

PUBLIC

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UA 33/02 Fear for safety / Extrajudicial Execution/ 1 February 2002
Torture and Ill-treatment

ECUADOR Martha Delgado Galarza (f) - mother of David Delgado Galarza
Walter Mentanza Montecel (m) - stepfather of David Delgado Galarza
The family of Carlos Lara Silva
Geovanny Nelson Borja Ulloa (m) - witness
Javier Roberto Zambrano Vivar (m) - witness
Other inhabitants of Rita Lecumberri Neighbourhood - witnesses

Killed: David Delgado Galarza (m) - 16-year-old
 Carlos Lara Silva (m)

On 29 December 2001, David Delgado Galarza and Carlos Lara Silva were arrested by six National Police officers in the Rita Lecumberri Neighbourhood, Guayaquil town, Guayas province. Two days later both young men were found dead. Amnesty International is concerned for the safety of their families and for the witnesses to the arrest, who have been subjected to harassment and intimidation.

Five of the six police officers who arrested David Delgado Galarza and Carlos Lara Silva were identified and appeared before a Disciplinary Police Tribunal (*Tribunal Disciplinario de la Policía*) on 16 January. They were suspended from duty and are currently in detention. After the young men's families filed a complaint with the Public Prosecutor's Office in Guayas department, the five police officers are currently under investigation and could face a criminal trial.

The next day, on 17 January, a red car with tinted windows, drove through the Rita Lecumberri Neighbourhood. The occupants asked for the whereabouts of Geovanny Nelson Borja Ulloa and Javier Roberto Zambrano Vivar who had been witness to the arrest of the two dead young men. The car had been seen the day before, outside the police station where the tribunal took place.

Two days later, on 19 January, a car drove passed the family home of David Delgado in Rita Lecumberri Neighbourhood. One of the passengers shouted: "ya van a ver, la van a pagar, maldecidos, hijos de puta" ("you will see, you will pay for this, you damned sons of the bitch"). Amnesty International is concerned for the safety of David Delgado Galarza parents: Martha Delgado Galarza and Walter Mentanza Montecel and the family of Carlos Lara Silva. The organisation believes such acts of intimidation are meant to deter the families from seeking justice.

On 29 December 2001, Geovanny Nelson Borja and Javier Roberto Zambrano were stopped and searched by six police officers who later arrested David Delgado and Carlos Lara. Five of the police officers were reportedly wearing combat fatigues, two had balaclavas on and three had their faces painted. They reportedly physically assaulted Geovanny Nelson Borja and Javier Roberto Zambrano. One of the police officers reportedly told Javier Roberto Zambrano while he was hitting him: "hace mucho que no mato a un pillo" ("It is a long time since I have killed a scum").

Minutes later, David Delgado and Carlos Lara Silva walked into the alleyway where Geovanny Nelson Borja and Javier Roberto Zambrano were being assaulted. According to reports, three of the police officers went towards David Delgado and Carlos Lara Silva and started beating them as well. They were then forced into a white car which had a police siren and radio but no number plates. Two

days later their bodies were found near a shanty town in Guayaquil. According to the autopsy report, both men showed signs of having been tortured and had died from gun shots wounds inflicted on the same day they were arrested by the police.

Amnesty International has received reports which indicate that the police officer who was leading the operation on 29 December 2001, had also allegedly been involved in other extrajudicial execution of suspected delinquents, when he was working in Milagro Town, Guayas Province, in the year 2001.

BACKGROUND INFORMATION

Amnesty International has been concerned about the use of torture and ill-treatment by members of the security forces for decades.

The organization has also documented numerous reports of intimidation of human rights lawyers and witnesses to human rights violations and their families in Ecuador. Ecuador has consistently failed to implement the United Nations (UN) Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, endorsed by the UN General Assembly in December 1989, and protect witnesses of human rights violations. Article 15 of these Principles clearly states that, "Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation."

In addition, deaths resulting from the use of firearms by the security forces in the context of anti-crime operations have been of concern to Amnesty International for the past few years. Some of these bear the hallmarks of extrajudicial executions. In the last year, the organization has received reports that police officers were carrying out extrajudicial executions, particularly in Guayaquil where some 26 people were found dead in the city's outskirts during the first 10 months of the year 2001. All had been shot in circumstances which suggest extrajudicial execution and many appeared to have been tortured before being killed. The organization has urged the authorities to ensure that these human rights violations are promptly and impartially investigated and that those responsible are brought to justice. The authorities, however, do not appear to be serious about preventing these crimes. The vicious circle of impunity which negates the values of truth and justice and leads to further human rights violations must be stopped.

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

- expressing concern for the safety David Delgado Galarza parents: Martha Delgado Galarza and Walter Mentanza Montecel, the family of Carlos Lara Silva, Geovanny Nelson Borja Ulloa and Javier Roberto Zambrano Vivar, who witnessed the arrest of David Delgado and Carlos Lara and other witnesses who are inhabitants of Rita Lecumberri Neighbourhood;
- urging the authorities to guarantee their safety in line with their international obligations;
- noting that these incidents appear to be an attempt to frighten and intimidate the family and the witnesses in order to stop the investigation into David Delgado Galarza's and Carlos Lara Silva's torture and killing;
- expressing concern about the torture and killing of David Delgado Galarza and Carlos Lara Silva, asking that it is promptly and thoroughly investigated, that the findings of the investigation are made public, that those found to

be responsible are brought to justice and that the victim's family receive adequate redress.

APPEALS TO:

Minister of the Interior and Police

Dr. Marcelo Merlo Jaramillo
Ministerio de Gobierno y Policía
Benalcázar y Espejo
Quito
ECUADOR

Fax: + 593 2 580 067

Telegram: Ministerio de Gobierno y Policía, Quito, Ecuador

Salutation: Señor Ministro/ Dear Minister

Head of the National Police

General Inspector
Ing. Jorge Guillermo Molina Núñez
Comandante General de la Policía Nacional
Ramírez Dávalos 612 y Av. 10 de Agosto
Quito
Ecuador

Fax: + 593 2 506 066

Telegram: Comandante General de la Policía Nacional, Quito, Ecuador

Salutation: Señor Inspector General/Dear Chief Inspector

COPIES TO:

Human Rights Organization

Comité Permanente por la Defensa de los Derechos Humanos (CPDH)
Quisquis 1207 y Esmeraldas
Edificio "QUISQUIS"
4to Piso, Oficina 403
Guayaquil
Ecuador

Fax: + 593 4 29 3273 (If a voice answers, say 'fax, por favor')

and 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 15 March 2002.