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Lenín Boltaire Moreno Garcés
President of the Republic of Ecuador
Palacio de Gobierno
García Moreno N10-43 entre Chile y Espejo
Quito
Ecuador

9 August 2018

SUBJECT: The situation of land, territory and environmental defenders in Ecuador

Dear President Moreno,

We are writing to you from Amnesty International, Acción Ecológica, Fundación Pachamama, la Comisión Ecuatoria de Derechos Humanos and Amazon Watch. Our organizations have been closely monitoring the situation of human rights defenders in Ecuador. We address you today to express our concern about the attacks against land, territory and environment defenders this year, such as the Amazon Women's Collective members Patricia Gualinga, Nema Grefa Ushigua and Salomé Aranda, and Yaku Pérez Guartambel.

On 5 January 2018, the Kichwa Sarayaku Nation leader **Patricia Gualinga** was attacked by unknown assailants who threw rocks at her home in the city of Puyo¹ as they screamed threats at her. In her case, despite the fact that the local government was providing her temporary protection, she was notified in July that the Pastaza Provincial Public Prosecutor had requested to close the investigation but did not make any significant progress. Further, during the investigation, Patricia Gualinga was denied access to images from public security cameras located on the street where she lives and where the attack took place. These images could have allowed her to identify the attackers.

In April, the President of the Sápara Nation, **Nema Grefa Ushigua**, was threatened with death. Government authorities have offered her no protection even though she filed a criminal complaint for this death threat and a subsequent one.

Early on 13 May the home of **Salomé Aranda**, a Kichwa leader from the community of Moretecocha, was attacked by several people throwing rocks. To date, there is no public information about any investigation into the identities of the attackers or their motives. Salomé Aranda has publicly denounced the environmental impacts of oil operations in the Villano river basin, as well as cases of sexual abuse related to these operations, as she did in a meeting with you on 22 March 2018.

Mr. President, we are concerned that the threats against Nema Grefa and Salomé Aranda occurred after the nationwide demonstration of the Amazon Women's Collective. In a meeting with you on 22 March 2018 they presented you with the *Order from the Amazon Women grassroots rainforest defenders against extractivism* that

¹ Urgent Action, Attack Against Indigenous Defender, AU: 8/18 Index: AMR 28/7714/2018 Ecuador, <https://www.amnesty.org/download/Documents/AMR2877142018ENGLISH.pdf>.

² On April 5 2018 Amnesty International addressed a letter to the then Public Prosecutor, Carlos Baca Mancheno, requesting information about the investigation's progress, and to date has not received a reply. Reference: TG AMR 28/2018.001.

in point 14 requests 'that all necessary measures are taken to guarantee the security and protection of the women leaders and the families in the territories who are currently under threat for defending human rights and the environment.'

In this same context, **Yaku Pérez Guartambel**, the President of the Confederation of Kichwa People of Ecuador (ECUARUNARI), member of the Andean Coordinating Committee of Indigenous Organizations (CAOI) and water defender has reported to Cuenca's Public Prosecutor that he along with other leaders were victims of abduction, torture and attempted murder on 9 May 2018. On this date, he was detained with other leaders in the community of Cochapamba on the road from the community of Río Blanco of Molleturo Parish. In a statement to authorities given the next day he identified people from Cochapamba and employees of the Río Blanco mine as the aggressors. He reported that they assaulted him and damaged his vehicle as they accused him of opposing the mine and of being behind the burning of the mine camp on 6 May 2018. **Yaku Pérez Guartambel** also stated that he and the other leaders were detained for several hours. During this time, they were threatened with being burned alive and were only freed after people from Molleturo intervened.

After these events, in June 2018, the Interior Minister formally accused Yaku Pérez Guartambel and other leaders of the crime of sabotage for their alleged participation in the events surrounding the blockade of the Río Blanco mine camp this past 6 May.

Mr. President, in this context we are concerned about the lack of effective protection mechanisms to safeguard the lives and physical safety of human rights defenders. We are also concerned about the lack of results in investigations into threats and attacks, which leaves defenders vulnerable. It is therefore essential that the authorities of Ecuador publicly recognize the importance of the legitimate work done by defenders such as those who defend land, territory and environmental rights. The authorities must also accept that it is their responsibility to guarantee that human rights defenders can carry out their work in a safe environment.

Today, 9 August, as we celebrate the International Day of the World's Indigenous Peoples, we call your attention to these circumstances so that concrete and durable actions may be taken to ensure that human rights defenders, especially those who defend land, territory and environmental rights, can safely carry out their work.

We specifically request of you that:

1. The threats and attacks against defenders mentioned in this letter be effectively **investigated**, that the results of these investigations be made public and that the material and intellectual authors of these crimes be brought to justice.
2. A **National Policy for the Protection of Human Rights Defenders** be designed and implemented in consultation with Indigenous Peoples and with the participation of the people, communities and organizations involved in defending human rights. It should adhere to the guidelines established by the Inter-American Court of Human Rights.² The policy should specifically address concerns related to gender and Indigenous and *campesino* identity, the specific risks to each individual defender and the specific characteristics of the work of defenders, such as those who defend land, territory and environmental rights.
3. The Public Prosecutor's Office be encouraged to design and implement a **Protocol for the Investigation of Crimes Against Human Rights Defenders**. This Protocol should be a tool to guarantee the effectiveness of such investigations, adhering to relevant national and international legal frameworks. Likewise, it should also specifically address concerns related to gender and Indigenous and rural identity and it must include in its principles a broad definition of human rights defenders that includes, among others, those who defend land, territory and environmental rights; a description of the context in which the crimes occur; and a description of the work that defenders carry out.

² See, IACHR *Luna López v. Honduras. Merits, Reparations and Costs*. Sentence of 10 October 2013. Series C No. 269 and *Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merit, Reparations and Costs*. Sentence of 28 August 2014. Series C No. 283.

4. Ecuador sign and ratify without delay **the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean**, adopted in Escazú, Costa Rica on 4 March 2018.

Remembering your words before the UN General Assembly in 2017, ('[w]e must not only protect, but also utilize the wisdom of nature's guardians: Indigenous people, communities and nations') we hope that your words become concrete actions that protect rights defenders.

We send regards to the President with the assurance of our highest esteem.

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Tarcisio Granizo
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Lino Mauro Toscanini Segale
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