

2 February 1999

Further information on UA 10/99 (AMR 28/01/99, 15 January 1999) and follow-up (AMR 28/02/99, 18 January 1999) - Human rights in jeopardy

ECUADOR Possible extrajudicial executions/Arbitrary detentions

Michael ZAMBRANO GILER (new name)

Carlos JURADO VILLEGAS (new name)

Detainees held for not possessing identity documents

Amnesty International is concerned that the human rights situation in Ecuador's Province of Guayas has worsened since a 60-day state of emergency was imposed on 7 January 1999.

Since the state of emergency was declared two people have reportedly been shot dead by the police in separate incidents, in circumstances which suggest they were extrajudicially executed. Hundreds more have been arrested for not possessing identity documents and held in prison for 48 hours or more.

On 11 January Michael Zambrano Giler was reportedly shot dead by a policeman in a suburb of Guayaquil, Ecuador's largest city and the capital of the Province of Guayas. He was standing on a street corner with his brother Eduardo Zambrano and a group of friends when police approached in a patrol car and asked the group for their identity documents. Eduardo Zambrano was detained because he could not produce his identity documents. When Michael Zambrano approached the patrol car to speak for his brother, the police apparently hit him in the face and then shot him in the back when he turned away.

On 22 January Carlos Jurado Villegas was also apparently shot dead by a policeman in Guayaquil. He was outside his home in the Cooperativa Amazonas, Guasmo Sur, a district of Guayaquil, when a policeman got out of a car and reportedly shot him dead. The policeman, who was apparently drunk at the time, is believed to have been detained and placed in the custody of the Navy (*Armada Nacional*). The provincial head of the National Police (*comandante provincial de la Policía Nacional*) is reported as saying that the policeman will face disciplinary charges.

Between 7 and 22 January, during the state of emergency in the Province of Guayas, about 800 people were reportedly detained by the police and armed forces for not carrying their identity documents. They were immediately transferred to Guayaquil's *Centro de Detención Provisional* (CDP), Provisional Detention Centre, a prison where, due to severe overcrowding, the conditions of detention are said to be very poor.

Most of those detained were released after 48 hours on production of their identity documents and the payment of a fine. However, reports indicate that some detainees are being held for longer if their relatives are unable to produce their identity papers to secure their release. Apparently those detained are not being formally charged with a recognizable offence. Amnesty International believes they are being arbitrarily detained.

The United Nations International Covenant on Civil and Political Rights, ratified by Ecuador in 1969, states in Article 9(1): "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds

and in accordance with such procedure as established by law." (*"Todo individuo tiene derecho a la libertad y a la seguridad personal. Nadie podrá ser sometido a detención o prisión arbitrarias. Nadie podrá ser privado de su libertad, salvo por las causas fijadas por ley y con arreglo al procedimiento establecido en ésta."*).

Ecuador's new Constitution, which came into effect in August 1998, states in Article 24(6) that "Nobody may be detained without the written order of a competent judge...except when caught in the act of committing a crime, in which case the detainee may not be kept in detention for more than 24 hours without being charged with an offence". [*"Nadie será privado de su libertad sino por orden escrita de juez competente...salvo delito flagrante, en cuyo caso tampoco podrá mantenerse detenido sin fórmula de juicio, por más de veinticuatro horas"*].

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

- expressing concern at the deaths of Michael Zambrano Giler and Carlos Jurado Villegas, reportedly shot dead by the police in the city of Guayaquil on 11 and 22 January 1999 respectively, in circumstances suggesting they were extrajudicially executed;
- noting that the deaths of Michael Zambrano and Carlos Jurado occurred in the context of operations by the security forces enforcing the 60-day state of emergency in the Province of Guayas;
- requesting prompt and independent investigations of their deaths, that the findings be made public, and that those responsible be brought to justice;
- expressing concern that, in the context of the state of emergency, hundreds of people are being arbitrarily detained in Guayaquil's *Centro de Detención Provisional* for 48 hours or more for not carrying identification documents, in apparent contravention of Article 9(1) of the United Nations International Covenant on Civil and Political Rights and Article 24(6) of Ecuador's Constitution;
- urging the authorities to only detain suspects in compliance with standards enshrined in domestic and international law.

APPEALS TO:

President of the Republic
 Presidente Jamil Mahuad Witt
 Palacio de Gobierno
 García Moreno 1043 y Chile
 QUITO
 Ecuador

Faxes: + 00 593 2 580-735/580-774/580-142

Salutation: Dear Mr. President/Estimado Sr. Presidente

COPIES TO:

Human Rights Organization
 Comisión Ecuménica de Derechos Humanos (CEDHU)
 Carlos Ibarra 176 y 10 de Agosto
 Edificio Yuraj Pirca
 Piso 9
 QUITO
 Ecuador

Salutation: Dear friends/Estimados amigos

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 16 March 1999.