

ECUADOR

Torture and “disappearance” of Elías Elint López and Luis Alberto Shinin Laso¹

Introduction

Amnesty International is seriously concerned at reports of the alleged involvement of National Police officers in the “disappearance” of two men. Amnesty International considers that enforced disappearances are a grave human rights violation against the victim but also a grave human rights violation against the relatives of the victims, who are being subjected to extreme suffering which amounts to torture and ill-treatment. The organization is also concerned at reports that witnesses in these two cases are being intimidated and harassed. In addition, the organization is concerned that the case of the police officers involved is being heard before a police court.

The “disappearance” of Elías Elint López Pita

According to reports, on 6 November 2000, Elías Elint López Pita, owner of a sea food restaurant, from the town of Ambato, Tungurahua Province, was arrested at the *Panamericana Norte* police check point of Ambato, as he was travelling in a bus from Ambato to Esmeraldas Province. According to Jorge Sánchez, the bus driver, three policemen stopped the bus, two of them in plain clothes, asked him for the passenger list, picked out Elías López and took him away. The owner of the bus company has confirmed the bus driver’s account of the events, but the *Cuartel Policial de Ambato*, the main police station in Ambato, has denied knowledge of any arrest.

¹ See Amnesty International’s urgent action n° 357/00, Fear for safety/possible “disappearance”: Elías Elint López Pita and Luis Alberto Shinin Laso. Fear for Safety: Carmen Imelda Velasteguí wife of Elías López; Jorge Sánchez, bus driver; Jorge Pérez, bus company owner; AMR 28/16/00, 22 November 2000.

Witnesses have reported that Elías López was taken after his detention to the main police station in Ambato. He was last seen blindfolded and handcuffed on the 7 November 2000, showing signs of having been beaten up.

Carmen Velastiegui Ramos, Elías López’s wife, searching for her husband’s whereabouts contacted the bus driver and then went to the main police station, where the police reportedly denied detaining her husband. She went to the *Centro de Detención Provisional*, Provisional Detention Centre², where she met Luis Alberto Shinin Lazo, who informed her that he had been with Elías López whilst in detention. On 7 November 2000, she filed a complaint at the main police station. However, as the police enquiry failed to establish her husband’s whereabouts, she presented the case before the *Ministro Fiscal Provincial*, Provincial Prosecutor’s Office.

The “disappearance” of Luis Alberto Shinin Lazo

On 7 November 2000, the prosecutor investigating the “disappearance” of Elías López heard the testimony of Luis Alberto Shinin Lazo, who was at the time in police custody. Elías López apparently told Luis Shinin, when they met at the main police station, that he was being held on suspicion of robbery and that he had been beaten up by police officers.

A week later, after Luis Shinin was released on 14 November 2000, whilst he was waiting for a bus, he was reportedly abducted by unidentified gunmen in a car and taken to the outskirts of Ambato, where he was shot and thrown over a cliff. He was rescued by people living nearby and was admitted with serious injuries to the hospital in Guaranda, a town about 50 km from Ambato. Luis Shinin reportedly told the hospital’s workers that those responsible for his injuries were police officers of Ambato who acted in retaliation because “he had information” on the “disappearance” of Elías López.

² The *Centro de Detención Provisional*, Provisional Detention Centre, holds detainees under investigation by the police, who by law should be released or charged within 24 hours.

According to reports, on 17 November 2000, staff at the hospital called the police in Ambato to request their help in finding the family of Luis Shinin. On 19 November 2000, a police officer³ arrived at the hospital and enquired as to which room Luis Shinin was being kept. The following day, according to hospital staff, at least six armed men in balaclavas burst into the hospital overwhelmed the police guard and kidnapped Luis Shinin. He has not been seen since.

Eight police officers have been detained and charged with the “disappearance” of Elías López and Luis Shinin. Amnesty International is concerned that their case is being heard before a police court. In Ecuador, human rights violations committed by members of the security forces, such as the police, are frequently heard by police courts. Amnesty International believes that police courts in Ecuador are neither independent nor impartial and that members of the police who are responsible for committing human rights violations should be brought to trial in civilian courts. Police courts in Ecuador have guaranteed virtually complete impunity for police agents implicated in cases of human rights violations. The United Nations Special Rapporteur on Torture concluded in 1990 that special tribunals such as military or police courts “make no sense at all in cases where members of the security forces have seriously violated a civilian’s basic human rights. Such an act is an offence against the public civil order and, consequently, should be tried by a civilian court”⁴. Likewise, the United Nations Human Rights Committee, when defining States’ obligations under the International Covenant on Civil and Political Rights (ICCPR) to bring to trial members of the police and military who have committed human rights violations, has repeatedly said that such cases should be heard in ordinary civilian courts⁵.

