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@ALLEGATIONS OF EXTRAJUDICIAL EXECUTIONS BY SECURITY FORCES

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Amnesty International is concerned about the extrajudicial executions of six people by members of the security forces in the city of Guayaquil. The six died in three separate military and police operations ostensibly designed to control delinquency, drug-trafficking and other crimes in the city. The killings occurred in three separate incidents in March 1993. Amnesty International is also concerned that the security forces may have used excessive force during the operations.

According to reports, on 6 March 1993 Wilmer Zambrano Vélez and the brothers José Miguel Olmedo Caicedo and Segundo Olmedo Caicedo were killed in a military raid in the Batallón del Suburbio neighbourhood, in the city of Guayaquil. The raid was carried out during the early hours of the morning. Hundreds of heavily armed members of the armed forces, who were either hooded or had their faces painted, are said to have participated in the operation. The precise circumstances and manner in which the three men died is not clear. According to the reported statements issued by military authorities, the men died during an armed confrontation between them and troops participating in the operation. However, other reports indicated that relatives claimed the men were deliberately killed after they had been detained.

On 11 March 1993, in the Guayacanes urbanization, in Guayaquil, the *Grupo de Operativos Especiales*, GOE, Special Operations's Group, attached to the police, killed Fernando Calderón Chico and Alberto Anastasio Zúñiga. Both men were suspected of being members of a group involved in organized crime. Fernando Calderón Chico is reported to have been a former member of the armed opposition group *Alfaro Vive Carajo*, Alfaro Lives Dammit, and had spent several years in prison accused of bank robbery. The precise circumstances surrounding the death of these two men is also not clear. According to one press report, the two men were killed in an armed confrontation with the police, following the arrest of at least one alleged member of the criminal group. However, Fernando Calderón's brother is reported to have said that he was shot repeatedly while he was on the ground and that his body presented at least 40 bullet wounds.

On 17 March, in the early hours of the morning, in a raid carried out by GOE in the Alborada urbanization in Guayaquil, some ten hooded men in uniform, shot dead 65-year-old Antonia Mera de Molineros. The police reportedly killed her when they were fired upon. However, Antonia Mera's husband is reported to have claimed that the police entered their home

forcibly, held him at gun-point, and then shot his wife as she emerged from her room. The Minister of Government, Roberto Dunn Barreiro, is reported to have stated with regards to this incident: "Unfortunately in such operations, accidents do occur". Minister Dunn Barreiro announced to the press that an investigation had been initiated into the killing.

All three incidents were denounced by relatives and a local human rights organization to the Minister of Government and to the *Tribunal de Garantías Constitucionales*, Tribunal of Constitutional Guarantees.

Amnesty International is not in a position to verify the accuracy or otherwise of these serious allegations made against the security forces. The organization does believe, however, that the incidents must be thoroughly and independently investigated. Should the inquiries find that the members of the security forces involved in the operations were responsible for human rights violations, they should be brought to justice.

BACKGROUND

The Government's Response to Common Crime

Common crime is reported to have increased in Guayaquil, as well as in other main cities in Ecuador, during the past few months. In September 1992, soon after taking over the presidency of the Republic, President Sixto Durán Ballén issued Decree Law 86. The decree outlines in its preamble the circumstances which the President and the Minister of National Defence believe justify the introduction of special measures to control a level of crime which has given rise to "*un grave estado de conmoción interna*", a serious state of internal commotion. The decree, in its first article, makes provision for the armed forces to be deployed throughout the country, as a precautionary measure, for the security of the population and property.

The Government initiated in November 1992 special raids which have taken place in Guayaquil and other main cities. The police have called them *Operación Látigo*, Operation Whip. Amnesty International is not aware of the reasons behind the decision to use military troops in the action that took place on 6 March.

Amnesty International recognizes the right of the authorities to control crime. However, the organization has noted the numerous criticisms directed at the government and security forces for having used excessive force during these operations. For instance, local residents and relatives of the killed living in the areas affected by the raids are reported as referring to these operatives as "*demasiado violento y desproporcionado*", "carried out with excessive and unreasonable force". In a similar vein, some congressional deputies said that the Armed Forces should explain the details of the operation carried out in Guayaquil, "as the excesses are not justified in the fight against subversion and delinquency" ("*...no se justifican los excesos en la lucha contra la subversión*"). Finally, one hundred of the country's intellectuals expressed their rejection of the security forces' behaviour during the operations in which the above victims were killed. In a statement published on 28 March 1993 in the *Hoy* newspaper the intellectuals state that the logic of these military/police actions appears to be "first to kill and then to ask".

UN International Standards on the Use of Force and Firearms

International standards approved by United Nations bodies, address the issue of law enforcement and the use of force and firearms. These standards are contained in the Code for Law Enforcement Officials, adopted by the General Assembly of the United Nations in 1979¹ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by consensus at the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in 1990. The UN has urged all members states to incorporate these standards in their national legislation and rules of procedures.

Amnesty International urges the authorities to conduct full and independent inquiries into the circumstances manner and cause of death of the six victims killed in these operations and to make public their findings. The organizations recommends that the terms of reference of any such enquiry allows for questions to be put which bear on the issue of whether the security forces adhered to international standards on the use of force by law enforcement officials.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

¹ Article 3 of this Code says: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty"