitioner pointed out that, around 5:30 p.m., Wilson Huacón left the gathering with his two daughters because he had a headache. Thirty minutes later, Walter Huacón took his cousin's car, which he used as a taxi, to drive Mercedes Salazar home. Mery Chancay testified that Walter Huacón was in the front of the car, while Ms. Salazar sat in the back.⁷

13. Ms. Chancay stated that she saw the car leave her home and go approximately 200 meters before making a "U" turn. She added that when Mr. Huacón came back, he had said "Negra [her nickname], give me the papers." Ms. Chancay explained that she saw a police patrol car pertaining to the Guayas Traffic Police performing an inspection of several vehicles.⁸

14. Concerning what happened later with the vehicle containing Walter Huacón and Mercedes Salazar, the IACHR takes note of the differing versions in the file on the case.

² Petitioners' initial petition of October 15, 2002. Petitioners' brief received on July 8, 2004.

³ Action for damages by Walter Huacón's family of April 13, 2000, filed with the Civil Court Judge in Guayas. Attachment to the petitioner's initial petition of October 15, 2002.

⁴ Petitioners' initial petition of October 15, 2002. Petitioners' brief received on July 8, 2004.

⁵ Petitioners' initial petition of October 15, 2002.

⁶ Action for damages by Walter Huacón's family filed with the Civil Court Judge in Guayas on April 13, 2000. Attachment to the petitioner's initial petition on October 15, 2002; Action for damages by Mercedes Salazar's family filed with the Civil Court Judge in Guayas on April 13, 2000 Attachment to the petitioner's initial petition of October 15, 2002.

⁷ Statement by Mery del Pilar Chancay Quimis to the National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

⁸ Statement by Mery del Pilar Chancay Quimis to the National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

15. On the one hand, Ms. Chancay declared as follows:

I saw and heard traffic wardens take out their weapons and fire, while my husband continued driving against the traffic, at which point two National Police motorbikes appeared driven by men wearing black lead colored uniforms, who (...) were firing the shots [sic] opted to take out their firearms as well and continue shooting directly at the taxi, following it the wrong way down the street.⁹

16. Deisy Trinidad Delgado Vergara, a neighbor of Ms. Chancay, declared as follows:

At that moment, I heard several detonations caused by gunshots from the corner. I also heard the sound of a vehicle approaching and noticed that it was a taxi belonging to a neighbor. That vehicle was being chased by a patrol car (...) and two motorbikes driven by National Police officers.¹⁰

17. On the other hand, the IACHR takes note of a police investigation report containing statements taken from three National Police officers involved in what happened. That report states that they saw Walter Huacón start driving down the wrong side of the road. It states that two members of the Guayas Traffic Police, CTG (Pedro Espinoza y Bolívar Ramírez) began chasing the vehicle in their patrol car, with sirens sounding and headlights on.¹¹ According to other statements by the police officers, Mr. Huacón, ignored their order to stop.¹²

18. According to National Police officer, Carlos Mosquera, he had been on a motorbike with officer José Carbo, when he saw what happened and decided to chase down the vehicle as well. Officer Mosquera stated:

When we saw on the other side of the road [a] patrol car of the Guayas Traffic Police chasing a taxi that was driving against the traffic, with the CGT vehicle sounding its alarm and going at high speed, we crossed over to the other side of the road to try and assist the traffic wardens. I fired shots in the air to intimidate the (...) and wish to make it clear that the shots I fired were into the air, as I was also conscious (...) that the CTG patrol car was in front of us and I could not see the target clearly. The occupants of the taxi turned left and stopped one block later (...) so that we, too, stopped at a distance of approximately six meters away from the taxi in question (...).¹³

19. Likewise, according to National Police officer, Carlos Torres, he had been on a motorbike with officer Víctor Moya, when he saw what happened and decided to chase down the vehicle as well. Officer Torres stated:

We saw a Guayas Traffic Police patrol car chasing a yellow cab-like vehicle, which was driving down the wrong side of the road (...). We were not able to cross over because there was a large ditch, so we drove on for a few blocks (...) to take the road leading to the left side of the perimeter road (...).¹⁴

20. Officer Torres added that he had not fired any shot at the vehicle they were chasing.¹⁵

21. Regarding what happened after the vehicle containing Mr. Huacón and Ms. Salazar had stopped, the Commission also takes note of differing versions as to what happened.

22. On the one hand, Ms. Chancay declared that she went back into her home to look for the documents her husband had asked for and that when she came out she again heard several shots. She added that she saw when her husband got out of the vehicle with his hands up and that a police officer went up to him, pointed his weapon at him, and shot him in the right leg.

⁹ Statement by Mery del Pilar Chancay Quimis to the National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹⁰ Statement by Deisy Trinidad Delgado Vergara to the Ecuadorian National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹¹ Police report of the Provincial Police checked by the Head of the Crimes against Persons Brigade, April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹² Judgment of the Second Court of the Fourth District of the National Police, March 16, 2000. Attached to the petitioner's initial petition of October 15, 2002.

¹³ Statement by Carlos Rolando Mosquera Cachaguay to the Ecuadorian National Police on April 2, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹⁴ Statement by Carlos Julio Torres Reyes to the Ecuadorian National Police on April 2, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹⁵ Statement by Carlos Julio Torres Reyes to the Ecuadorian National Police on April 2, 1997. Attached to the petitioner's initial petition of October 15, 2002.

