

PUBLIC

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Fear for safety/Torture

23 May 2000

ECUADOR

Benjamín Álvarez
Herney Hernández
Marilú Marcillo Rivas (f), aged 15
José Humberto Leal Hernández - Colombian
Rubiela Margoth Díaz Álvarez (f) - Colombian
a one-year-old child

The people named above, allegedly members of an armed group, were detained by the army on 13 May, and at least two have reportedly been tortured during interrogation.

They were detained after a gun battle between an army patrol and an apparently recently-formed armed group known as *Fuerzas Armadas Revolucionarias Ecuatorianas - Defensores del Pueblo* (FARE-DP), Ecuadorian Revolutionary Armed Forces - Defenders of the People. Two alleged FARE-DP members and two soldiers died in the shootout, in the Ecuadorian Amazon jungle in Orellana Province, between the towns of Francisco de Orellana and Cononaco.

Herney Hernández, Benjamín Álvarez, Rubiela Margoth Díaz Álvarez and a one-year-old child she was carrying when she was arrested were taken to the Judicial Police prison cells in the capital, Quito. Witnesses have reportedly said that the two men appeared to have been tortured. Herney Hernández had burns on his tongue, apparently caused by electric shocks, and both men had bruises on their faces.

José Humberto Leal Hernández and 15-year-old Marilú Marcillo Rivas were reportedly shot during the gun battle, and are recovering under guard in the Eugenio Espejo Public Hospital in Quito.

BACKGROUND INFORMATION

Ecuador has ratified several international instruments that prohibit torture and ill-treatment. It ratified the International Covenant on Civil and Political Rights (ICCPR) in 1969; the American Convention on Human Rights (ACHR) in 1977; the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988; and last year it ratified the Inter-American Convention to Prevent and Punish Torture. However, over the years Amnesty International has received frequent reports of detainees being tortured and ill-treated in Ecuador, particularly during their first days in custody.

Amnesty International has documented several cases of Ecuadorian and Colombian citizens living in villages in the Amazon region being detained on suspicion of involvement in armed opposition groups and tortured by the Ecuadorian security forces.

Amnesty International recognizes the right of the Ecuadorian authorities to uphold law and order. However, they must at all times respect and protect the human rights of those detained and in doing so abide by the international human rights standards to which Ecuador is party.

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

- expressing concern that Herney Hernández and Benjamín Álvarez were reportedly tortured and ill-treated in police custody;
- expressing concern for their safety and for the safety of the other three detainees, Marilú Marcillo Rivas, José Humberto Leal Hernández, Rubiela Margoth Díaz Álvarez and the one-year-old child;
- asking that all necessary steps be taken to guarantee their safety in detention;
- asking for a prompt and effective investigation into the alleged ill-treatment and torture of Herney Hernández and Benjamín Álvarez, that the findings be published and that those responsible be brought to justice.

APPEALS TO:

Minister of the Interior and Police
Dr. Antonio Andretta Arízaga
Ministerio de Gobierno y Policía
Benalcázar y Espejo
Quito
ECUADOR

Fax: + 593 2 580-067

Salutation: Señor Ministro/ Dear Minister

Head of the National Police
General Inspector
Dr. Mario Cevallos Moreno
Comandante General de la Policía Nacional
Ramírez Dávalos 612 y Av. 10 de Agosto
Quito
Ecuador

Fax: + 593 2 506-066

Salutation: Señor Comandante General/Dear Commander General

COPIES TO:

Human Rights Organization
Centro de Documentación en Derechos Humanos
"Segundo Montes Mozo S.J."
Av. 10 e Agosto N26-57 y Gral Vicente Aguirre
Edif. Tauro, Of. 802
Quito
ECUADOR

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 4 July 2000.