

ECUADOR

Authorities failed to guarantee the human rights of Consuelo Benavides and her family

Introduction

Amnesty International is concerned by the failure of the Republic of Ecuador to guarantee certain of the human rights of Elisa Consuelo de los Ángeles BENAVIDES CEVALLOS, and of members of her family who sought from the authorities a prompt clarification as to Consuelo Benavides' fate.¹ Amnesty International believes that those rights, enshrined in the American Convention on Human Rights (ACHR) and the International Covenant on Civil and Political Rights (ICCPR), have been contravened by Ecuador.

Over ten years ago, on 4 December 1985, Consuelo Benavides, a teacher, and Serapio Ordóñez, an agricultural worker, were jointly detained by members of the Ecuadorian Navy on suspicion of having links to the armed opposition group *Alfaro Vive, Carajo!*, Alfaro Lives, Damn! They were both detained in the jurisdiction of the parish of Cube, province of Esmeraldas. Days later, only Serapio Ordóñez was released. Subsequently, on different occasions, Serapio Ordóñez testified before independent human rights defenders and the authorities about their detention and the torture to which they were subjected.

For a period of three years, between December 1985 and December 1988, members of Consuelo Benavides' family were unable to determine her whereabouts, despite repeated requests to the Ecuadorian authorities for information. The authorities consistently denied having any knowledge of her fate. During this period the Benavides family and human rights defenders sustained the claim that Consuelo Benavides had been a victim of enforced disappearance at the hands of personnel attached to the Navy.

The fate suffered by Consuelo Benavides was confirmed on 28 December 1988, when her mother was able to identify the corpse of an unidentified woman found shot three years earlier, as being that of her daughter.

With this identification and forensic evidence compiled by official experts, and with the publication of a report by a congressional commission which investigated allegations that Consuelo Benavides had been "disappeared", her mother, Rosa María Cevallos de

¹ This report is based on information received by Amnesty International until 21 February 1996.

Benavides, filed a civil complaint before the Supreme Court of Justice in January 1989. In the complaint she alleged that members of the Navy and of the National Police, as well as former government ministers, were implicated in the murder of Consuelo Benavides.

However, the Supreme Court of Justice failed to formally establish that the case fell within its jurisdiction until May 1992 and it was not until the end of January 1994 that the president of the Supreme Court of Justice first ordered the State Attorney General to submit his legal opinion on the evidence available on the Consuelo Benavides case. In February 1994 the State Attorney General accused members of the Navy of being implicated in the illegal and arbitrary detention, torture and murder of Consuelo Benavides and former government ministers of being implicated in the cover-up. Over six months later, in August 1994, the president of the Supreme Court of Justice ordered the trial of those accused to be opened.

On 5 December 1995, ten years after the death of Consuelo Benavides, and seven years after her fate had been duly recognized by a judicial authority, two Navy captains and one Navy sergeant had their conviction and sentences confirmed by the Criminal Court of the Supreme Court of Justice, in relation to the illegal and arbitrary detention, torture, and murder of Consuelo Benavides.

According to information received by Amnesty International, in 1989 the case was submitted to the Inter-American Commission on Human Rights, and again in 1994.

Consuelo Benavides: a case of alleged “disappearance”

On 4 December 1985 Consuelo Benavides was detained by members of the Navy. For a period of three years, until December 1988, members of her family were unable to determine her whereabouts, despite repeated requests to the Ecuadorian authorities for information as to her fate. Over the same period similar requests were made to the authorities by the Ecuadorian *Comisión Ecuménica de Derechos Humanos*, Ecumenic Commission for Human Rights, by Amnesty International, and by the United Nations (UN) Working Group on Enforced or Involuntary Disappearances. None received any credible information from the Ecuadorian authorities as to the whereabouts of Consuelo Benavides. Indeed, several of the communications issued by the authorities expressly asserted that she had not been detained either by members of the National Police or the Armed Forces, on or after 4 December 1985.

