

EXTERNAL

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Arbitrary detention/Prisoner of
conscience/ Fear of arbitrary detention

1 October 1997

ECUADORDiego ORDOÑEZ ORTIZ)
Rubén Eduardo ANDRADE VELOZ)
Juana PICO DUQUE [f]) trade unionists
José GARCIA BURGOS)

Diego Ordoñez Ortiz, the secretary general of the *Sindicato Nacional de Trabajadores del Instituto Ecuatoriano de Seguridad Social*, (IESS) National Workers Union of the Ecuadorean Institute of Social Security, has been held in detention in Quito, the capital, since 23 September 1997.

He is currently waiting for his case to be heard by a judge. If found guilty he could face a sentence of eight to 12 years imprisonment.

Amnesty International believes Diego Ordoñez to have been arbitrarily detained for having exercised his legitimate trade union rights. The organization has declared him a prisoner of conscience and is calling for his immediate and unconditional release.

Diego Ordoñez was arrested inside Ecuador's *Congreso Nacional*, National Congress, after a judge issued a warrant for his detention and that of three other trade union activists (see below). The warrant followed the filing of a report before a judge by the *Ministro Fiscal General del Estado*, State Attorney General, in which he accused Diego Ordoñez and 20 other trade union activists of inciting a strike of public health workers which began on 8 September.

The report claims they acted in violation of articles 156 and 158 of the *Código Penal*, Criminal Code. These state respectively, *inter alia*, that it is a crime to incite public health workers to bring the services they run to a halt and that it is a criminal offence to interrupt or halt public services "*con el propósito de producir alarma colectiva*", "with the purpose of producing a state of collective alarm". Both articles are part of Ecuador's "*Delitos de Sabotage and Terrorismo*", "Sabotage and Terrorism Crimes", a set of laws subsumed under the category of crimes against the security of the state.

Rubén Eduardo Andrade Veloz, Juana Pico Duque and José García Burgos, also IESS trade union activists, have had warrants for their arrest issued against them on the same charges as Diego Ordoñez. There is no information at present, however, to indicate that this has been carried out. Should they be detained, the organization would also regard them as prisoners of conscience and call for their immediate and unconditional release.

Amnesty International believes that the criminal charges against Diego Ordoñez and the other three trade union activists are motivated by entirely political considerations designed to weaken legitimate trade union opposition to the possible future privatization of the state-run health system.

A further 17 trade unionists have been named by the State Attorney General as the "*principales instigadores*", "main instigators", of the strike by IESS workers and employees. However, the organization is not aware of a judicial warrant having been issued for their arrest.

BACKGROUND INFORMATION

The *Instituto Ecuatoriano de Seguridad Social*, IESS, Ecuadorean Institute of Social Security, is responsible for running Ecuador's state-run health system.

A first attempt, actively opposed by Ecuador's trade unions and other organized sectors of civil society, to privatize the IESS occurred in 1995 during the government of former president Sixto Durán Ballén (1992-96). In November 1995 the government's privatization plans were rejected by over 60% of those balloted in a national plebiscite. In May 1996, in an apparent effort to weaken the IESS National Workers Union, Sixto Durán's administration removed the trade union rights of 11,000 of its 16,000 employees by placing them under regulations enshrined in the *Ley de Servicio Civil y Carrera Administrativa*, Civil Service and Career in Administration Law. This Law, in contrast to the official *Código de Trabajo*, Labour Code, which previously regulated their rights, reportedly prohibits employees organizing into trade unions and does not recognize *el contrato colectivo*, collective bargaining.

According to reports, the present government of interim President Fabián Alarcón, who took over the presidency last February after Congress removed President Abdalá Bucaram from office, is attempting to use the criminal law against Diego Ordoñez and others as a means of weakening organized trade union activity opposed to the possible reintroduction of policies designed to privatize state-run services.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing concern about the arbitrary detention of Diego Ordoñez Ortiz, secretary general of the *Sindicato Nacional de Trabajadores del IESS*, IESS National Workers Union;
- stating that Diego Ordoñez is a prisoner of conscience and calling for his immediate and unconditional release;
- expressing concern that there is a warrant for the arrest of IESS trade unionists Rubén Eduardo Andrade Veloz, Juana Pico Duque and José García Burgos;
- stating that the criminal charges laid against Diego Ordoñez and the other three trade unionists are motivated by entirely political considerations designed to weaken the legitimate activities of the IESS trade union members.

APPEALS TO:

Minister of Government and Police

Econ. César Verduga Velez

Ministro de Gobierno y Policía

Ministerio de Gobierno y Policía

Espejo y Benalcázar

Quito, Ecuador

Telegrams: Min Gob, Quito, Ecuador

Telexes: 22354 mingob ed

Fax: + 593 2 580 067

Salutation: Señor Ministro / Dear Minister

COPIES TO:

Fourteenth Criminal Law Judge of Pichincha

Dr. Marco Freire Lopez

Juez Décimo Cuarto Penal de Pichincha

Palacio de Justicia, Av. 6 de Diciembre y Piedrahita

Quito, Ecuador.

IESS National Workers Union

Sindicato Nacional de Trabajadores del IESS
Buenos Aires 405 y Salinas
Quito, Ecuador

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 12 November 1997.