

**JOINT PARTIALLY DISSENTING OPINION OF JUDGE CECILIA MEDINA QUIROGA
AND OF JUDGE AD-HOC DIEGO RODRIGUEZ PINZON
IN THE CASE OF SALVADOR CHIRIBOGA V. ECUADOR,
JUDGMENT OF MARCH 3, 2011**

We agree with the decision of the Court, and in particular with the provisions set by the Court regarding the modality of the payments set for every five years as established in paragraphs 102, 103, and 104, but disagree in regard to the failure to set interests regarding the outstanding amount during those five years in those same paragraphs.

We believe that the Court has had to establish the victim's right to receive annual interest on the amounts outstanding for each of the five years established for the mode of payment (paras. 102-104).¹ The Court has had to recognize those interests, taking into account that the victim has not actually received payment in full because the payments have been divided into five so as to allow the State the means to satisfy this obligation. The victim has had to wait more than 14 years to be compensated for the expropriation, and the decision of the Court postponed the complete fulfillment of this requirement until March 30, 2016. From 2011 until 2016, the victim will not have received the full compensation to which she is entitled, with the additional burden that from the date of the Judgment on Reparations interest stops accruing, interests that were recognized by the Court as of July 1997 until February 2011. Thus, in this sense, the Court has reduced the amount for just compensation and the corresponding interests that it had acknowledged for the victim at first.

The majority decision does not suggest any reason for having made this decision to not award interest for the installment payments of compensation and reparation, as does the constant jurisprudence of this Court. We perceive no reason for a deviation of this nature and believe that the Judgment should provide it intends to innovate based on established jurisprudence.

Cecilia Medina Quiroga
Judge

Diego Rodríguez Pinzón
Judge *ad-hoc*

Pablo Saavedra Alessandri
Secretary

¹ The only interest that the victim shall receive after the Judgment on Reparations is the interest for delay in noncompliance of the annual quotas. (para. 103).