The opening of two official investigations

Two official investigations into the allegations that Consuelo Benavides was a victim of enforced disappearance were conducted in Ecuador. One was a judicial investigation

conducted under the jurisdiction of the military justice system by the *Juzgado Penal de la Tercera Zona Naval*, Criminal Court of the Third Naval Zone. The other was an investigation conducted by a commission set up by the National Congress, the *Comisión Multipartidista del H. Congreso Nacional Encargada de Estudiar las Solicitudes de Amnistía y la Desaparición de Consuelo Benavides Cevallos*, Multiparty Commission of the National Congress Charged with Investigating Amnesty Petitions and the Disappearance of Consuelo Benavides Cevallos (henceforth referred to in this report as the Multiparty Commission).

The investigation by the Criminal Court of the Third Naval Zone

From January 1986 onwards the Benavides family filed several complaints before the Ecuadorian authorities, including before the Tribunal of Constitutional Guarantees and the Ministry of National Defence, requesting information as to the whereabouts of Consuelo Benavides.² These requests, as well as requests from the UN Working Group on Enforced or Involuntary Disappearances, prompted the authorities to order an investigation into the allegations that Consuelo Benavides had been “disappeared”, following her detention by members of the Navy. This investigation was opened on 29 October 1987 by the Criminal Court of the Third Naval Zone.

According to evidence submitted to the Multiparty Commission (see below), the judicial investigation by the Criminal Court of the Third Naval Zone was halted on 21 January 1988. The investigation was only reopened nine months later, on 11 October 1988, after the Multiparty Commission had received evidence from a former government minister that Consuelo Benavides had indeed been detained by members of the Navy on 4 December 1985. However, on 3 April 1990 the *Juez de Derecho de la Tercera Zona Naval*, Law Judge of the Third Naval Zone, definitively closed the case against a Navy captain being investigated for the alleged enforced disappearance of Consuelo Benavides.

A copy of the files pertaining to the investigation by the Criminal Court of the Third Naval Zone were eventually incorporated into the judicial process on the Consuelo

² The first of these complaints was filed on 13 January 1986, five weeks after Consuelo Benavides was detained. On that occasion, her brother, Silvio Luis Benavides Cevallos, filed a complaint before the *Tribunal de Garantías Constitucionales*, TGC, Tribunal of Constitutional Guarantees, in Quito, the capital. In the complaint he claimed his sister had been detained by members of the Navy on 4 December 1985, and that the Benavides family had no knowledge as to her whereabouts. Silvio Benavides petitioned the TGC to seek from the Minister of National Defence information as to where his sister was being held. The TGC acceded to the petition, writing to the Ministry of Government and Police and the Ministry of Defence on 14 January 1986.

Benavides case before the Supreme Court of Justice, after the latter established jurisdiction over the case in May 1992 (see below).

The investigation by the congressional Multiparty Commission

On 20 August 1988 Ecuador's National Congress set up the Multiparty Commission to investigate the alleged enforced disappearance of Consuelo Benavides. The Multiparty Commission, which commenced its work on 29 September 1988, published its findings and conclusions on 20 January 1989.³

The evidence presented to the Multiparty Commission and contained in its report included, *inter alia*: i) that Consuelo Benavides had been detained by members of the Navy on 4 December 1985; ii) that her detention was duly recorded by Navy personnel six days later, on 10 December 1985; iii) that Consuelo Benavides had been taken to Quito and had, according to Navy witnesses appearing before the Multiparty Commission, been transferred into the custody of the National Police; iv) that, according to National Police witnesses, Consuelo Benavides was never transferred by Navy personnel into the custody of the National Police; v) that she had been taken back to the province of Esmeraldas by members of the Navy; vi) that the corpse of the unidentified woman found on 13 December 1985 in the parish of Rocafuerte, province of Esmeraldas, was that of Consuelo Benavides; and vii) that Consuelo Benavides had died as a result of being shot in the head and neck.

The Multiparty Commission also presented evidence in its report that the authorities had drawn up a false document, signed by Consuelo Benavides, indicating that she had been released in good health. In addition, the Multiparty Commission's report included a testimony rendered by Serapio Ordóñez, the agricultural worker detained with Consuelo Benavides, affirming that he and Consuelo Benavides had been detained by members of the Navy and tortured.

The Multiparty Commission concluded that seven members of the Navy, three members of the National Police, and three former government ministers in the administration of former president León Febres Cordero, were implicated in the arbitrary and illegal detention, torture and murder of Consuelo Benavides, and in the deliberate attempt to conceal the full truth surrounding her death.

³ **The Multiparty Commission's report was approved by nine of the 13 members which made up the Commission. Four of the members did not sign the final report.**

The Multiparty Commission's findings, conclusions and evidence were formally submitted to the National Congress and to the Supreme Court of Justice on 20 January 1989. However, it was not until May 1992 that the Supreme Court of Justice "*se avocó conocimiento del caso*", "established its jurisdiction over the case" (see below).

An unidentified corpse: an unresolved case of murder

The investigation by the First Criminal Court of Esmeraldas

On 13 December 1985, nine days after the detention of Consuelo Benavides, the corpse of an unidentified woman was found discarded in a ditch on the private property of a landowner, in the parish of Rocafuerte, province of Esmeraldas. The corpse was found by two peasants employed by the landowner. The peasants reported the discovery to the authorities.

On 16 December 1986 the *Teniente Político de la Parroquia de Rocafuerte*, Political Lieutenant of the Parish of Rocafuerte, in Esmeraldas province, opened an investigation to determine the identity of the woman, and the cause, manner and circumstances surrounding her death. As a result, forensic experts were authorized by the *Juzgado Primero de lo Penal de Esmeraldas*, First Criminal Court of Esmeraldas, to examine the corpse. The forensic experts were able to determine that the victim had been shot seven times in the head and neck and that she had died within 48 hours prior to the discovery of the corpse.

On 30 November 1988 the Multiparty Commission received from Raúl Chiriboga, a congressional deputy for the province of Esmeraldas, copies of evidence contained in the judicial files of the First Criminal Court of Esmeraldas pertaining to the case of the unidentified corpse.

Members of the Benavides family recognized the description of the dead woman contained in the copy of these judicial records submitted to the Multiparty Commission as bearing a resemblance to a description of Consuelo Benavides. They travelled to the town of Esmeraldas where they were given access to the judicial files. The files contained four photographs of the corpse taken at the time it was discovered on 13 December 1985. From those photographs Consuelo Benavides' mother, Rosa María Cevallos de Benavides, was able to formally identify the corpse as being that of Consuelo Benavides.

On 28 December 1988 the First Criminal Court of Esmeraldas duly recognized and placed on record that the corpse found on 13 December 1985 was that of Consuelo Benavides. The identification based on the photographs was complemented by evidence compiled by official forensic experts in December 1985, when the corpse was found, and by

further forensic evidence compiled in December 1988, when the remains of Consuelo Benavides were exhumed.

The evidence compiled by the Political Lieutenant of the Parish of Rocafuerte and by the First Criminal Court of Esmeraldas was subsequently submitted to the Supreme Court of Justice after the latter established jurisdiction over the Consuelo Benavides case in May 1992.

Consuelo Benavides: a case of illegal and arbitrary detention, torture and murder

The Supreme Court of Justice

On 20 January 1989 the Supreme Court of Justice received from the Multiparty Commission the report it published on the Consuelo Benavides case. In addition, on or soon after this date the Supreme Court of Justice also received a civil complaint from Rosa María Cevallos de Benavides. In her complaint she accused seven members of the Navy, three members of the National Police, and three former ministers under the government of former president León Febres Cordero, as being implicated in the arbitrary and illegal detention, torture, and murder of Consuelo Benavides, and of the subsequent cover-up of the case. This civil complaint was replaced in June 1992 by a similar civil complaint filed by Dr Nelly Benavides, a sister of Consuelo Benavides.

