

URGENT ACTION

ECUADORIAN POLICE SHUT DOWN NGO

Police officers closed the offices of Fundación Pachamama, an Ecuadorian NGO working on Indigenous Peoples and environmental rights. The closure order alleged that the organization was interfering in public policies and threatening the security of the state. The organization has denied any involvement in violent acts. Other organizations may be at risk of closure.

On the morning of 4 December, around 15 police officers arrived at the offices of the Indigenous and environmental rights organization **Fundación Pachamama** in Quito, Ecuador and closed the premises. The closure order they carried was issued by the Environment Ministry citing Executive Decree no. 16, issued in June by Ecuador's President. The decree establishes a series of restrictions and regulations on NGOs, including very broad grounds for dissolution. The closure order argues that Fundación Pachamama has violated articles 2 and 7: "Deviation from the aims and objectives for which it was created" and "Engaging in political activities reserved for political parties and movements registered in the National Electoral Council, that affect the public peace or that interfere in public policies that threaten the internal or external security of the state".

On 28 November members of Pachamama participated in a demonstration outside the Ministry of Energy in which a number of organizations protested the opening of offers for the oil bidding process in southeastern Ecuador. According to the authorities, some people shouted at and hit officials during the protest, including the Ambassador of Chile and a Belarusian businessman.

Members of Pachamama have publicly rejected any allegations that they participated in or supported violent acts during the protest. They were not given any time or opportunity to contest the charges or defend themselves before the closure occurred.

Please write immediately in Spanish or your own language:

- Calling on the authorities to revoke the order to close Fundación Pachamama and to start a fair process to investigate the allegations of violence during the protest and those responsible for it;
- Urging them to review Decree 16 and ensure that it is in line with international human rights obligations, including due process of law principles and the recommendations of the UN Human Rights Council Resolution on the Protection of Human Rights Defenders;
- Reminding them that States have the responsibility to protect human rights defenders and create the conditions necessary to ensure that they can carry out their legitimate activities without any unfair restrictions or fear of reprisals, as established in the 1998 UN Declaration on Human Rights Defenders.

PLEASE SEND APPEALS BEFORE 17 JANUARY 2014 TO:

President of Ecuador
Rafael Correa Delgado
Presidente de la República
Palacio de Carondelet
García Moreno N10-43 entre Chile y
Espejo, Quito, Pichincha, Ecuador
**Salutation: Dear President, Sr.
Presidente**

Environment Ministry
Mrs. Lorena Tapia
Ministerio del Ambiente
Calle Madrid 1159 y Andalucía
Quito, Ecuador
Email: ltapia@ambiente.gob.ec
**Salutation: Dear Minister, Sra.
Ministra**

And copies to:

Fundación Pachamama
President: María Belén Páez
Email: mbpaez@pachamama.org.ec

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

In July 2012 Ecuador was found guilty of violating the right to consultation by the Inter-American Court of Human Rights in the Case of the Indigenous Peoples of Sarayaku vs Ecuador. As a measure of non-repetition, the Court ordered the State to issue legislation on consultation and consent that is in line with the State international and constitutional obligations. The State has not complied with that order yet.

In November 2012 the government opened a bidding process to explore and exploit oil in southeastern Ecuador, a region that includes vast areas of the Amazon inhabited by Indigenous Peoples. Several indigenous peoples' organizations and NGOs, including Fundación Pachamama, have stated that they haven't been consulted.

Between 2008 and 2010, the failure of the authorities to ensure that Indigenous Peoples and *campesinos* were consulted before passing legislation on mining and water rights sparked a series of nationwide protests. In response, the authorities used criminal proceedings against defenders and leaders who had participated in the protests. These proceedings seemed designed to prevent and punish legitimate protest and to silence those campaigning for the human rights of their communities. See the report '*So that no one can demand anything: Criminalizing the right to protest in Ecuador?*' (AI Index: AMR 28/002/2012).

Amnesty International is concerned that the recently approved Executive Decree 16 (*Decreto Ejecutivo 16*) of 4 June 2013 grants the President of Ecuador wide powers to monitor and dissolve NGOs and could be used to further criminalize the right to protest. The decree has been opposed by national and international organizations for restricting the freedom of association since the terms are so broad that it can be used arbitrarily by the authorities to dissolve organizations that are critical of public policies or legitimately oppose certain government activities that they consider could violate rights. The Decree does not include a procedure that is respectful of due process for the closure of organizations and does not give NGOs the opportunity to defend themselves and contest any charges against them before being closed. This is the first time Decree 16 has been used but there is risk that it may be used again, in relation to the same event or other protest.

A recent resolution of the UN Human Rights Council on the Protection of Human Rights Defenders calls on States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, and that such legislation is not used to impede or restrict the exercise of any human right, including freedom of expression, association and peaceful assembly, which are essential for the promotion and protection of other rights (A/HRC/RES/22/6).

Name: members of Fundación Pachamama
Gender m/f: both

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