

ECUADOR

The death of Saúl Cañar Pauta

Amnesty International is profoundly concerned about the reported “disappearance” and death under torture of Saúl Filormo Cañar Pauta, a leader of the of the *Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores* (CEDOCUT), Ecuadorean Confederation of United Working Class Organizations. Saúl Cañar was a member of the executive committee of CEDOCUT and its *Secretario de Cooperativismo*, Secretary for Cooperative Affairs.

In the afternoon of 26 November 1998, Saúl Cañar left the offices of the *Ministerio de Bienestar Social*, Ministry of Welfare, in Quito, the capital, after attending a meeting there in connection with his work. He was supposed to have gone to the *Cooperativa de Vivienda 14 de Enero*, Housing Cooperative 14 January, but never arrived at his destination. Instead, he was detained by eight men who got out of two vehicles reported to be of a type used by the military. Attempts were made to locate his whereabouts at police and military establishments and hospitals, but he remained “disappeared” until 3 December.

On 3 December anonymous calls were received by one of his colleagues indicating that Saúl Cañar could be found in one of a number of abandoned house on the outskirts of Quito. The houses were visited but there was no trace of him. However, the same day his body, bearing injuries consistent with him having been tortured, was found by a municipal worker on a rubbish dump in Lacatunga, a town south of Quito where the army have a military base. His body was found inside a sack with his hands and feet tied. On 7 December his body was formally identified by members of his family.

The death of Saúl Cañar coincides with the implementation of stringent economic measures by the new administration of President Jamil Mahuad, the use of combined police and military operations designed to control common crime, and unconfirmed police reports about the emergence of “subversive groups”. The deployment of security forces to control public demonstrations against the economic measures has reportedly left two people dead and some 250 arrested. In addition, an unspecified number of people have apparently been detained in connection with the activities of “subversive groups”.

These developments follow President Mahuad and a newly elected Congress taking office in August 1998. In his inaugural speech the President promised that human rights would be respected. In addition, a new Constitution came into effect in August. The new Constitution upholds, as a “fundamental principle”, that one of the “primary responsibilities of the State is to ensure the applicability of human rights”, and asserts that those responsible for crimes of genocide, torture, “disappearance”, abduction or homicide, may not benefit from an amnesty or be pardoned. Ecuador’s new Magna Carta also guarantees, *inter alia*, the right to life and personal integrity, and prohibits torture and cruel, inhuman and degrading treatment or punishment. In addition, it makes

provision for international treaties, including those designed to protect human rights, to be part of domestic law once approved by the National Congress and published in the National Gazette. Amnesty International welcomes provisions in the new Constitution designed to uphold and promote internationally recognized human rights standards but remains concerned that, as with past Constitutions, these provisions may not be fully reflected in practice.

This concern is borne out by persistent reports of human rights violations and a pattern of almost total impunity spanning three decades of human rights abuses in Ecuador. Since the 1970's Amnesty International has received hundreds of reports of "disappearances", extrajudicial executions, torture, and deaths through the excessive use of force. The vast majority of these abuses remain unclarified.

Most of the "disappearances" and extrajudicial executions were concentrated in the years 1984 to 1988, when the security forces unleashed a counter-insurgency strategy which resulted in the defeat of an incipient guerrilla group known as *Alfaro Vive, Carajo!*, Alfaro Lives, Damn! Since 1988 the majority of complaints have centred around allegations of torture and ill-treatment at the hands of the criminal investigation police and prison guards, and the death of peasants, members of indigenous groups and students participating in demonstrations protesting against government economic measures, or urban shanty town dwellers shot during combined police and military anti-crime operations.

Attempts to break the pattern of institutionalized impunity in Ecuador have so far failed. For example, the findings of separate commissions to investigate past human rights violations, established by the National Congress and the Ministry of Government and Police in September 1996, have never been published, despite both commissions receiving numerous testimonies and reports about abuses by the security forces. The commissions were established in the wake of revelations made public by a former policeman who claimed to have participated in a special unit which tortured, "disappeared" and summarily executed suspects linked to *Alfaro Vive, Carajo!*.

RECOMMENDATIONS

Amnesty International recommends:

- that the Ecuadorean authorities conduct a prompt, full and independent investigation in to the circumstances surrounding Saúl Cañar's death, including the manner and cause of his death, make public the findings, and bring to justice those responsible;
- that President Mahuad take all the necessary measures to ensure his administration promptly implements legislative, judicial and administrative reforms which translate

international human rights standards into practice, in order to bring to an end Ecuador's pattern of institutionalized impunity.