

UA 10/99

Human rights in jeopardy/Ill-treatment

15 January 1999

ECUADOR

Criminal suspects in the province of Guayas

Estalin Olimpo COELLO ROSADO (ill- treatment)

Amnesty International is concerned that a 60-day state of emergency declared on 7 January 1999 in Ecuador's Province of Guayas, under which certain Constitutional rights have been suspended, could result in an increase in human rights violations by the security forces.

Under the state of emergency the National Police and the Armed Forces are permitted to enter any premises without a judicial order or the authorization of the occupants. The right to freedom of movement has also been curtailed.

These measures have been taken by President Jamal Mahuad Witt and three of his ministers, ostensibly as part of an attempt to control "a crime wave [in the Province of Guayas] which puts at risk the life and property of the citizenry" ["*una ola delictiva [en la Provincia de Guayas] que pone en peligro la vida y bienes de los ciudadanos*"].

Amnesty International takes no position on whether or in what circumstances it is legitimate for the authorities to declare a state of emergency. However, the organization is concerned that, in enforcing a state of emergency, the authorities could fail to ensure that human rights are fully respected.

These include the right of detainees not to be tortured or ill-treated; to be informed immediately and in writing of the reason for their detention; to have prompt access to a lawyer, a doctor and relatives; not to be held in incommunicado detention except where the investigation of an offence requires it, and then only in the terms that the law specifies; and to be promptly brought before a judge. The authorities must also hold detainees in a recognized centre of detention and publicly reveal the whereabouts of detainees without delay. Detainees, or their representatives, must be allowed to file a *habeas corpus* petition in the event of an alleged violation of their rights.

On 8 January 1999, the day after the state of emergency was declared, Estalin Olimpo Coello Rosado, a motorcycle mechanic, was reportedly detained by 11 uniformed and armed marines, in or near the city of Guayaquil, the capital of the Province of Guayas, on suspicion of having a stolen motorcycle in his workshop. Estalin Coello Rosado claimed he was beaten, dragged to a van, taken to a riverside, and then beaten again with "an iron bar", ("*un fierro*"), by the marines. They then threw him into the river and pointed their guns at him, before releasing him. According to the *Diario El Comercio*, an Ecuadorean newspaper, the Navy has initiated an investigation into the allegations.

BACKGROUND INFORMATION

Amnesty International has documented hundreds of cases of torture and ill-treatment by members of Ecuador's National Police and Armed Forces. The organization has also received complaints of deaths under torture, "disappearances" and extrajudicial executions. The vast majority of the victims have been accused of common crimes. With singular exceptions, those responsible have not been brought to justice.

The state of emergency, enshrined in *Decreto Ejecutivo 483*, Executive Decree 483, provides for the use of the security forces (*fuerza pública*) to re-establish

the necessary conditions of security in the province of Guayas. In compliance with the National Security Law (*Ley de Seguridad Nacional*), it also gives powers to a Regional Security Committee (*Comité de Seguridad Nacional*), made up of civilian, military and police authorities, to oversee the implementation of the state of emergency.

The Ecuadorean authorities have taken similar measures before. In September 1994 former President Sixto Duran Ballén issued Decree No. 30, calling for special measures, including a role for the military, to combat crime. While the Decree was in force Amnesty International received reports of human rights violations by the security forces, including arbitrary detentions and the ill-treatment of detainees.

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

- noting that the authorities have declared a 60-day state of emergency in the Province of Guayas designed to combat crime;
- recognizing that the authorities have a duty to maintain law and order;
- urging the authorities to ensure that the security forces enforcing the state of emergency unequivocally and fully respect the human rights of detainees, including the right not to be tortured or ill-treated, to be brought promptly before a judge, and to be allowed to file a *habeas corpus* petition in the event of an alleged violation of the detainee's rights;
- expressing concern at reports that marines, in the context of the state of emergency, repeatedly beat Estalin Olimpo Coello Rosado, including with an iron bar, on 8 January 1999, in or near the city of Guayaquil;
- calling for a prompt and independent investigation into the allegations of the ill-treatment of Estalin Olimpo Coello Rosado, for the findings to be made public, and for those responsible to be brought to justice.

APPEALS TO:

President of the Republic
 Presidente Jamil Mahuad Witt
 Palacio de Gobierno
 García Moreno 1043 y Chile
 QUITO
 Ecuador

Salutations: Dear Mr. President/Estimado Sr. Presidente
Faxes: + (00 593 2) 580-735/580-774/580-142

COPIES TO:

Human Rights Organization
 Comisión Ecuménica de Derechos Humanos (CEDHU)
 Carlos Ibarra 176 y 10 de Agosto
 Edificio Yuraj Pirca
 Piso 9
 QUITO
 Ecuador

Salutations: Dear friends/Estimados amigos

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 26 February 1999.

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>