23. She declared that she began shouting: "Please don't kill him. He's not a thief." She said that the policeman answered "you cunt get out of here, if not we'll kill you, too" and then pushed her. She added that that officer then went up to Mr. Huacón, who "took another bullet which entered his chin and came out of his left cheek, completely disfiguring his face."¹⁶

24. Ms. Delgado testified as follows:

My neighbor (...) got out of the taxi with his hands up and there they shot him because blood immediately came out from his right leg, and he was about to faint but kept walking towards the policemen, offering them his hand as if imploring them for help. Because of what I was seeing, I shouted (...) I heard another gunshot; from the balcony I could see them taking my neighbor to a (...) health post.¹⁷

25. For his part, officer Mosquera maintained that:

JOSE CARBO (...) fired several shots at the taxi cab. I saw the taxi driver get out and try to escape, and the policeman shot at him again, I don't know how many times.¹⁸

26. Officers Torres and Moya declared that they heard several shots, but could not say how many, nor who fired them as they were too far away from the scene of what happened.¹⁹

27. As regards what happened after Mr. Huacón was shot, Ms. Chancay declared that she had seen the dead body of Mercedes Salazar, apparently killed by a shot to the back of her neck fired by police as they chased after the vehicle.²⁰ The petitioner stated that officer Carbo "put his revolver through the back window of the taxi and fired two more shots to the heart of the already inert body of Mercedes."²¹

28. The IACHR takes note of a statement to the media by CTG Officer Pedro Espinoza, who said that:

One of the police officers, with his weapon drawn, went up to where the taxi had parked and from the driver seat side began shooting point blank at the persons inside the taxi.²²

29. According to Ms. Delgado, several neighbors went to see what had happened after hearing the shots. She maintained that she heard members of the CTG planning to take away Mr. Huacón's vehicle. She added that, because of that, the neighbors had taken the tires off the vehicle and had chained them to the iron bars of a store.²³

30. According to officer Mosquera, after what happened:

JOSE CARBO took the motorbike and started the engine so brusquely that I barely had to time to get on it (...) taking the same route followed during the chase (...) My colleague, JOSE CARBO and I got to a fuel station and the policeman (...) said to me (...) WE HAD BETTER WASH OUR PISTOLS, so that (...) CARBO proceeded to wash the two pistols, that is to say, both his and mine in that fuel station (...) Then we joined Messrs. VICTOR RAMOS and CARLOS TORRES who were on the other motorbike (...) saying (...) that we should file a report on what had happened, whereby police officer JOSE CARBO [said that] he had got through other predicaments and we continued on our rounds.²⁴

¹⁶ Statement by Mery del Pilar Chancay Quimis to the National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹⁷ Statement by Deisy Trinidad Delgado Vergara to the Ecuadorian National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹⁸ Statement by Carlos Rolando Mosquera Cachaguay to the Ecuadorian National Police on April 2, 1997. Attached to the petitioner's initial petition of October 15, 2002.

¹⁹ Statement by Carlos Julio Torres Reyes to the Ecuadorian National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002. Statement by Víctor Hugo Ramos Moya to the National Police of Ecuador on April 2, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²⁰ Statement by Mery del Pilar Chancay Quimis to the National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²¹ Petitioners' initial petition of October 15, 2002.

²² Testimony by Espinoza to the "24 Hours" program. Attached to the writ of July 8, 2004.

²³ Statement by Deisy Trinidad Delgado Vergara to the Ecuadorian National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²⁴ Statement by Carlos Rolando Mosquera Cachaguay to the Ecuadorian National Police on April 2, 1997. Attached to the petitioner's initial petition of October 15, 2002.

31. Officer Torres corroborated that statement when he said that when he had asked officer Carbo about what had happened, he had answered "nothing happened and [he was] not going to file a report."²⁵ On this matter, the IACHR takes note that there is no indication in the file that the police officers involved filed an official report on what happened that day.

32. According to the autopsy performed on Mr. Huacón's body, he had been hit by two bullets fired from less than 80cm away (point-blank), one in the chin and the other in the upper third of his right thigh. The autopsy stated that the cause of death was "severe hemorrhage."²⁶

33. As regards Mercedes Salazar, the autopsy showed three bullet wounds: one in the back of her neck and two in the chest "fired from less than 80cm away (at point-blank range)."²⁷ The autopsy stated that the cause of her death was "severe hemorrhage."²⁸

C. Regarding proceedings under police criminal jurisdiction

34. The Commission observes that it does not have the complete file on internal proceedings followed in this case. That notwithstanding, the IACHR takes note of the arguments of the petitioner pointing out that a complaint was filed with the ordinary criminal jurisdiction but that the case was referred to the police jurisdiction.²⁹ The IACHR does not have that complaint or the date on which it was filed. For its part, the State did not contest that information. Nor did it provide any additional information on the subject.

35. On April 1, 1997, the Provisional Head of the Criminal Investigation Office in Guayas sent an official letter to the Head of the Brigade for Crimes against Persons, with instructions that "a detailed and exhaustive investigation be carried out" into what happened.³⁰

36. Between April 2 and 3, 1997, police officers Mosquera, Ramos, and Torres, and Ms. Chancay and Ms. Delgado made statements to the National Police of Ecuador. The details provided in their statements were described in the foregoing section of this report.

