

URGENT ACTION

COMMUNITY LEADERS SENTENCED FOR PROTESTING

On 14 August, the National Court of Ecuador sentenced community leaders Carlos Pérez, Federico Guzmán, and Efraín Arpi to eight days in prison for blocking a road during a protest against proposed legislation that the men claim would affect their community's access to water and was not adequately consulted on. A warrant for their arrest is due to be issued. This ruling shows how the criminal justice system is being used to deter public protests.

Carlos Pérez, leader of the Communal Water Systems of Azuay, **Federico Guzmán**, President of the Victoria del Portete Parish Council, and **Efraín Arpi**, leader of the Tarqui Parish were sentenced in relation to a protest held on 4 May 2010 in Azuay province. Demonstrators partially blocked a highway in protest against the final round of debates on the Water Law in the National Assembly. The police arrested Carlos Perez causing clashes between the police and other protesters. Federico Guzman and Efrain Arpi were subsequently arrested.

All three men were charged with sabotage and held in detention for three days. The charges of sabotage were dropped due to lack of evidence, but the men were charged with the criminal offence of blocking a road. Federico Guzmán and Efraín Arpi have stated that they did not directly participate in the protest. Carlos Pérez admits that he did, but that he and other witnesses allowed traffic to flow every 30 minutes and emergency vehicles were allowed to pass if necessary. The men were later released on bail.

In August 2010, a judge declared the three men innocent of the crime of blocking roads. The prosecution appealed this decision and in August 2012 the conviction was upheld and they were convicted and sentenced to one year in jail, although the judge ruled they only had to serve eight days, as they "are not a threat to society and the motivations of their misconduct were altruistic and in support of the people of Tarqui and Victoria del Portete, in defence of water resources". Following this, the men filed a request before the National Court – the highest court in Ecuador - for the case to be annulled, but on 14 August the Court confirmed the 8 day prison sentence. The ruling is due to be published at any time, which means arrest warrants for the men could be issued any day.

Please write immediately in Spanish or your own language:

- Expressing concern that Federico Guzmán, Efraín Arpi and Carlos Pérez have been convicted to an eight day prison sentence for having exercised their right to freedom of assembly;
- Expressing concern that this sentence sets a precedent for others who engage in public protest in Ecuador which could deter others from participating in protests to express legitimate concerns;
- Stating that if detained, Amnesty International will ask for them to be immediately and unconditionally released.
- Calling on the authorities to allow the right to freedom of expression and assembly, and ensure those seeking to exercise their rights to freedom of expression and association can do so free from fear, intimidation or harassment.

PLEASE SEND APPEALS BEFORE 22 OCTOBER 2012 TO:

Minister of Justice

Sra Johana Pesantez,
Av. Colón entre Diego de Almagro y
Reina Victoria
Quito, Ecuador
Fax: +593 2 2550 089 (State "me da
tono de fax, por favor")
Salutation: Dear Minister/ Sra. Ministra

Copies to:

Human Rights organization
CEDHU
Carlos Ibarra 176 y 10 de Agosto
Edificio Yurac Pirca Piso 9
Quito, Ecuador
Email: cedhu@cedhu.org

Ombudsman

Dr. Ramiro Rivadeneria Silva
Oficina matriz administrativa
AV. De la Prensa N54-97 y Jorge Piedra
Quito
Ecuador
Email: rivadeneira@dpe.gob.ec

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Ecuador's judicial system is being used by the authorities to clamp down on indigenous and *campesino* leaders in what appears to be a deliberate attempt to prevent them from protesting against projects that will affect their environment and lands.

Indigenous and *campesino* leaders in Ecuador have faced an array of measures affecting their rights to freedom of expression, association and assembly. Unfounded charges, criminal prosecutions, arbitrary arrests and stringent bail conditions have been used in an attempt to discourage them from voicing their opposition to government laws and policies.

In July 2012 Amnesty International issued the report *So that no one can demand anything – Criminalising the right to protest in Ecuador* (AI Index no: AMR 28/002/2012). The report features the cases of 24 leaders targeted with what appear to be unfounded charges, arbitrary arrests and strict bail conditions simply for campaigning against laws and policies on the use of natural resources. They have faced charges of terrorism, sabotage, blocking roads, and homicide – all of which are related to protests that took place in 2009 and 2010. In many instances, charges and arrests have been dismissed by judges as baseless. Nevertheless, 11 of the 24 are still under investigation, involved in court proceedings or subject to bail restrictions. None are currently imprisoned.

Six of the 24 leaders highlighted in the report have faced charges for blocking roads in the context of a protest. For many groups who have been historically marginalized in Ecuador protesting may be the only way to have their voices heard and public protest, by its very nature, often entails disruption to traffic. Ecuador's penal code provides for between one and three years of imprisonment for anyone who blocks roads, making no exceptions for minimal interference or for any obstruction as a result from the exercise of human rights, such as freedom of expression, assembly and association.

Criminalizing protest has an effect beyond the immediate individuals targeted. Their families and communities also live under the shadow of possible prosecution or detention and often fear exercising their rights in case they too are targeted. The cumulative chilling effect on entire communities can deter others from engaging in public actions to defend human rights.

Name: Carlos Pérez, Federico Guzmán, and Efraín Arpi

Gender m/f: All male.

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