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Ecuador: Authorities misuse judicial system to stop protests

Ecuador's judicial system is being used by the authorities to clamp down on indigenous and campesino leaders in what appears to be a deliberate attempt to prevent them from protesting against projects that will affect their environment and lands, said Amnesty International in a new report today.

The report 'So that no one can demand anything' Criminalizing the right to protest in Ecuador? explores the stories of 24 leaders targeted with what appear to be unfounded charges, arbitrary arrests and strict bail conditions simply for campaigning against laws and policies on the use of natural resources.

They have faced a total of 20 charges of terrorism, 10 charges of sabotage, four charges of blocking roads, and one charge of homicide – all of which are related to protests that took place in 2009 and 2010. In many instances, charges and arrests have been dismissed by judges as baseless. Nevertheless, at the time of writing, eight of the 24 were still under investigation, involved in court proceedings or subject to bail restrictions. None are currently imprisoned.

“The fact that 24 leaders faced questionable charges in an 18-month period demonstrates a worrying pattern, which is having a chilling effect on entire communities that now think twice before voicing legitimate concerns against measures that affect them,” said Tamaryn Nelson, Ecuador researcher at Amnesty International.

“Instead of engaging in constructive dialogue and properly consulting with the communities whose livelihoods will be affected by government proposed laws and policies, authorities are using any tool in the box to discourage people from voicing their disapproval.”

Many leaders were arrested during police attempts to disperse protesters. Others have lived for years with the threat of arrest hanging over them because warrants were issued but not acted upon. In some cases, bail conditions have been imposed requiring leaders to present themselves to officials, usually every seven or 15 days, and forbidding overseas travel.

Ecuador is the fifth largest producer of crude oil in Latin America and these projects have caused a negative impact upon human rights and resulted in conflict with local communities. The government has recently announced its intention to bring large-scale mining to Ecuador, which has led to more conflict with local communities.

In June 2010, Indigenous leaders Marlon Santi and Delfin Tenesaca were accused of terrorism after participating in a protest in the context of the “Summit of The Bolivarian Alliance for the Peoples of Our America” and an investigation was opened. According to reports, the only evidence against the activists are a pair of missing handcuffs that a police officer reported he had lost. At the time of writing both had been under investigation for the crime of terrorism for almost two years.

Amnesty International recognizes that the State has an obligation to maintain public order and investigate any possible crimes that take place in the context of a protest. However, all too often Indigenous and

campesino leaders have been subjected to unfounded investigations and judicial proceedings, raising the question whether these are politically motivated acts.

“The government’s policy of continuing to push through changes without adequate consultation with affected communities risks setting Ecuador on a course of continuing social conflict,” said Nelson.

The state has an obligation to consult adequately with affected communities before adopting any measure that would affect their human rights. Moreover, where there are significant developments about projects that affect the livelihood of Indigenous Peoples, the state must ensure their right to free, prior and informed consent.

Amnesty International calls on authorities in Ecuador to ensure that any potential laws, policies and measures that affect communities undergo a process of consultation with those affected before any decision is made. Furthermore, the organization urges Ecuador to promote, protect and respect the right to freedom of expression, assembly and association. To do so, it must cease misusing the judicial system against Indigenous and campesino leaders to discourage them from expressing legitimate concerns and demands.