Despite the weight of the evidence compiled by the Multiparty Commission, the Supreme Court of Justice failed to formally establish that the case fell within its jurisdiction until May 1992. However, it was not until the end of January 1994 that the president of the Supreme Court of Justice first ordered Dr. Fernando Casares Carrera, the *Ministro Fiscal General de la Nación*, State Attorney General, to submit his *dictamen*, legal opinion, on the evidence available on the Consuelo Benavides case.

On 2 February 1994, the State Attorney General communicated his opinion to the president of the Supreme Court of Justice. He formally accused seven members of the Navy and two former government ministers of being implicated in the Consuelo Benavides case, and declared that there was insufficient evidence to formally accuse three members of the National Police. In his communication the State Attorney General stated:

“During the summary process opened in relation to the arbitrary detention, torture and death of Consuelo Benavides, you have ordered that the State Attorney General give his legal opinion ... within the period of six days, when the summary examination has lasted eight years. In the eyes of the citizen, extended trials and interminable procedures lower the prestige of the judiciary and stir up a sense of revolt in the litigant.” (for the Spanish original see Endnote: ³)

On 22 August 1994 -- almost nine years after the death of Consuelo Benavides and over five years after the Multiparty Commission submitted its report to the Supreme Court of Justice -- the then president of the Supreme Court of Justice, Carlos Solórzano Constantine, ordered the trial of those accused to be opened. However, the order did not come into immediate effect. The trial proper could not commence until a number of petitions entered by the lawyers acting for some of the accused, and the lawyer acting for Dr. Nelly Benavides in relation to her civil accusation, were resolved by the *Sala de lo Penal de la Corte Suprema de Justicia*, Criminal Chamber of the Supreme Court of Justice.

On 2 March 1995 the Criminal Chamber of the Supreme Court of Justice ruled that a Navy captain and a Navy sergeant accused of the arbitrary detention, torture and murder of Consuelo Benavides, and three other Navy captains accused of the illegal detention of Serapio Ordóñez and Consuelo Benavides, should be tried. The Criminal Chamber of the Supreme Court of Justice also ruled that the case should not continue against a lieutenant colonel and two generals of the National Police, and provisionally suspended the case against a Navy vice-admiral and two former government ministers.⁴

However, again the trial proper could not commence until further petitions filed by lawyers for the accused before the Supreme Court of Justice were resolved. One of these petitions was filed by the three Navy captains accused of the illegal and arbitrary detention of the victims. The petitions invoked the statutes of limitation enshrined in Ecuador's Criminal Code.

On 12 April 1995 the president of the Supreme Court of Justice requested from the State Attorney General his opinion as to the admissibility of the petition submitted by lawyers representing the three Navy captains invoking the statutes of limitation. On 8 May 1995 the State Attorney General wrote to the president of the Supreme Court of Justice expressing his opinion in relation to the petition. In his conclusions the State Attorney General informed the president of the Supreme Court of Justice that the petition was inadmissible. In his communication the State Attorney General also stated:

“The importance of a criminal judgement lies in its promptness, in it being heard as soon as possible after the commission of the crime, so that a society is not left with a sense of impunity. Justice which becomes delayed is not exactly the kind of justice upheld by the Rule of Criminal Law, the guarantor of the liberty of the individual and of a fair trial. The rule of law entrusted to the Judiciary is not administered by leaving

⁴ **Amnesty International does not know what ruling was arrived at, if any, by the Criminal Chamber of the Supreme Court of Justice in relation of the third former government minister named in the accusation filed by the Benavides family but not named in the accusation filed by the State Attorney General.**

judicial processes in suspense, in the way previous presidents of the Supreme Court of Justice have done. And you, Mr President, cannot reward this sense of impunity by failing in your duties as judge. If the judicial process is not completed or the sentence is not put into effect, as a result of a lack of commitment or a lack of technical expertise by those charged with the responsibility of judging, Ecuadorian society will be faced with no other option than a return to the times of primitive barbarism ...” (for the Spanish original see Endnote: ⁴)

On 22 May 1995 the president of the Supreme Court of Justice again requested the opinion of the State Attorney General as to a further petition filed by one of the Navy captains who was reported to be held in custody. The petition referred to a plea that the accused be granted bail. The Attorney General replied to the president of the Supreme Court of Justice on 31 May 1995 stating that “*no cabe caución carcelaria en favor del encausado*”, “there is not a case to answer in favour of granting bail to the accused.”