37. On April 3, 1997, the Head of the Brigade for Crimes against Persons issued a police report which concluded that officer Carbo was "responsible for the death" of Mr. Huacón. That conclusion had been based on testimony received and ballistic reports. That report added that, "on the night of the events, officer Carbo [had] fled, and his whereabouts were currently unknown."

38. In addition, the report stated that the bullet found in the back of Ms. Salazar's neck could have been fired from the weapons used by officers Mosquera, Espinoza, and Ramírez. The report also pointed out that CTG officers Espinoza and Ramírez had not appeared for statements to be taken and had not surrendered their weapons for the corresponding ballistic tests.³¹

39. On April 8, 1997, the Second Court of the Fourth District of the National Police began hearing the case.³² The IACHR observes that an indictment was issued by the Second Lieutenant in the Police Justice System, accusing officers Carbo, Espinoza, and Ramírez of ordinary homicide. No charges were brought against officer Mosquera.³³

40. The Commission has no information about what happened between April 1997 and March 2000.

²⁵ Statement by Carlos Julio Torres Reyes to the Ecuadorian National Police on April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²⁶ Report of the autopsy performed on Walter Gonzalo Huacón Baidal by forensic experts of the National Police in the Department of Forensic Medicine, on April 1, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²⁷ Report of the autopsy performed on Mercedes Eugenia Salazar Cueva by forensic experts of the National Police in the Department of Forensic Medicine, on April 1, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²⁸ Report of the autopsy performed on Mercedes Eugenia Salazar Cueva by forensic experts of the National Police in the Department of Forensic Medicine, on April 1, 1997. Attached to the petitioner's initial petition of October 15, 2002.

²⁹ Petitioners' initial petition of October 15, 2002.

³⁰ Police report of the Provincial Police checked by the Head of the Crimes against Persons Brigade, April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

³¹ Police report of the Provincial Police checked by the Head of the Crimes against Persons Brigade, April 3, 1997. Attached to the petitioner's initial petition of October 15, 2002.

³² Judgment of the Second Court of the Fourth District of the National Police, March 16, 2000. Attached to the petitioner's initial petition of October 15, 2002.

³³ Judgment of the Second Court of the Fourth District of the National Police, March 16, 2000. Attached to the petitioner's initial petition of October 15, 2002.

41. On March 16, 2000, the Second Court of the Fourth District of the National Police handed down a ruling summoning officer Carbo to a full trial. Based on testimony and the reports issued, the Court considered that the bullets that struck Mr. Huacón and those fired at Ms. Salazar's chest were fired by said officer.

42. The Court maintained that the shot to the back of Ms. Salazar's neck "could have been fired during the chase by traffic Sergeant Pedro Espinoza Parra and traffic warden Victoriano Ramírez Herrera or by police officer Carlos Mosquera Cachaguay."³⁴ It explained that due to the "deformation" of the bullet found in the back of Ms. Salazar's neck "caused by its striking against the cervical vertebra", it was not possible to tell what weapon it had been fired from." For that reason, the Court issued a temporary stay of proceedings in favor of the three officers.³⁵

43. On November 30, 2000, the Second District Court of the National Police ratified the provisional stay of proceedings issued. The Court stated that "since no expert examination of the taxi was carried out, it is impossible to say who or which weapon fired the bullet that hit Salazar in the back of her neck." The Court considered that those officers "acted within reasonable bounds when chasing the deceased taxi driver since they used means that enabled them to identify themselves as authorities." The Court added that "what was lamentable was when the fugitive stopped and got out of the vehicle with his hands up (...) and yet (...) the accused José Carbo responded absurdly by firing at him twice."³⁶

44. On November 9, 2001, the Second District Court of the National Police, in response to the appeal filed by officer Carbo against the summons to trial "ratified in all its extremes the ruling appealed against."³⁷ The Court held that "it is inferred by way of presumption that the shots that killed Walter (...) Huacón (...) and Mercedes (...) Huacón (...) y Mercedes (...) were fired by accused former policeman José (...) Carbo." It added that "the bullet extracted from the body of Mercedes Salazar (...) corresponds to [that officer's] pistol."³⁸

45. The IACHR has no further information regarding subsequent developments in these proceedings or how they concluded. The Commission takes note that in its briefs of September 2008 and August 2009, the State indicated that officer Carbo had been "punished" and released after spending the maximum time allowed in pre-trial detention.

46. On this, the IACHR observes that the State did not submit documentation accrediting any conviction of Mr. Carbo under the police criminal jurisdiction or that an investigation had been initiated under ordinary criminal jurisdiction.

47. In addition, the petitioner argued in various written communications that during the proceedings Ms. Chancay had received threats in letters and in anonymous phone calls. He stated that police patrol cars continually went by the entrance to her house in a threatening way.³⁹ He reported that his older daughter, Karen, had been the victim of acts of intimidation. The petitioner added that, given the constant threats, Mery Chancay, had found herself forced to emigrate from Ecuador to Spain.⁴⁰ The Commission lacks documentation in that regard.

