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@Colombians tortured and threatened with death

Amnesty International is seriously concerned that some 30 people, all except one of them Colombian nationals, were reportedly tortured, subjected to death threats, and otherwise ill-treated, following their detention by the Ecuadorian security forces in late December 1993. The organization has received the names of 15 of the victims (see below). All of them were detained in connection with an armed attack on Ecuadorian security forces by Colombian guerrillas. The guerrillas, who were reported to belong to the *Fuerzas Armadas Revolucionarias de Colombia*, FARC, Revolutionary Armed Forces of Colombia, carried out the attack on Ecuadorian military and police units patrolling the River Putumayo, which divides Ecuador from Colombia.

Of the approximately 30 people detained and allegedly tortured, 11 face criminal charges in Ecuador in connection with the ambush. The other 19 victims were released without charges.

The organization is also gravely concerned by reports that an undisclosed number of Ecuadorian police and military personnel who were on the ambushed patrol, were reportedly killed by members of the FARC after they were captured by the guerrilla forces.

Torture and death threats by the Ecuadorian security forces

On 16 December 1993 a unit of FARC guerrillas, which had taken up positions on both the Ecuadorian and Colombian sides of the River Putumayo, ambushed a river patrol made up of eight boats carrying at least 40 Ecuadorian police and soldiers. The patrol, which at the time was navigating a stretch of the river known as Peña Colorada, up-river from Puerto El Carmen, Sucumbios province (Ecuador), were engaged in anti-drug trafficking operations. At least 11 Ecuadorian police and soldiers died as a result of the ambush.

Between 17 and 21 December 1993 the Ecuadorian military detained some 30 people in connection with the attack. Those detained were arrested, either while travelling along the river, in their homes, or while engaged in their daily tasks. The detentions were reported to have been carried out by members of the Ecuadorian army attached to the *Brigada de Selva 56*, 56th Jungle Battalion, along stretches of the river known as Peña Colorada and Lorenzo. Other detentions took place in or near the villages of Nueva Esperanza and Montepa, both of which are in the Ecuadorian province of Sucumbios.

Of the 30 people detained and allegedly tortured, 19 were either released almost immediately, or were first taken to the Ecuadorian military base located in Puerto El Carmen, and then taken to Puerto Ospina (Colombia) and released without charges. Amnesty International has learned of the names of four of those tortured and then released. The others - some 15 people - apparently declined to identify themselves before the local authorities in Colombia, for fear of reprisals against members of their families who remained in Ecuadorian villages across the river.

The fact that the Colombians arrested were apparently living in villages on the Ecuadorian side of the river is not at all unusual. The River Putumayo, which makes up the border between Ecuador and Colombia, harbours many indigenous and peasant communities along both its shores which are linked socially and economically. The border along the river is also difficult to control because it is located in a region of dense rainforest.

Eleven of those detained were reportedly held incommunicado by the Ecuadorian military for between six and ten days, up to 27 December 1993. Their names are: **Carmen BOLAÑOS MORA**, **Alejandro AGUINDA LANZA**, **Demetrio PIANDA MACHOA**, **Froilán CUELLAR**, **José Otilio QUINAYAS**, **Harold Heberth PAZ PALLAGUAJE**, **Juan Clímaco CUELLAR PALLAGUAJE**, **Henry MACHOA PALLAGUAJE**, **Leonel AGUINDA URAPARI**, **Josué BASTIDAS HERNANDEZ** and **Carlos Enrique CUELLAR** (Ecuadorian). These detainees were held at the military base in Puerto El Carmen, and then possibly at two further military bases in the region. According to reports, while in the custody of the military, they were blindfolded, handcuffed and repeatedly tortured. The torture was said to have included being kicked, hung, sprayed with gas, doused with a strong disinfectant, given electric shocks and subjected to mock executions. The detainees were also reported to have been deprived of food and sleep, as well as being forced to swallow a liquid they believe to be urine or salted water. In addition, **Carmen Bolaños** was reported to have been repeatedly raped until she lost consciousness. All of them were reported to have admitted, under torture, to have participated in the ambush. Their "confessions" were apparently filmed by the military.

