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Ecuador: Police courts permit impunity

"I'm in the courtyard of the Judicial Police [Policia Judicial] inside a red car, come here and go right to the back, they're going to kill me". These were the last words that Jhonny Gómez Balda managed to say to his wife.

Jhonny Gómez Balda, Cesar Augusto Mata Valenzuela y Edwin Daniel Vivar Palma were arrested on 19th November 2003 during a police operation following an alleged robbery at a chemist's belonging to the company Fybeca, in Guayaquil. Nobody has seen them since. Eight civilians died during the same operation. According to the forensic reports, the victims showed signs of having been executed by the police.

Despite the fact that trial proceedings are underway in the ordinary justice system parallel proceedings were initiated by the police courts against the officers who took part in the operation for crimes against the life and liberty of persons. The trial came to an end in October 2004 with all the officers involved being acquitted. The outcome of the trial in the ordinary justice system is still unknown.

"The story of the Fybeca case is just one more example of the pattern of impunity that persists in Ecuador. The use of police courts in crimes against human rights is the cornerstone which upholds this pattern", said Nuria García, researcher for Ecuador at Amnesty International, on publishing a new report concerning the use of police courts in the country to try police officers accused of violating human rights; "Ecuador: Broken Promises – impunity in the police courts system continues".

A year ago, in October 2003, Amnesty International held meetings with representatives of the executive, legislative and judicial powers. Nearly all the authorities accepted the arguments put forward by Amnesty International and made a commitment to implement measures to guarantee that human rights violations attributed to members of the police force, such as torture or ill-treatment, would not be tried in the police court system. To the present date none of these measures have been implemented.

"The Ecuadorian Government is sending out a dangerous double message: in words the authorities reiterate their support for human rights while in practice they continue promoting the use of police courts, which have been recognized internationally for their lack of independence and impartiality" said Nuria García. "The misunderstood "espírit de corps" in the police institution, frequently results in covering up for and protecting the police officers who are allegedly responsible for serious human rights violations, and it puts the independence and impartiality of the trials being held in the police courts in danger"

"The Ecuadorian Constitution, along with international human rights standards and principles, of which Ecuador is a State party, clearly indicate that police courts should be limited to dealing with offences committed in the line of duty. It is unacceptable that in Ecuador serious human rights violations, such as torture and ill-treatment, are considered to fall within the professional duties of the police", said Nuria García.

"The best way to guarantee more independence and impartiality in investigations and judicial trials against police officers accused of human rights violations and to put an end to impunity is by assuring that the trials are held in the ordinary justice system", said Nuria García.

Using the ordinary justice system to try members of the police force accused of violating human rights guarantees the principle of equality for everyone under the law, including police officers [members of the police], and it is not detrimental to the protection of the rights of police officers accused of such crimes, as they will continue to see the protection of the right of the presumption of innocence and that of presenting a competent defense, which is the right of anyone who is accused of a crime.

"Only when the Ecuadorian authorities put their commitments into practice, will they show Ecuadorian society and the international community that the obligations undertaken by the State in relation to human rights are not just empty promises", said Nuria García.

"This is the only way to move forward towards a country where the story of the police operation involving the Fybeca chemist's, in which three people "disappeared" and eight lost their lives, will not be repeated, and to put an end to the vicious circle of impunity in which human right violations, on going unpunished, send a dangerous message of acceptability" concluded Nuria García.

To receive a copy of the report: "Ecuador: Broken Promises. Impunity continues in the police courts" see:
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