48. Regarding the negative impacts felt by Mercedes Salazar's family, the petitioner alleged that as a result of her death, Wilson Huacón had felt himself to blame for what had happened and had become an alcoholic. He added that Wilson Huacón "almost never" communicated with his children.⁴¹

³⁴ Judgment of the Second Court of the Fourth District of the National Police, March 16, 2000. Attached to the petitioner's initial petition of October 15, 2002.

³⁵ Judgment of the Second Court of the Fourth District of the National Police, March 16, 2000. Attached to the petitioner's initial petition of October 15, 2002.

³⁶ Judgment of the District Court of the National Police, March 30, 2000. Attached to the petitioner's initial petition of October 15, 2002.

³⁷ Judgment of the Second District Court of the National Police, November 9, 2001. Attached to the petitioner's initial petition of October 15, 2002.

³⁸ Judgment of the Second District Court of the National Police, November 9, 2001. Attached to the petitioner's initial petition of October 15, 2002.

³⁹ Brief by the petitioner of July 28, 2003: written document from the petitioner received on May 26, 2009.

⁴⁰ Brief by the petitioner of April 23, 2004: written document from the petitioner received on July 8, 2004.

⁴¹ Petitioners' brief of March 14, 2006.

49. Finally, the petitioner alleged that after the facts of the case the police had "attempted to spread the rumor that the deaths of Walter and Mercedes had occurred as a result of an exchange of bullets between them and that Walter and Mercedes were delinquents." He added that they had also claimed that Mr. Huacón had been drunk.⁴² The IACHR notes that the State did not contest that information. Nor did it provide any additional information on the subject.

D. The civil proceedings

50. On April 13, 2000, the petitioner filed two suits for moral injury damages against the Ecuadorian State as a result of the harm done to Walter Huacón Baidal, Mercedes Salazar Cueva, and their respective next-of-kin. The petitioner added that the judicial fee would apply once the amount involved in the proceedings by the competent authority had been determined.⁴³

51. Regarding the facts surrounding the civil proceedings involving Mercedes Salazar and her next-of-kin, on June 9, 2000, the Seventh Civil Court Judge of Guayaquil admitted the case for trial in the ordinary jurisdiction.⁴⁴

52. On November 7 of the same year, the Office of the Procurator-General of the Ecuadorian State answered the complaint and argued that the plaintiff was "not entitled to file this complaint" because "the perpetrators, accomplices, and accessories after the fact had not been identified." It added: "Nor has the family tie between Mercedes Salazar and the petitioners been proven."⁴⁵

53. The following day, the Procurator's Office expanded its reply to the suit and argued also the objection that "the judge was not competent" to hear matters in that area. It also reiterated that no complaint can be filed if no conviction has been handed down.⁴⁶

54. On December 12, 2000, the Procurator's Office again added to its reply, stating that the case could not proceed because of failure to pay the "judicial fee corresponding to the amount of the claim in the case which is FOUR MILLION UNITED STATES DOLLARS (...) meaning that 1% thereof should have been deposited, i.e. FORTY THOUSAND UNITED STATES DOLLARS." The Office again reiterated the objection of incompetence in respect of subject matter and area and because no conviction had been handed down.⁴⁷

55. On April 6, 2001, the petitioner asked the judge to reject the objections argued by the Procurator's Office and to set a date for a settlement hearing.⁴⁸ On February 4, 2002, the Procurator's Office replied, arguing that failure to pay the judicial fee could trigger a disciplinary penalty, such as destitution of the attorney by the National Judicial Council.⁴⁹

56. On May 8, 2002, the Seventh Civil Court Judge in Guayaquil rejected the dismissal requested by the State Procurator-General as "groundless."⁵⁰ The petitioner stated that subsequently the judge requested payment of the respective judicial fee in the amount of forty thousand US dollars based on a regulation of the year 2000 establishing payment of one percent of the total amount of damages. The petitioner explained that the regulation that should have been applied was that of 1999, which established that the fee due was one minimum living wage, so that he had requested a revocation of the order to pay the above-mentioned amount.⁵¹ On October 1, 2002, the Seventh Judge denied the request to revoke the initial interlocutory

⁴² Brief by the petitioner of April 23, 2004: written document from the petitioner received on July 8, 2004.

⁴³ Action for damages by Walter Huacón's family filed with the Civil Court Judge in Guayas on April 13, 2000. Attachment to the petitioner's initial petition on October 15, 2002; Action for damages by Mercedes Salazar's family filed with the Civil Court Judge in Guayas on April 13, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁴⁴ Resolution of the Seventh Civil Law Court of June 9, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁴⁵ Reply to the complaint by the Guayas District Representative of the State Procurator-General's Office, November 7, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁴⁶ Addition to the reply to the complaint by the Guayas District Representative of the State Procurator-General's Office, November 8, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁴⁷ Addition to the reply to the complaint by the Guayas District Representative of the State Procurator-General's Office, December 12, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁴⁸ Petitioners' reply, April 6, 2001. Attached to the petitioner's initial petition of October 15, 2002.

⁴⁹ Reply to the complaint by the Guayas District Representative of the State Procurator-General's Office, February 4, 2002. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁰ Interlocutory order of the Seventh Civil Court Judge of May 8, 2002. Attached to the petitioner's initial petition of October 15, 2002.

⁵¹ Petitioners' reply, August 28, 2002. Attached to the petitioner's initial petition of October 15, 2002.

order.⁵² On October 7 of that same year, the petitioner filed an appeal against the judge's decision.⁵³ The IACHR has no information as to how said appeal was resolved.

