

PUBLIC

AI Index: AMR 28/09/99

3 March 1999

Further information on EXTRA 25/99 (AMR 28/06/99, 22 February 1999) -
Torture/Fear of unfair trial

ECUADOR Washington Fernando AGUIRRE FREILE
Christian Steven PONCE
Sergei MERINO (note new spelling)

The three men named above, suspects detained in connection with the assassination of two opposition parliamentarians and one other person, may have been tortured to force them to confess and are at risk of an unfair trial.

They were detained on 18 or 19 February 1999, after opposition parliamentarians Jaime Hurtado Gonzalez and Pablo Vicente Tapia Farinango were shot dead on 17 February, together with Wellington Borja Nazareno (see UA 28/99, AI Index: AMR 28/04/99, 19 February 1999).

The Ecuadorean newspaper *Hoy* reported on 1 March that the three suspects told journalists that they had given statements to the police "under pressure" ("*bajo presión*"). These statements have apparently been included in a police report (*atestado policial*) which is to be submitted for examination to a judge.

No one detained in connection with a criminal offence may be compelled to confess or testify against themselves, before or during a trial. This right is enshrined in the United Nations International Covenant on Civil and Political Rights (ICCPR) and the American Convention on Human Rights (ACHR).

Any confessions extracted under torture or duress must be promptly and impartially examined by the competent authorities, including judges, and must not be used in a trial as evidence against the accused. These obligations are enshrined in the UN Convention against Torture and the ACHR.

Ecuador is a state party to all three of the above human rights treaties.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Spanish or your own language:

- expressing concern that Washington Fernando Aguirre Freile, Christian Steven Ponce and Sergei Merino, detained on 18 or 19 February 1999 in connection with the assassination of two opposition parliamentarians and one other person, are reported to have made statements to the police "under pressure";
- calling on the authorities to ensure a prompt and impartial investigation of these allegations, make the findings public, and bring those responsible to justice;
- reminding the authorities that the use in a trial as evidence against the accused of any confession extracted under torture or duress is expressly prohibited by the Convention against Torture and by the American Convention on Human Rights;
- calling on the authorities to ensure that the three men are tried in accordance with international fair trial standards.

APPEALS TO:

Minister of Government and Police
Vladimiro Álvarez Grau

2

Ministro de Gobierno y Policía
Ministerio de Gobierno y Policía
Espejo y Benalcázar
QUITO
Ecuador

Fax: + (593 2) 580 067

Salutations: Dear Minister/Estimado Sr. Ministro

Attorney General

Dra. Mariana Yepez
Ministra Fiscal General de la Nación
Robles 731 y Av. Amazonas
QUITO
Ecuador

Fax: + (593 2) 560 355

Salutations: Dear Attorney General/Estimada Ministra Fiscal de la Nación

COPIES TO:

Human Rights Organization

Centro de Documentación en Derechos Humanos
Av. 10 de Agosto 2655
Edif. Tauro, Of. 802
QUITO

and to diplomatic representatives of Ecuador accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 3 April 1999.