On 24 August 1995 the president of the Supreme Court of Justice “*concedió el plazo de prueba del plenario*”, “granted the period in which to submit documentary evidence of proof”, to the two Navy captains accused of the arbitrary detention of Serapio Ordóñez and Consuelo Benavides, and to the Navy sergeant accused of the arbitrary detention, torture and murder of Consuelo Benavides. At the same time the president of the Supreme Court of Justice suspended procedures against the Navy captain accused of the arbitrary detention, torture and murder of Consuelo Benavides, on the grounds that he was a fugitive from justice.⁵ Based on similar grounds, the president of the Supreme Court of Justice also suspended procedures against a second Navy captain whose whereabouts were unknown.

On 25 August 1995 the State Attorney General sent a joint communication on the Consuelo Benavides case to the congressional presidents of the Judicial Affairs Commission and Human Rights Commission of the National Congress. In his communication the State Attorney General stated:

“... I have repeatedly requested the President of the Supreme Court of Justice that he promptly open the trial, but up to now no decision has been taken to this effect, which leads the Public Ministry to believe that there is a justifiable fear that the criminal procedures will lapse.” (for Spanish original see Endnote: ⁴)

The State Attorney General concluded his communication by requesting both commission presidents to approach the president of the Supreme Court of Justice with a request to expedite the procedures in relation to the Consuelo Benavides case.

⁵ On 26 March 1995 the Navy captain escaped from a military prison in Quito.

On or about 18 September 1995 the president of the Supreme Court of Justice sent a communication to Dr. Nelly Benavides in relation to the civil complaint filed by her before the Supreme Court of Justice, “*para que alegue para sentencia en el plazo de tres días*”, “so that in a period of three days she file her allegations prior to sentencing.” Dr. Nelly Benavides replied on 22 September 1995. In her reply she stated:

“For these horrendous crimes I have accused more than 16 people; but during the judicial process either the case against them has been closed or the majority have simply escaped. This denotes a clear complicity by the Ecuadorian State involving the three powers of the State, ... former Ministers of Defence ... [and] former Police Commanders. A former Head of Intelligence of the Navy ... and [a] Police colonel ... , despite being the brains behind the death of Consuelo Benavides and giving the order for her agony and death, were dismissed from the case with the help of weak and undoubtedly corrupt Judges. And, to cap it all, when we thought there was a glimmer of Justice in Ecuador, the main defendant responsible for the murder of Consuelo Benavides, [a Navy captain], being the only prisoner held in a maximum security military prison under the orders and custody of the Ministerial Guard in Quito, escaped. With this escape we lost all hope in Ecuadorian justice and we knew that impunity was a fact.” (for Spanish original see Endnote: ^{iv})

On 12 October 1995 the president of the Supreme Court of Justice declared his verdict. Navy captains Humberto Romero Jaramillo and Osvaldo Campaña Grandes were convicted of the illegal and arbitrary detention of Serapio Ordóñez and Consuelo Benavides on 4 December 1985 and were sentenced to two years imprisonment each. Navy sergeant Segundo Pedro Sagñay León was convicted of being an accomplice to the illegal and arbitrary detention, torture, and murder of Consuelo Benavides and was sentenced to eight years imprisonment. The lawyers for the defence and for the prosecution were conceded the three days allowed by law to appeal against the verdicts.