57. Regarding the suit on behalf of Walter Huacón and his next-of-kin, ordinary trial proceedings were admitted.⁵⁴ On October 25 of the same year, the Fifth Civil Court Judge in Guayaquil ordered payment of one percent of the total damages claimed, which were four million dollars.⁵⁵

58. On November 7, the Procurator's Office argued failure to pay the corresponding judicial fee.⁵⁶ The next day, it raised the objection that the judge was territorially incompetent to hear the case.⁵⁷

59. On December 21, the Fifth Civil Court Judge in Guayaquil revoked the interlocutory order of October 25, 2000 inasmuch as "the nature of the proceeding is of an indeterminate amount, because damages are claimed the amount of which will be set by the judge in his ruling (...) so that the figures requested by the plaintiff are merely points of reference."⁵⁸

60. On May 21, 2001, the judge convened the parties to an arbitration session.⁵⁹ The IACHR has no further information as to how that proceeding went or ended. The State did not contest the petitioner's claim that none of these suits was resolved.

IV. LEGAL ANALYSIS

A. Right to life (Article 4.1⁶⁰ of the American Convention in conjunction with Article 1(1) thereof)

61. Both the IACHR and the Inter-American Court have pointed out that the right to life is a prerequisite for the enjoyment of all other human rights and if it is not respected all other rights are meaningless.⁶¹ Likewise, compliance with the obligations derived from Article 4.1 of the American Convention not only presupposes that no one is deprived of his or her life arbitrarily; it also establishes the duty of States to prevent its agents from violating that right.⁶² The Court in addition ruled as follows:

States must adopt all necessary measures to create a legal framework that deters any possible threat to the right to life; establish an effective legal system to investigate, punish, and redress deprivation of life by State officials or private individuals; and guarantee the right to unimpeded access to conditions for a dignified life. Especially, States must see that their security forces, which are entitled to use legitimate force, respect the right to life of the individuals under their jurisdiction.⁶³

62. Bearing in mind the nature of the facts of the instant case, the Commission deems it necessary to issue a reminder regarding the relevant standards that apply to the use of force by State security forces. Here, the IACHR has pointed out that that empowerment must be restricted to cases in which there is a legitimate purpose and the use of force is necessary and proportionate.⁶⁴ That means that if a person loses

⁵² Interlocutory order of the Seventh Civil Court Judge of October 1, 2002. Attached to the petitioner's initial petition of October 15, 2002.

⁵³ Petitioners' reply, October 7, 2002. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁴ Interlocutory order of the Fifth Civil Court Judge of May 3, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁵ Interlocutory order of the Fifth Civil Court Judge of October 25, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁶ Reply to the complaint by the Guayas District Representative of the State Procurator-General's Office, November 7, 2002. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁷ Reply to the complaint by the Guayas District Representative of the State Procurator-General's Office, November 8, 2002. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁸ Interlocutory order of the Fifth Civil Court Judge of December 21, 2000. Attached to the petitioner's initial petition of October 15, 2002.

⁵⁹ Interlocutory order of the Fifth Civil Court Judge of May 21, 2001. Attached to the petitioner's initial petition of October 15, 2002.

⁶⁰ Article 4.1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

⁶¹ IACHR. Report No. 33/13. Case 11.576. Admissibility and Merits. José Luis García Ibarra and family. Ecuador, July 10, 2013, par. 129. I/A Court HR. *The "Street Children" Case (Villagrán Morales et al.) v. Guatemala*. Merits. Judgment of November 19, 1999. Series C No. 63, par. 144.

⁶² I/A Court HR. *Case of Zambrano-Vélez et al. v. Ecuador*. Merits, Reparations and Costs. Judgment of July 4, 2007. Series C No. 166, par. 80; *The "Street Children" Case (Villagrán Morales et al.) v. Guatemala*. Judgment on the merits. Judgment of November 19, 1999. Series C No. 63, par. 144.

⁶³ I/A Court HR. *Case of Montero Aranguren et al. (Detention Center of Catia) v. Venezuela*. Judgment of July 5, 2006. Series C No. 150, par. 66.

⁶⁴ IACHR. Report on Terrorism and Human Rights. OEA/Ser.L/V/II.116, doc. 5, par. 88.

his or her life as a consequence of the use of force by law enforcement officers without the aforementioned requirements being met, that fact shall be tantamount to arbitrary deprivation of life.⁶⁵ For its part, the Court has pointed out that those requirements entail:

i) Legitimate purpose: the use of force must be addressed at achieving a legitimate purpose. (...)

ii) Absolute necessity: it is necessary to verify whether other less harmful means exist to safeguard the life and integrity of the person or situation that it is sought to protect, according to the circumstances of the case. The Court has indicated that it cannot be concluded that the requirement of "absolute necessity" to use force against a person has been met when such a person does not represent a direct danger, "even when the failure to use force results in the loss of the opportunity to capture them." (...)

iii) Proportionality: the level of force used must be in accordance with the level of resistance offered, which implies establishing a balance between the situation that the agent is facing and his response, considering the potential harm that could be caused. Thus, agents must apply a standard of differentiated use of force, determining the level of cooperation, resistance, or aggressiveness of the person involved and, on this basis, use tactics of negotiation, control or use of force, as appropriate.⁶⁶

63. In the instant case, although there are differing versions regarding certain details of the chase and what happened after the vehicle stopped, there is no disputing that: i) on March 31, 1997, Walter Huacón and Mercedes Salazar were in a vehicle being chased by six officer agents; ii) during the chase a number of officers fired shots; and iii) Mr. Huacón and Ms. Salazar died as the result of shots fired by those police officers.

