

UA 22/00

Fear for

**ECUADOR** Antonio Vargas Huacatota - indigenous leader  
Carlos Solórzano Constantine - ex-President of the Supreme Court of Justice  
Paco Moncayo Gallegos- ex-member of Congress  
René Yandun Pozo - ex-member of Congress

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On 24 January the Attorney General (*Ministra Fiscal General del Estado*) requested the Supreme Court of Justice to order the arrest of the four men named above. Amnesty International is concerned that they could be tortured or ill-treated if they are detained.

On 21 January Antonio Vargas Huacatota and Carlos Solórzano Constantine had joined with Colonel Lucio Gutiérrez to form the *Junta de Salvación Nacional*, National Salvation Junta, to take over the running of the country from President Jamil Mahuad. The junta was dissolved a few hours after its creation, and vice-president Gustavo Noboa Bejarano became the new President shortly afterwards.

Paco Moncayo Gallegos and René Yandun, parliamentarians for *Izquierda Democrática*, Democratic Left party, supported last week's mass protests calling for the resignation of President Jamil Mahuad and the dissolution of Congress and the Supreme Court of Justice. Both men resigned from Congress on 25 January.

The Attorney General argues that the four men "undermined the national security of the State" ("*atentaron contra la seguridad interior del Estado*") and should therefore be tried under article 130 of the Penal Code, which states that "Any person who in any way or by whatever means revolts against the government, with a view to denying the authority of the Republic's Constitution, deposing the Constitutional Government, dissolving Congress or hindering its meeting, or to provoking a civil war, will be sentenced to between four and eight years' imprisonment." ("*El que en cualquier forma o por cualquier medio se alzare contra el Gobierno, con el objeto de desconocer la Constitución de la República, deponer al Gobierno Constituido, impedir la reunión del Congreso o disolverlo, o provocar la guerra civil, será reprimido con reclusión mayor (sic) de cuatro a ocho años*")

Ecuador is party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and last year it ratified the Inter-American Convention to Prevent and Punish Torture. However, Amnesty International receives frequent reports of detainees being tortured and ill-treated, particularly during their first days in custody.

#### **BACKGROUND INFORMATION**

In a dramatic sequence of events President Jamil Mahuad was forced to resign on 21 January by the newly formed *Junta de Salvación Nacional*, National Salvation Junta.

The Junta was dissolved the next day and vice-president Gustavo Noboa Bejarano was appointed to the presidency.

On 22 January, junta member Colonel Lucio Gutiérrez was detained by military intelligence, together with Colonel Celso Andrade. Both men are now in military police custody (see UA 17/00, AMR 28/03/00, 25 January 2000).

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

- urging the authorities to ensure that Antonio Vargas Huacatota, Carlos Solórzano Constantine, Paco Moncayo Gallegos and Rene Yandun Pozo are not ill-treated either during or following detention;
- urging the authorities to ensure that if detained they are given prompt access to their lawyers and families.

**APPEALS TO:**

President

Dr. Gustavo Noboa Bejarano  
Presidente Constitucional de la República del Ecuador  
Palacio de Carondelet  
García Moreno 1043  
Quito  
Ecuador

**Telegrams: President, Quito, Ecuador**

**Fax: + 5932 580735/580142/580750/580716**

**Salutation: Sr. Presidente/Dear President**

Attorney General

Dr. Mariana Yépez A. de Velasco  
Ministra Fiscal General del Estado  
Robles 731 y Av. Amazonas  
Quito  
ECUADOR

**Telegrams: Ministra Fiscal General del Estado, Quito, Ecuador**

**Fax: + 5932 560355**

**Salutation: Sra. Ministra Fiscal**

**COPIES TO:**

Human Rights Organization

Centro de Documentación en Derechos Humanos  
"Segundo Montes Mozo S.J."  
Av. 10 e Agosto N26-57 y Gral Vicente Aguirre  
Edif. Tauro, Of. 802  
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 11 March 2000.