Intimidation and threats

Amnesty International is concerned that witnesses to the “disappearances” of Elías López and Luis Shinin have been threatened. Enrique Vinicio Trujillo Sánchez, a police officer, reportedly stated that two other police officers, who were part of the investigative team into the two “disappearances”, threatened and forced him to declare before the prosecutor in charge of the case that nobody had been detained at the *Panamericana Norte* police

³ According to reports the police officer was a member of a special group which was created at the beginning of 2000 in the Tungurahua Police to combat rising crime. National Human Rights organizations are concerned that this group may be operating outside police rules and regulations.

⁴E/CN.4/1990/17, *infra*. 271, p. 83.

⁵ Ecuador ratified the International Covenant on Civil and Political Rights in March 1969.

check point on 6 November 2001, although he was not at that police check point at the time. Later, Enrique Trujillo retracted this statement. Two other police officers, Raúl Sailema León y Norberto Benedicto Rojas López fear possible reprisals because they are prepared to testify against their colleagues in the trial.

Amnesty International is also concerned for the safety of the bus driver, his family and others who were witnesses and are willing to testify on the events related to the “disappearance” of Elías López and Luis Shinin to light. On 8 February 2001, the bus driver who witnessed the detention of Elías López, Jorge Sánchez, reported that he had been receiving death threats from police officers, after giving his testimony. The owner of the bus company, Jorge Pérez, also fears for his safety and that of his family as he supported his employees’ initiative to testify in court by providing the company’s lawyer.

Amnesty International is concerned that other witnesses who may testify in court in this case would also be intimidated and threatened. For example, Elías López’ wife, Carmen Imelda Velastieguí Ramos, his sister, Lourdes López, and son and daughters, Santiago, Valeria and Eliana López Velastieguí, have expressed fear of testifying in the trial.

In addition, local human rights organizations are concerned for the safety of a minor who allegedly witnessed the detention of Elías López at the main police station.

Furthermore, workers at the hospital where Luis Shinin received medical treatment fear for their lives: Ramiro Escudero, doctor, Luisa Lombeida, social worker, Héctor Rea, hospital porter, and Carlos Pasto, hospital staff member.

Torture and ill-treatment to the relatives of the “disappeared”

Enforced disappearances cause extreme agony to the victims’ relatives, who are denied the knowledge of whether their loved ones are dead or alive, if they suffered torture or are still being tortured. This agony is exacerbated by the knowledge that failure to establish the whereabouts of the victim will hinder establishing the identity of perpetrators and their judicial responsibility and thus, immune from prosecution, are free to repeat their crime. The relatives of the “disappeared” are kept in ignorance, unable to find out whether the victims are alive or dead, unable to start a new life, unable to go through a normal bereavement and unable to deal with legal and practical matters which will remain unresolved as long as the victim’s whereabouts have not been officially acknowledged.

International human rights standards have defined this suffering as a form of torture. For example, Article 1(2) of the United Nations Declaration on the Protection of All

Persons from Enforced Disappearance of December 1992, states: “any act of enforced disappearance ... inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing , inter alia ... the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.”

In addition, the Inter American Court of Human Rights, the European Court of Human Rights, the United Nations Human Rights Committee and the Inter American Commission on Human Rights have all stated that “disappearances” *per se* violate the right of the relatives of the “disappeared” not to be subjected to torture or ill-treatment.

RECOMMENDATIONS

If the Ecuadorean government is serious about protecting and promoting human rights in Ecuador it is paramount that they ensure that:

- the fate of Elías Elint López Pita and Luis Alberto Shinin Lazo is established and that their relatives stop being subjected to torture and ill-treatment;
- the perpetrators of these grave human rights violations are brought to justice before a civilian court;
- the safety of Elías Elint López Pita’s and Luis Alberto Shinin Lazo’s relatives and that of all witnesses to this case is protected and guaranteed.

KEYWORDS: DISAPPEARANCES1 / TORTURE/ILL-TREATMENT / POLICE / INVESTIGATION OF ABUSES / INDEPENDENCE OF JUDICIARY / HARASSMENT / WITNESSES

PLEASE SEND APPEALS TO:**President**

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Salutation: Señor Ministro/ Dear Minister

Head of the National Police

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Salutation: Señor Comandante General
/Dear Commander-in-Chief

Ombudsman

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 Defensor del Pueblo (E)
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Salutation: Señor Defensor del Pueblo
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Tungurahua Governor

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COPIES TO:**Non-governmental human rights organization**

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Write also to diplomatic representatives of
 Ecuador accredited to your country.

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7