On 27 December 1993 the 11 detainees were transferred in a military aircraft to Quito, the capital, and handed over into the custody of the *Oficina de Investigación del Delito-Pichincha*, OI, Pichincha Crime Investigation Office, a branch of the Ecuadorian National Police. At the OI they were reportedly subjected to further torture and ill-treatment (mock executions, sleep deprivation and physical attacks), and were once again filmed making incriminatory statements. The film was subsequently shown on television. The 11 detainees were finally transferred to a civilian detention centre known as the *Centro de Detención Provisional*, Provisional Detention Centre, in Quito. They have been charged with criminal offences in connection with the attack by the guerrillas on the Ecuadorian security forces. A judicial investigation has been opened against the 11.

According to information received by Amnesty International, a report by the National Police, dated 29 December 1993, stated that the 11 detainees had been transferred into their custody "in a somewhat poor state of health", and that as a result medical personnel had been asked to ascertain their condition at the time they were handed over by the military. The examinations were apparently conducted in the presence of a public attorney.

On the basis of further medical examinations carried out on 4 January 1994, official forensic doctors were reported to have confirmed that the injuries the detainees suffered, were sustained following their detention, and requested that two of them - **Juan Clímaco Cuellar** and **José Otilio Quinayas** - be transferred to a hospital. The request was complied with. Despite these findings, the Minister of National Defence was reported as stating, in a letter published in the newspaper *Hoy* on 13 January 1994, "that none of the detainees were in such a poor state of health as to suggest that they had been ill-treated. The marks on their wrists were the result of them having been permanently bound or handcuffed..."

The Minister of National Defence was also reported as stating that the detainees had been recruited, "either voluntarily or under duress", to collaborate with the guerrillas. However, in an open letter directed to the Ecuadorian Minister of Government and Police, the Director of the Human Rights Committee in Puerto Asis (Colombia), the Roman Catholic bishop of the province of Sucumbios (Ecuador), and other independent human rights defenders in both countries, stated that all 11 detainees were known for their active participation in their local community and church organizations. The letter states that these organizations, together with local religious leaders, "testify to the good conduct and honorability" of the detainees. Reference to the good character of the detainees was also made by an independent Colombian organization of human rights lawyers. The organization stated that none of the accused had a previous criminal record, and that their only crime was to have found themselves living in the region where the ambush took place.

In addition to the detainees who face criminal charges, Amnesty International has learned that some 20 further people were allegedly tortured and ill-treated by the Ecuadorian military in connection with the ambush, and then released without charges. The majority of them reported the treatment they received to human rights defenders in Puerto Ospina (Colombia), but apparently declined to make their names public. However, the organization has received the names of four of the people who claimed to have been tortured, and who were later released without charges (**Medardo URAPARI MACHOA**, **Reinerio JURADO PIANDA**, **José NOTTO DIAZ** and **Amparo JARAMILLO**).

Medardo Urapari Machoa, a 19-year old peasant, was detained on 20 December 1993, while travelling on the river. He claimed to have made his way to the river bank after hearing gunfire. The military forced him off his boat, placed a firearm against his head, and kept him lying face down. He was taken to a local school, where he had his feet and hands bound, and where the soldiers threatened to kill him. Later he was transported blindfolded

in a helicopter to an unnamed military installation, where he was interrogated under torture. Medardo Urupari was reported as having stated:

"... I was kept blindfolded all the time I was held there, for over over 48 hours. They kicked me in the ribs, they pricked me on the waist with needles to make me confess to being a guerrilla. I told them I wasn't one, but they got annoyed and tortured me with more force. They tied my arms behind my back. The following day I could not move them for pain. At six in the afternoon they gave me electric shocks on the feet. Then they took me blindfolded to the jetty in Puerto Ospina [Colombia] and left me there".

Reinerio Jurado Pianda was reported to have been detained, together with his friend **Harold Heberth Paz** (one of the 11 prisoners transferred to Quito), while travelling on a stretch of the river known as Lorenzo. They were detained on 21 December 1993, after having been singled out from a group of passengers travelling with them. Both men were reportedly handcuffed and blindfolded. Reineiro Jurado claimed that his head was trodden on. He and his friend were then transferred to the military base of Puerto El Carmen. Reineiro Jurado was reported as having testified that at the base:

"...I had a water bag put over my head, then they sprayed me, covering my eyes ... [report not legible] ... a situation of anxiety. They injected my right shoulder, after which I could not move my arms. They said they would kill me at 4 pm. When the time came, I was hung again and asked about the guerrillas. I told them I did not know anything, and they beat me with a stick. I was tortured from 4 to 7 pm. My friend Harold Paz was also beaten. When hearing his cries and groans I told them what they wanted me to say. After saying to me "Let's go, because the time has arrived for you to die", they grabbed me by the arms and pulled me down a road. I heard the sound of the river and thought that we had arrived at a jetty. There they said: "Throw him into the deep part". They uncocked their firearms and started up the engine of the boat. I was very frightened - I thought my time had come. I felt them throw me out of the boat, but I landed on the ground. Then they told me to take off my blindfold - it was there that I realized that I was on the jetty at Puerto Ospina."

