

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

11 May 2020 AMR 28/2294/2020

# ECUADOR: INDIGENOUS COMMUNITIES OF THE ECUADORIAN AMAZON, WHOSE LIVES AND SAFETY ARE THREATENED BY AN OIL SPILL AND COVID-19, DEMAND RESPECT FOR DUE PROCESS AS THEY TAKE LEGAL ACTION TO DEFEND THEIR RIGHTS

Amnesty International expresses its concern about the serious situation of vulnerability faced by people and communities whose food and water sources have been affected by the oil spill that occurred on 7 April in the Ecuadorian Amazon. This situation has worsened with COVID-19.

As stated in a constitutional protection proceeding and cautionary measures presented by various organizations<sup>1</sup> on 29 April 2020 before a judge in Francisco de Orellana County in Orellana Province, a rupture occurred in the Transecuadorian Pipeline System (SOTE) and the Crude Oil Pipeline (OCP) above the San Rafael Waterfall in Sucumbíos Province. The resulting oil spill has affected approximately 105 communities in 21 parishes on the banks of the Coca and Napo rivers. These communities, primarily of the Kichwa and Shuar nations, depend on the rivers for water and food.

Amnesty International reiterates that the Ecuadorian government's response to the emergency caused by the oil spill must be guided by international human rights law. Therefore, it must guarantee the safety of affected people and communities, provide all necessary humanitarian assistance, and ensure the communities' participation in all steps taken to respond.

Amnesty International also expresses its concern that procedural actions endangering guarantees to due process have been taken in response to the protection proceeding and emergency measures (urgent protection measures) presented on behalf of approximately 120,000 people affected by the oil spill.

The petitioning organizations report, for example, that the Francisco de Orellana County judge in charge of the case has solicited information not required by law to process the proceeding, such as the respondents contact information. The judge also convened a public assembly with only a few days' notice that will presumably be held virtually. He did so without considering the geographical context of the area or the current health emergency, both of which make it difficult for affected indigenous people and communities as well as those acting on their behalf to access virtual communication.

The petition holds responsible the Ministry of Energy and Natural and Non-Renewable Resources, the Ministry of the Environment, the Ministry of Public Health, the state oil company Petroecuador, and the private company OCP.

Amnesty International reiterates that judicial authorities must respect the right to due process of the people and communities affected.

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<sup>1</sup> The protection petition was presented by the Native Union of the Ecuadorian Amazon Communities Federation (FCUNAE), the Confederation of Indigenous Nations of the Ecuadorian Amazon (CONFENIAE), Bishops of the Vicariates of Orellana and Sucumbíos, and various affected individuals with the support of the Alliance of Human Rights Organizations.