

PUBLIC

AI Index: AMR 28/001/2008

25 March 2008

UA 79/08 Possible prisoner of conscience/legal concern

ECUADOR Guadalupe Llori (f), governor (*prefecta*) of the province of Orellana

Guadalupe Llori, the governor (*prefecta*) of the province of Orellana, is being detained in the *El Inca* women's prison in the capital, Quito, on what appear to be charges of terrorism, sabotage and fraud. Amnesty International believes that these charges may be politically motivated, as Guadalupe Llori represents an opposition political party. She may be a prisoner of conscience.

Guadalupe Llori was elected as governor of Orellana province, representing the opposition party, the Plurinational Pachakutik United Movement –New Country (*El Movimiento Pluinacional Pachakutik – Nuevo País*), on 17 October 2004. According to her lawyer and local organizations, she is accused of organizing a strike that brought oil production in the Dayuma parish of Orellana, in Ecuador's northwest Amazonian region, to a halt. She was arrested in her home by the Ecuadorian army on 7 December 2007, and was accused of sabotage and terrorism related to the strike. A third charge of fraud was brought against her after she was imprisoned, in what appears to be an attempt to keep her in prison long enough to remove her from her office.

Guadalupe Llori denies all the charges against her, and her defence lawyer and local human rights organisations maintain that there is no credible evidence to support the charges. This would appear to be supported by the fact that there have been three separate court rulings ordering Guadalupe Llori's release from custody. Despite this Guadalupe Llori remains in prison.

Guadalupe Llori has twice been refused the right to habeas corpus – to appear before a judge to challenge the legality of her detention and to be released if the detention is found to be illegal. The right to habeas corpus is clearly established in Article 93 of Ecuador's Constitution. In addition, refusing habeas corpus contravenes due process guarantees laid down in the American Convention on Human Rights and the International Covenant on Civil and Political Rights, both of which have been ratified by Ecuador. Ecuador's Constitution (Article 23, clause 27) also guarantees that the law and legal proceedings should be fair – respect for due process.

BACKGROUND INFORMATION

Twenty-three people were detained on charges of terrorism and sabotage following the strike that took place between 26 November and 2 December 2007 in the Amazonian province of Orellana. Protestors were demanding that oil companies hire more local residents and make income tax and royalty payments directly to the local governments. As a result of the strikes that destabilised the local airport and halted oil production on 29 November 2007 the Ecuadorian government declared a state of emergency in the province.

The 23 people arrested, including Guadalupe Llori, were detained by the army in their homes and places of work. Since their arrest, 16 people have been released without charge, including seven who were given an amnesty by the Constituent Assembly, a body set up in September 2007 charged with rewriting the Constitution, on 18 March 2008. This amnesty benefited a total of 360 people.

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

- asking the authorities to clarify under what charges, if any, Guadalupe Llori remains in custody;
- calling on authorities to respect the three court rulings ordering Guadalupe Llori's release if there are no grounds to substantiate the charges of terrorism, sabotage and fraud;
- if there are confirmed charges, calling on authorities to respect Guadalupe Llori's right to be brought promptly before a judge or other judicial officer, and her right to receive a trial within a reasonable time or to be released from detention;
- reminding the authorities that Guadalupe Llori would be considered a prisoner of conscience if she were detained solely on politically motivated charges and, as such, Amnesty International would call for her immediate and unconditional release.

APPEALS TO:

President of the Republic of Ecuador

Econ. Rafael Correa
Presidente Constitucional de La República del Ecuador
Palacio de Carondelet
García Moreno 1043
Quito, ECUADOR

Fax: + (593 2) 2580 714 (Despacho Presidencial)

E- mail: piedadflor@presidencia.gov.ec

Salutation: Dear President Correa / Excelentísimo Presidente Correa

Attorney General

Dr. Washington Pesantez
Ministro Fiscal General del Estado
Fiscalía General del Estado
Ministerio Público del Ecuador
Av. Eloy Alfaro N° 32-240 y República
Quito, ECUADOR

Telefax: + (593 2) 255 9957 or 255 9958 (when the phone is answered ask for 'tono de fax, por favor')

E-mail: fiscalia@minpec.gov.ec and despacho@minpec.gov.ec

Salutation: Dear Attorney General / Sr. Fiscal General

Minister of Justice and Human Rights

Dr. Gustavo Jalk
Ministerio de Justicia y Derechos Humanos
Av. Amazonas 4545 y Pereira. Edf.
Centro Financiero. Piso 10. Of. 1010
Quito, ECUADOR

Fax: + (593 2) 298 1202

Salutation: Dear Sir / Sr. Ministro

COPIES 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 6 May 2008.