José Notto Díaz, together with **Amparo Jaramillo** and one other unidentified young woman, were detained on 17 December 1993, while travelling in his boat along the river. Amparo Jaramillo reported to the police in Puerto Ospina that she had been ill-treated and subjected to mock executions. José Notto is reported as having told the police authorities in Puerto Ospina:

" the three of us were hauled out [of the boat]. I was blindfolded, pushed face-down, bound, and then kicked all over. They then stood on me. They accused me of being a guerrilla and that I had to tell them everything. They asked me to make a last wish.

They stuck a firearm in my mouth, counted to three and then pulled it out and fired it near my ears. One of the girls travelling with me was also shouting "Don't kill me!". I then heard a shot. At 5 am. three of them took me down to the river. They took off the blindfold and released me next to the boat. Then they brought the two young women. We departed".

Ecuador's obligations under international human rights law

Ecuador has ratified the International Covenant of Civil and Political Rights (ICCPR), in 1969; the American Convention of Human Rights (ACHR), in 1977; and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 1988. All three instruments explicitly prohibit the torture and ill-treatment of anyone, including detainees and prisoners. In addition, the UN Convention Against Torture explicitly prohibits any statements made by the accused which have been obtained as a result of torture, to be used or invoked as evidence in any proceedings, including pre-trial or trial proceedings. Under international law Ecuador is obliged to ensure that full and independent investigations are carried out into all allegations of human rights violations by its security forces, that the findings be made public, and that those found responsible be brought to justice.

Amnesty International recognizes the right of the Ecuadorian security forces to patrol their international borders, and to detain anyone suspected of criminal activities. However, the organization believes that no matter how serious the problems of armed violence, illegal drug trafficking and other crimes faced by the Ecuadorian security forces, they must at all times abide by the international human rights standards to which Ecuador is party.

Amnesty International has appealed to the Ecuadorian authorities to order a full, prompt and independent investigation into the allegations of torture and ill-treatment by its security forces reported above, make public the findings, and bring the perpetrators to justice.

Over the years Amnesty International has documented numerous allegations of torture and ill-treatment of prisoners in Ecuador, particularly by the police against people accused of common crimes. The organization has also documented cases of torture and ill-treatment of detainees at the hands of the armed forces. The vast majority of these allegations have never been thoroughly and independently investigated, and the perpetrators brought to justice.

Human rights abuses by the Colombian guerrillas

The attack by a unit of the Revolutionary Armed Forces of Colombia (FARC) on the Ecuadorian security forces, reportedly resulted in an unspecified number of Ecuadorian police and soldiers being captured by the guerrillas, and then deliberately killed. One survivor of the ambush is reported to have claimed that "... some of those killed had survived the initial attack, but were later finished off by a group of some 20 women guerrillas". Another report indicated that "the rebels shot to death several survivors and set fire to their bodies".

Amnesty International is not in a position to verify the accuracy or otherwise of these reports. However, the organization is aware that the FARC and other Colombian guerrilla groups have, over the years, been responsible for the deliberate and arbitrary killing of civilians, and of members of the Colombian armed forces who had laid down their arms, were incapacitated, or had been captured. Amnesty International, which for many years has condemned the killing of prisoners by guerrilla groups in Colombia, is unreservedly opposed to such killings.

Despite the victims of human rights abuses by the guerrillas being members of the Ecuadorian security forces, Amnesty International believes that this do not absolve the Colombian guerrillas of their responsibility in abiding by principles derived from humanitarian law. It is in this context that the organization calls on the leadership of the FARC to order that its combatants, **at any time and in any place whatsoever**, fully respect the humanitarian standards enshrined in Common Article 3 to the four Geneva Conventions of 1949.