

PUBLIC

AI Index: AMR 28/014/2003

UA 344/03 Fear for Safety/Possible "disappearance"

24 November 2003

ECUADOR **Jhonny Elías Gómez Balda (m)**
César Augusto Mata Valenzuela (m)

Amnesty International is concerned for the safety of Jhonny Elías Gómez Balda and César Augusto Mata Valenzuela, who were reportedly detained by members of the police in the city of Guayaquil, Guayas province on 19 November. They have not been seen since by their relatives and their whereabouts are unknown.

According to Jhonny Gómez's wife, María Dolores Guerra Tabara, and César Mata's brother, Iván Stalin Mata Valenzuela, both men called them from the Judicial Police Headquarters (*Cuartel de la Policía Judicial*) in Guayaquil. According to María Dolores Guerra Tabara, her husband told her: "*estoy en los patios de la P.J. [Policía Judicial] metido en un carro rojo, ven entra hasta el fondo, me van a matar*", "I'm in the yard of the Judicial Police in a red car, come to the very back of the yard, they are going to kill me". Iván Stalin Mata Valenzuela received a telephone call in which César Mata told him "*estoy detenido en la PJ [Policía Judicial], al fondo, haz bulla que me van a matar*" "I am detained at the Judicial Police, at the very end of the yard, make a fuss because they are going to kill me".

The relatives of both men approached the office of the local Ombudsman for help. A lawyer from the Ombudsman's office has reportedly been told by the Head of the Judicial Police in Guayas province that there is no record of the two men being detained at the Judicial Police Headquarters.

BACKGROUND INFORMATION

In recent years Amnesty International has documented scores of grave human rights violations committed by members of the police. The most frequent cases refer to torture and ill-treatment of detainees, including cases of death in custody and cases of forced disappearance.

During a recent visit to the country, an Amnesty International delegation presented the report *Ecuador: With no independent and impartial justice there can be no rule of law*, (AMR 28/010/2003, October 2003) to the authorities, the media and members of civil society. The delegation met, among others, the Head of the National Police, who insisted that the Police did not commit human rights violations and that cases of "disappearance", extrajudicial execution and torture were things from the past. However, since the meeting which took place, less than a month ago on 30 October 2003, Amnesty International has issued one other Urgent Action with information of grave human rights violations allegedly committed by members of the Police. (See UA 316/03, AMR 28/012/2003, 3 November 2003)

During the recent Amnesty International mission to Ecuador, the delegation met with the authorities, including members of the National Police Court and representatives of the President and Minister of the Interior, as well as with Members of Congress. The delegation expressed deep concern at what appears to be a lack of political will to end police brutality. Members of the police who are accused of committing human rights violations are usually tried in police courts where they mostly go unpunished. In addition, victims, their families, and witnesses often receive death threats in an attempt to make them withdraw their accusations.

The delegation welcomed the fact that these authorities agreed that if the circle of impunity that engulfs most cases of human rights violations is to be broken, members of the security forces who are charged with human rights violations have to be investigated and tried in civil courts. The only authorities who disagreed were the leadership of the National Police including its Commander in Chief.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing concern for the safety of Jhonny Elías Gómez Balda and César Augusto Mata Valenzuela who were reportedly detained by members of the police in the city of Guayaquil, Guayas province, on 19 November 2003;
- urging the authorities to do everything within their power to establish the fate of the two men;
- if the two men are in police custody, calling for them to be immediately and unconditionally released or charged with a recognizably criminal offence;
- urging the authorities to grant them immediate access to their relatives, lawyers, and any medical attention they may require;
- urging that they be treated humanely if they are in custody and not subjected to torture or ill-treatment.

APPEALS TO:

Minister of the Interior

Dr. Felipe Mantilla Huerta
Ministro de Gobierno, Policía, Justicia, Cultos y
Municipalidades
Ministerio de Gobierno y Policía
Benalcazar y Espejo
Quito, Ecuador

Telegram: **Ministro de Gobierno, Quito, Ecuador**

Fax: **+ 593 2 258 0067**

Salutation: **Sr. Ministro/Dear Minister**

Attorney General

Dra Mariana Yépez de Velasco
Ministra Fiscal General del Estado
Fiscalía General del Estado
Av. Eloy Alfaro no. 32/240 y República
Quito, Ecuador

Telegram: **Ministra Fiscal General del Estado, Quito,
Ecuador**

Fax: **+593 2 2559447 (if a voice answers, say "tono de fax, por favour")**

Salutation: **Sra Ministra Fiscal General/ Dear Attorney
General**

Head of the National Police

Lcdo. Jorge Poveda Zúñiga
Comandante General de la Policía Nacional
Ramírez Dávalos 612 y Av. 10 de Agosto
Quito, Ecuador

Telegram: **Comandante General de la Policía Nacional,
Quito, Ecuador**

Fax: **+593 2 250 6066**

Salutation: **Sr. Comandante General/Dear Commander
General**

COPIES TO:

Human rights organization

Comité Permanente por la Defensa de los Derechos Humanos
Quisquis 1207 y Esmeraldas 4° piso Oficina 403
Guayaquil, Ecuador

E-mail: **cdhgye@telconet.net**

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 5 January 2004.