

ECUADOR

@Vicente Muñoz Ruiz - death under torture

Amnesty International is concerned about the reported death under torture of Vicente Muñoz Ruiz. According to reports, Vicente Muñoz drowned while being tortured by members of the *Policía Judicial de Guayas*, Guayas Judicial Police. The organization is also concerned that the full truth surrounding the death of Vicente Muñoz may never be known.

According to reports Vicente Muñoz, a market stall-holder, was detained on 22 February 1995 at his home in the city of Guayaquil. His arrest was carried out by a police corporal and a policeman, who transferred Vicente Muñoz to the *Cuartel Modelo*, Modelo Barracks, where they informed a police lieutenant of his arrest. The lieutenant and the policeman subsequently took Vicente Muñoz down to a quay where they apparently tied his hands behind his back and submerged him in the waters of an *estero*, a coastal inlet. According to press reports, on being taken out of the water the victim required resuscitation but failed to respond and died.

Amnesty International has learned that the wife of the victim filed a complaint before a civilian judge, in which she accused three active police officers and five civilians, three of them former police officers, of being implicated in the detention and death of her husband. The judge has opened an investigation into the allegations. The three active policemen implicated in the case were reported to be in custody, following an order for their detention issued by the judge. However, according to independent human rights defenders, there is a possibility that the case may be transferred into the jurisdiction of the police judicial system if it is ascertained that Vicente Muñoz died when in the custody of police who, at the time, were on duty.

Should the case be transferred into the jurisdiction of the police judicial system, Amnesty International fears that the full circumstances surrounding Vicente Muñoz' death may never be known. Requests by human rights defenders for allegations of human rights violations by the police to be investigated by an independent body almost invariably result in a police body conducting an internal investigation. The results of these investigations generally refute the allegations or fail to address the concerns raised.

BACKGROUND INFORMATION

Ecuador ratified the International Covenant of Civil and Political Rights in 1969; the American Convention of Human Rights in 1977; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988. All three instruments explicitly prohibit torture and ill-treatment. In addition Ecuadorian legislation also forbids the use of torture.

Over the years, Amnesty International has documented scores of allegations of torture and ill-treatment by members of the Ecuadorian police, in some cases involving the death of the victim. In September 1991 a government appointed commission investigating the "disappearance" of the Restrepo brothers in 1988, concluded that members of the *Servicio de Investigación Criminal*, SIC, Criminal Investigation Service, part of the National Police, was involved in "systematic torture, arbitrary detention and the use of cruel, inhuman and degrading treatment". The commission's conclusion effectively corroborated previous claims made by Ecuadorian human rights defenders that the use of torture by SIC agents was widespread. On publication of the commission's report, former President Rodrigo Borja immediately ordered the closure of the SIC and announced the setting up of the *Policía Judicial*, Judicial Police. However, the Judicial Police did not come into operation until the second half of 1994.

In late 1991, as an interim measure, the government set up the police-run *Oficina de Investigación del Delito*, OID, Crime Investigation Office. At the time the government stressed that the National Police had an obligation to fully respect the human rights of detainees. However, Amnesty International continued to receive numerous reports of detainees having been tortured and ill-treated while in the custody of the OID. Indeed, in June 1993, the president of the *Tribunal de Garantías Constitucionales*, TGC, Tribunal of Constitutional Guarantees, wrote to the Minister of Government and Police reporting that a commission he headed had found a number of torture appliances at the headquarters of the OID in Quito, the capital. The letter from the president of the TGC concluded that "... there is no doubt as to the presumption that torture practices continue to be used [in the OID headquarters]".

In 1994, on the occasion of the Judicial Police entering into operation, the authorities once again were reported as reaffirming the requirement for police officials to fully respect human rights standards. Amnesty International is therefore profoundly dismayed at having received, within months of the Judicial Police becoming operational, reports of Vicente Muñoz' death. The organization has appealed to the authorities to ensure that a thorough and independent investigation is conducted into Vicente Muñoz' death, that the findings be made public, and that those responsible be brought to justice before a civilian court.

KEYWORDS: DEATH IN CUSTODY / TORTURE/ILL-TREATMENT / TRADERS / POLICE /