64. Given that those police officers were on duty, according to the burden of proof rules described with respect to lethal use of force, it is up to the State to provide a satisfactory explanation of what happened and to show that there was strict compliance with said requirements in this concrete case. The Commission stressed that, in the international proceedings, the Ecuadorian State did not provide an explanation conducive to a conclusion that the deaths of Mr. Huacón and Ms. Salazar constituted legitimate use of force, nor does the case file support such a conclusion.

65. On the contrary, in the information available there is nothing indicating that either Mr. Huacón or Ms. Salazar were armed or committed any act of aggression that could be interpreted as posing a threat to the police officers taking part in the chase, or any acts of violence that posed a threat to their lives that might have warranted the use of lethal armed forces as a last and necessary resort in that situation. Here, the Commission again points out that the only legitimate use of firearms in cases of a danger of a person fleeing is when someone's life is in danger.⁶⁷ That circumstance was not present in the instant case.

66. Furthermore, it transpires from police and experts' reports and witness testimony that i) some of the police officers fired shots at the upper part of the vehicle, one of which hit Ms. Salazar in the thorax; and ii) after the vehicle stopped, officer Carbo fired two shots at Mr. Huacón, one in the leg and the other at his chin, and two shots at Ms. Salazar's chest. The IACHR observes that all that was not contested by the State. In short, it is abundantly clear from the file that shots were fired indiscriminately at the vehicle -- hitting and killing Ms. Salazar -- for the simple reason that the vehicle was being driven down the wrong side of the road: an act that is manifestly illegitimate, unnecessary, and disproportionate. The same conclusion applies to the shots after the vehicle had stopped that wounded and ultimately killed Mr. Huacón, since nothing is explained in the file that could warrant the lethal use of force against him.

67. In light of the above determination of the facts, the Commission considers that it is clearly demonstrated that the use of lethal force by the police officers was unjustified, unnecessary, disproportionate, and lacking any legitimate purpose, and therefore constitutes extrajudicial executions. Consequently, the IACHR concludes that the Ecuadorian State violated the right to life of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva established in Article 4.1 of the American Convention, in conjunction with Article 1.1 thereof.

⁶⁵ IACHR. Report No. 1/96. Case 10,559. Chumbivilcas. Peru, March 1, 1996; and Report No. 34/00. Case 11.291, Carandiru, Brazil. April 13, 2000, paras. 63-67.

⁶⁶ I/A Court H.R., Case of Landaeta Mejías Brothers et al v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 27, 2014. Series C No. 281, par. 134.

⁶⁷ IACHR. Report No. 114/18. Case 12.722. Merits. Pedro Basilio Roche Azaña et al Nicaragua. October 5, 2018, par. 53.

B. Right to judicial guarantees and judicial protection (Articles 8.1⁶⁸ and 25.1.⁶⁹ of the American Convention in conjunction with Articles 1.1 and 2 thereof)

68. Both the IACHR and the Court have established that in cases involving violent deaths, especially when State agents may be involved, an investigation must be carried out using all legal means available to determine the truth and to try and punish those responsible.⁷⁰ Likewise, States are required to provide rapid and simple recourse to ensure that perpetrators of human rights violations are brought to trial and that the victims receive reparation for the harm done.⁷¹

69. In addition, in cases in which a death may have resulted from the lethal use of force by State agents, the European Court of Human Rights has pointed out that "most careful scrutiny" is needed, taking into consideration "not only the actions of State agents who actually administer the force but also all the surrounding circumstances including such matters as the planning and control of the actions under examination."⁷² Thus, "any deficiency in the investigation, which undermines the ability thereof to establish the cause of death or the person responsible, will put compliance with this norm at risk."⁷³

70. Regarding the application of special jurisdictions, the IACHR has indicated that they must apply on a limited and exceptional basis and be aimed at the protection of special legal interests that are tied to the entity in question.⁷⁴ Thus, the Inter-American Court has had the opportunity to analyze the structure and composition of special courts in light of the United Nations Basic Principles on the Independence of the Judiciary. A number of relevant factors are: (i) that they are made up of active-duty officers who are hierarchically subordinate to higher-ranked officers through the chain of command; (ii) that their designation does not depend on their professional skills and qualifications to exercise judicial functions; and (iii) that they do not have sufficient guarantees that they will not be removed. This has led to the conclusion that such tribunals lack the necessary independence and impartiality to take cognizance of human rights violations.⁷⁵

71. Likewise, the Court has examined whether the characteristics of the criminal jurisdiction of the police in Ecuador complies with conventional standards applied to military courts: i) the relationship between that jurisdiction and the Executive Branch; ii) the composition of each body within the criminal jurisdiction of the police (requirements for holding those positions, professional training, status and rank within the National Police); iii) the procedures used to appoint judges and prosecutors; iv) guarantees against removal from office (duration of position and grounds for dismissal); and v) the possibility of subsequent judicial oversight by an ordinary court.⁷⁶

72. Based on that, the Court concluded that the functional and administrative dependence of the police justice system on the Executive and the impossibility of requesting a judicial review in the ordinary jurisdiction did not guarantee the independence and impartiality of the police jurisdiction. Moreover, the subordination and chain of command proper to the National Police did not provide sufficient guarantees of the independence and impartiality of police criminal court judges, at the personal or individual level, due to: the manner in which they were appointed; the lack of sufficient guarantees of stability in their position (especially in the case of District Judges, who can be freely appointed and removed and who, as in this case, were empowered to decide whether or not a case would continue); and the active service status of the

⁶⁸ Article 8.1: Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

⁶⁹ Article 25.1: Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

⁷⁰ IACHR. Report No. 41/15. Cases 12.335 and 12.336, 12.757, 12.711. Merits. Gustavo Giraldo Villamizar Durán et al. Colombia. July 28, 2015, par. 195. See, also: I/A Court HR. *Case of the "Mapiripán Massacre"* v. Colombia. Judgment of September 15, 2005. Series C No. 122, par. 219; and *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits and Reparations. Judgment of May 14, 2013. Series C No. 260, par. 218.

⁷¹ I/A Court HR. *Loayza Tamayo Case v. Peru*. Reparations. Judgment of November 27, 1998. Series C No. 42, par. 169.

⁷² ECHR, *McCann and Others v. the United Kingdom*, Application No. 27229/95, September 1995, para. 36.

⁷³ ECHR, *Milkhalkova and others v. Ukraine*, Application no. 10919/05, 13 January 2011, para. 42.

⁷⁴ IACHR. Report 53/01. Case 11.565. Ana, Beatriz and Cecilia González Pérez. Mexico. April 4, 2001, par. 81; Report No. 51/16, Case 11.564, Merits, Gilberto Jiménez Hernández et al, Mexico, par. 156.

⁷⁵ I/A Court HR. *Case of Palamara Iribarne v. Chile*. Merits, reparations and costs, Judgment of November 22, 2005, Series C No. 135, paras. 155-156.

⁷⁶ I/A Court HR. *Case of Valencia Hinojosa et al. v. Ecuador*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 29, 2016, Series C No. 327, par. 94.[Tr. Spanish only]

majority of those intervening (which meant that it was possible that district judges, for example, might have to investigate higher-ranking officers or the colleagues they graduated with).⁷⁷

73. In the instant case, it is an undisputed fact that the investigations were carried out in the criminal jurisdiction of the police. In fact, three police officers involved in the deaths of Mr. Huacón and Ms. Salazar were tried in that jurisdiction.

74. The IACHR stresses that, since human rights violations were involved (specifically, violations of the right to life and personal integrity), there is no way the facts may be construed as offenses committed during the course of duties, so that the investigations should have been conducted in the ordinary courts. In light of the above, the Commission concludes that by applying the police criminal jurisdiction in the instant case, the Ecuadorian State violated the rights to judicial guarantees and judicial protection, in particular the right to be heard by a competent, independent, and impartial authority, as well as to have adequate and effective remedy, pursuant to Articles 8.1 and 25.1 of the American Convention in conjunction with Articles 1.1 and 2 thereof, to the detriment of the next-of-kin of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva (See *infra* paragraphs 9 and 10).

75. The Commission also underscores the fact that, under the police judicial system two of the police officers were acquitted on the grounds that it was not possible to determine which weapon had been used to fire the bullet that struck Ms. Salazar in the back of her neck. In that regard, the IACHR notes the following irregularities associated with that situation: i) those officers did not submit their official weapons for the corresponding ballistics tests; and ii) there was no expert examination of Mr. Huacón's car. That was acknowledged by the judicial authority, which just took note of that state of affairs without doing anything to correct it in the sense of ordering a resumption of the investigation or proper explanation of what happened and identification of each individual's responsibility.

76. In addition to that, the investigation of officer Carbo, who was summonsed for trial due to "the inference by way of presumption" that he had fired at Mr. Huacón and Ms. Salazar after the vehicle had come to a halt, apparently is still open more than 22 years after the facts of the case. From the scant information provided on these proceedings and bearing in mind the length of time that has elapsed, the Commission considers that the State failed to show that it conducted them either with due diligence or within a reasonable period of time. The Commission further emphasizes that so far the families of the two victims have not received any clarification of what happened or determination of all responsibilities under the ordinary criminal justice system

77. In light of the above, the Commission considers that to this day the facts of the case have gone unpunished and the State has failed to comply with its duty to conduct an adequate investigation with a view to identifying and, where applicable, punishing the persons responsible for the extrajudicial executions of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva. Consequently, the IACHR concludes that the State violated the rights to judicial guarantees and judicial protection established in Articles 8.1 and 25.1 of the American Convention, in conjunction with Articles 1.1 and 2 thereof, to the detriment of the next of kin of Mr. Huacón and Ms. Salazar.