On or before 15 October 1995 lawyers representing the two captains and the sergeant filed appeals before the president of the Supreme Court of Justice against the conviction and sentence. Also on or before the same date, the State Attorney General and the lawyer representing Dr. Nelly Benavides each appealed against what they argued were lenient sentences.

On 5 December 1995, almost 10 years to the day after Consuelo Benavides was killed, the Criminal Chamber of the Supreme Court of Justice confirmed the convictions and sentences handed down by the president of the Supreme Court of Justice to Navy captains Humberto Romero Jaramillo and Osvaldo Campaña Grandes, and to Navy sergeant Segundo Pedro Sagñay León.

Amnesty International and the Consuelo Benavides case

Amnesty International has closely monitored the Consuelo Benavides case since January 1986.⁶ The organization has had access to numerous official documents on the case. In addition, it has received on a number of occasions information from three of the lawyers representing the Benavides family. The organization has also received detailed information on this case from the *Comisión Ecuímenica de Derechos Humanos*, Ecumenic Commission for Human Rights, and on other unresolved cases of human rights violations perpetrated by members of the security forces, during the governments of former presidents León Febres Cordero and Rodrigo Borja Cevallos, and the present government of president Sixto Durán Ballén.

Amnesty International has noted the final verdict handed down by the Supreme Court of Justice in the Consuelo Benavides case. With the verdict of 5 December 1995 the Supreme Court of Justice upheld the accusations filed before it by the State Attorney General, as well as by Dr Nelly Benavides in her civil lawsuit, that Consuelo Benavides had been illegally and arbitrarily detained, tortured and murdered by members of the Navy. Indirectly, the verdict also served to confirm the complaints laid before the Ecuadorian authorities by the Benavides family and by the Ecuadorian Ecumenic Commission for Human Rights that Consuelo Benavides had been "disappeared" by members of the Navy, and by the congressional Multiparty Commission, to the effect that members of the Navy had illegally and arbitrarily detained, tortured and murdered her.

⁶ From January 1986 through to December 1995 Amnesty International published the following documents on the Consuelo Benavides case: *Ecuador: "Disappearance" - Señorita Consuelo Benavides Cevallos, teacher, aged 33*, Urgent Action 13/86, AI Index: AMR 28/04/86, 22 January 1986; *Ecuador: Further information on the "disappearance" of teacher and sociologist Consuelo Benavides Cevallos*, AI Index: AMR 28/08/86, 30 April 1986; *Ecuador: Multiparty congressional commission ends its investigation into "disappearance" of Consuelo Benavides*, AI Index: AMR 28/01/89, January 1989; *Ecuador: Señorita Consuelo Benavides Cevallos, a teacher - Further information on Urgent Action 13/86* (see above), AI Index: AMR 28/02/89, 30 January 1989; *Ecuador: Human rights test-case in danger of being shelved*, News Service 167/95, AI Index: AMR 28/08/95, 8 September 1995; *Ecuador: Amnistía Internacional alarmada por lentitud judicial en el caso Consuelo Benavides*, press communiqué, (published without an AI Index number), 8 September 1995; and *Ecuador: Killers of Consuelo Benavides may escape conviction and punishment*, AI Index: AMR 28/09/95, September 1995. The case of Consuelo Benavides is also featured in *Ecuador: Judicial authorities fail to clarify human rights crimes*, News Service 128/95, AI Index: AMR 28/06/95, 11 July 1995; and in eight out of nine *Amnesty International Reports* published in 1987 through to 1995 (the exception is the *Amnesty International Report 1992*).

However, the organization is concerned that two members of the Navy and at least two former government ministers, for whom the Criminal Chamber of the Supreme Court of Justice ruled that the charges they faced be provisionally put aside, and a further two members of the Navy, for whom the president of the Supreme Court of Justice suspended procedures against them on the grounds that one was a fugitive from justice and the whereabouts of the other was not known, have yet to be brought to trial.

Over the years, one of the central complaints laid before Amnesty International by human rights defenders and human rights lawyers in Ecuador concerns the serious judicial delays which adversely affect the prompt and effective resolution of human rights cases.