C. Right to humane treatment (Article 5.1⁷⁸ of the American Convention in conjunction with Article 1(1) thereof)

78. To start with, the Commission notes that in its admissibility report it did not expressly include Article 5 of the American Convention among the rights that could be considered at the merits stage. Nevertheless, given the whole set of arguments and evidence available at the merits stage, the IACHR deems it pertinent to analyze that part of the facts of the case relating to the suffering endured by Walter Huacón and Mercedes Salazar prior to their deaths, as well as that of the family members of the victims, in light of the right established in Article 5 of the American Convention. The Commission stresses that throughout the admissibility proceedings and the merits stage, the State was aware of the facts affecting Mr. Huacón and Ms. Salazar, as well as their family members. In light of the above, and applying the *iura novit curia* principle,

⁷⁷ I/A Court HR. *Case of Valencia Hinojosa et al. v. Ecuador*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 29, 2016, Series C No. 327, par. 114.

⁷⁸ Article 5.1: Every person has the right to have his physical, mental, and moral integrity respected.

the Commission will analyze whether in the instant case the State violated Article 5.1 of the American Convention.⁷⁹

79. As regards Mr. Huacón and Ms. Salazar, the IACHR observes that they were being chased by six police officers, some of whom began shooting at them. Add to that the fact that Mr. Huacón was later taken out of the vehicle and was shot in the leg by officer Carbo. The IACHR notes that Mr. Huacón remained alive for some minutes before being shot again in the chin. The IACHR considers it reasonable to conclude that said situation generated enormous anxiety and fear for both Mr. Huacón and for Ms. Salazar about what would happen to them. Consequently, the Commission concludes that the State violated the right to personal integrity established in Article 5.1 of the American Convention, in conjunction with Article 1.1 thereof, to the detriment of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva.

80. The Commission and the Inter-American Court have indicated on a number of occasions that the next-of-kin of victims of grave human rights violations may, in turn, be considered victims.⁸⁰ The Commission has likewise determined that "that the single loss of a loved one as a consequence of the arbitrary use of force by security forces (...), followed by the further lack of clarification and impunity, permits the inference of an adverse effect on the physical and psychological integrity of the immediate family unit of those killed."⁸¹

81. Regarding impunity, the Court has stated that:

The absence of a complete and effective investigation into the facts constitutes a source of additional suffering and anguish for victims and their next of kin, who have the right to know the truth of what happened. This right to the truth requires a procedural determination of the most complete historical truth possible, including the determination of patterns of collective action and of all those who, in different ways, took part in the said violations, as well as their corresponding responsibilities.⁸²

82. In the instant case, the Commission has already determined that it has been established that Walter Huacón and Mercedes Salazar lost their lives due to extrajudicial execution by police agents, which constitutes a grave violation of human rights that inevitably caused suffering for their next-of-kin. In addition, the instant case is exacerbated by impunity, given that no one has been convicted for what happened. The Commission further notes the threats alleged to have been made against family members of the two victims during the proceedings conducted under the criminal jurisdiction of the police: allegations that the State did not contest. Consequently, the Commission concludes that the State violated the right to personal integrity established in Article 5.1 of the American Convention, in conjunction with Article 1.1 thereof, to the detriment of the family members of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva, identified in this report on the merits.

V. CONCLUSIONS AND RECOMMENDATIONS

83. Based on the determinations of fact and law, the Inter-American Commission concluded that the State is responsible for violating Articles 4.1 (right to life), 5.1 (right to personal integrity), 8.1 (right to judicial guarantees), and 25.1 (right to judicial protection) of the American Convention on Human Rights, in conjunction with the obligations established in Articles 1.1 and 2 thereof.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RECOMMENDS TO THE ECUADORIAN STATE THAT IT:

1. Make full reparation for the human rights violations declared in this report, including fair compensation for material and moral damage, as well as measures of satisfaction agreed upon with the next-of-kin;

⁷⁹ The Inter-American Court has established that inclusion by the IACHR of articles of the American Convention at the merits stage "does not entail a violation of the [State's] right of defense" in cases in which the State was aware of the facts pointing to their alleged violation. See: I/A Court HR. *Case of Furlan and Family v. Argentina*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2012. Series C No. 246, par. 50.

⁸⁰ I/A Court HR. *Case of Furlan and Family v. Argentina*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 31, 2012. Series C No. 246, par. 249.

⁸¹ IACHR. Report No. 11/10. Case 12.488. Merits. Member of the Barrios family. Venezuela. July 26, 2010, par. 227.

⁸² I/A Court HR. *Case of Valle Jaramillo et al. v. Colombia*. Merits, Reparations and Costs. Judgment of November 27, 2008, par. 102.

2. Order such physical and mental health care as is needed by the family members of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva. Those measures must be implemented if the victims so desire and by agreement with them and their representatives;
3. Conduct a thorough and effective investigation of the human rights violations found in the instant report. That must entail: i) making every effort to capture José Carbo with a view to continuing the criminal proceedings against him, which need to be completed in the ordinary justice system; and ii) ensuring that all other responsibilities are investigated in the ordinary justice system;
4. Order non-repetition mechanisms, including: i) ongoing training programs for police officers, as well as the establishment of protocols on the use of force, including the use of lethal force, in accordance with the standards established in the instant report; ii) measures to ensure effective accountability in the criminal, disciplinary, or administrative jurisdictions, in cases of alleged misuse of authority by State agents responsible for public security in connection with police operations such as that described in the instant case; and iii) measures to boost capacity to investigate, with due diligence and in accordance with pertinent international standards regarding possible extrajudicial executions in connection with the use of lethal force by police officers, while ensuring that effective protocols are in place for conducting such investigations.