It is in this context, and in particular in the judicial and administrative procedures employed by the authorities in relation to the Consuelo Benavides case, that Amnesty International believes that Ecuador has failed to guarantee certain rights of Consuelo Benavides and her family enshrined in international human rights treaties. These rights are enshrined in the American Convention on Human Rights (ACHR) and the International Covenant on Civil and Political Rights (ICCPR), ratified by Ecuador in 1977 and 1969 respectively.

Amnesty International believes that the Right to Life (Article 4), the Right to Humane Treatment (Article 5), the Right to Personal Liberty (Article 7), and the Right to Judicial Protection (Article 25), all of the ACHR, have been contravened by Ecuador in relation to Consuelo Benavides. Amnesty International also believes that the Right to Compensation (Article 10) and the Right to Judicial Protection (Article 25) of the ACHR has been contravened by Ecuador in relation to members of the Benavides family.⁷

⁷ **Amnesty International also believes that in the case of Consuelo Benavides Ecuador contravened Articles 2.3, 6, 7, and 9 of the ICCPR, as well as Article 2.3 of the ICCPR in relation to members of the Benavides family.**

ENDNOTES

- i. *“En el sumario iniciado con motivo de la detención arbitraria, tortura y muerte de Consuelo Benavides, usted ha dispuesto que dictamine el Ministro Fiscal General ... en el plazo de seis días, cuando la etapa sumarial ha tenido una duración de ocho años: Juicios largos y procesos interminables desprestigian a la justicia ante los ojos del ciudadano, desesperan y sublevan el espíritu del litigante.”*
- ii. *“La importancia del juzgamiento penal radica en su prontitud, lo más próximo al hecho punible, para que en la sociedad no quede la sensación de la impunidad. Una justicia tardía no es exactamente la justicia a la cual propende un Derecho Procesal Penal, garantizador de la libertad individual y del debido proceso. La defensa social que está a cargo de la Función Judicial, no se ejerce dejando los procesos en suspenso, como lo hicieron los anteriores Presidentes que ejercieron la Presidencia de la Corte Suprema de Justicia. Y usted señor Presidente, esta impunidad no puede premiar ya que faltaría a sus deberes de juez. Si el proceso no se resuelve o la pena no se ejecuta, por obra de la despreocupación o de la insolencia técnica de los encargados de juzgar, la sociedad ecuatoriana tendrá que regresar a épocas de la barbarie primitiva...”*
- iii. *“... he solicitado reiteradamente el pronto despacho de la causa al Señor Presidente de la Corte Suprema de Justicia, pero hasta el momento no se ha dictado providencia alguna, por lo que existe justo temor de parte del Ministerio Público que prescriba la acción penal.”*
- iv. *“Por estos horrendos (sic) crímenes he acusado a más de 16 personas, pero durante el proceso han sido sobreesidos y simplemente se han fugado la mayoría; esto denota una clara complicidad del Estado Ecuatoriano para la impunidad en este caso por intermedio de los tres poderes del Estado [y por] ... ex-Ministros de Defensa ... [y] ex-Comandantes de Policía. [Un] ex-Jefe de Inteligencia de la Armada... [y un] coronel de Policía..., salieron del juicio con la ayuda de Jueces timoratos y ciertamente (sic) corruptos, a pesar de ser los autores intelectuales de la muerte de Consuelo Benavides y quienes dieron la orden de su agonía y muerte. Y, por último, cuando creímos que había una sombra de Justicia en el Ecuador, se fuga el principal acusado y autor material del asesinato de Consuelo Benavides, [un Capitan de la Fuerza Naval], se fuga, siendo el único prisionero de una prisión máxima (sic) seguridad militar y a órdenes y custodiado por la Guardia Ministerial en Quito. Con esta fuga perdimos toda esperanza en la Justicia Ecuatoriana y sabíamos que la impunidad era un hecho.”*