



Alternative Report

Executive Summary in English

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FRENTE POPULAR

**PLATAFORMA NACIONAL POR LOS DERECHOS DE LAS
MUJERES**

**ASAMBLEA PLURINACIONAL PERMANENTE DE MUJERES
EN RESISTENCIA**

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Presentation

This report is structured around emblematic cases that illustrate the loss of civil and political rights in Ecuador over the last five years. The cases respond to CCPR’s concerns regarding the obligation to respect the rights of the Pact for Civil and Political Rights, including equality and non-discrimination, personal security and freedom, physical and psychological integrity, freedom of expression and association, the right to an impartial and due process, and rights to family, circulation and residency. This report tackles CCPR’s questions regarding rights that have been affected by new legislation typifying crimes of sabotage (Art.345), terrorism (Art.366), attack or resistance (Art.283) in the new Penal Code, and how these are used to criminalize public protest.

The cases presented in the report show the criminalization of social protest, especially among Indigenous peoples. It reveals the increase of arbitrary detentions and lack of due process, repression of Indigenous rights despite the Pluri-national constitution, and violence against women. The report signals the use of executive decrees to limit freedom of press and association, the widespread use of legal warfare to criminalize dissent, and the strategic declarations of state of exception to curb civil and political rights.

The information below is based on interviews, information published in the national and international press, and in-depth reports that denounce the abusive use of force and the criminalization of anti-extractivism.¹ Many acts of police brutality have been registered on video and photos. The full report in Spanish cites an extensive list of sources through its analysis. It is relevant to note that this report is the result of a collective collaboration among women working with different social organizations on human, Indigenous, women, and social rights in Ecuador.

Overview: legal warfare as governance in Ecuador

The concept of legal warfare (or lawfare) is particularly important to understand how civil and political rights are progressively undermined in Ecuador. The legal system has become a government tool to repress, silence, and criminalize political opposition. People who challenge the government risk becoming mired in lengthy, arbitrary trials staged by a judicial apparatus that is not only immensely more powerful but also controlled by the executive branch and therefore used for political agendas. The government charges peoples who contest its policies with terrorism, resistance; the strategy of judicial

¹ See HRW Report (November 2015) “Ecuador: Crackdown on Protesters,”



dilatation means that cases can linger in for years without due process. The tactic consists in punishing a few dissenters to deter broader contestation, to instigate fear across society, and to mislead political opinion at judicial pressure for years. Indigenous peoples defending the rights of nature and contesting extractive industries on their territories are particularly vulnerable to judicial repression; so are women. Lawfare disciplines social movements, and has become a form of governance in Ecuador.

Legal repression is complemented by presidential decrees. In 2013, the government passed the Decree 016 to regulate the right of association: only organizations authorized by the state were licit; organizations were forbidden to participate in political activities; and international financial support became regulated by the state. Some organizations like ECUARUNARI declare civil disobedience (*response to paragraph 25 on the list of questions*). Twice the government declared a state of exception with the intent to control and repress social movements, first during the protests of 2015 then following the 2016 earthquake (*response to paragraph 12 on the list of questions*).

Repression is aggravated by racism and sexual violence against women. Official discourse is often racist, degrading Indigenous peoples as savages with “reduced minds” who obstruct national development. President Correa personally attacks his opponents during his three-hour weekly address to the nation, better know as “sabatina,” calling Indigenous politicians terrorists. Social networks reproduce presidential statements that animalize Indigenous peoples, and the President racist narratives grow into active brutality, for instance when Congresswomen Tibán was attacked in September 2015, thrown to the ground and her head beaten against the pavement as she entered Congress. The report emphasizes the gender dimension of government’s repression, with cases that indicate sexual threats to repress women protesters, Indigenous women humiliated and beaten in their sexual parts, women scholars and elderly women beaten during protest.

Emblematic cases

The Report is structured around emblematic cases that show police violent against peaceful protest, arbitrary detentions, judicial impunity without due process, and the criminalization of social dissent at large. Below are short summaries of the main case studies.

There have been many regional and national public protests against government policy over the last five years. The police repression of public protests in August 2015 was amongst the most brutal in Ecuador’s recent political history (**violation of Arts. 7, 9, 10, 14, 16, 17,19, 26 y 27**). Government sources announced 123 people detained, 62 of them in preventive jail. Social organizations reported 142 people detained and nearly 230



cases of police aggressions at large, including the invasion of homes and beatings. Two thirds of the victims of police aggression were detained, revealing a state strategy of detention to control protest. There were at least 52 women among the victims, who range from 14 to 75 years old. The repression happened throughout the country, but was notably violent in Quito and Saraguro. In Quito, Indigenous leaders were arrested and beaten; 37 people charged in court for protesting. In Loja, over a thousand police and military forces violently invade the Indigenous community of Saraguro and detain 36 peoples, many are subsequently charged with resistance or blocking public facilities. In Cotopaxi, an Indigenous protester lost an eye from police brutality. In the Amazon province of Orellana, 20 peoples were detained, some sentenced with the crime of resistance for half a year in jail.

During the protests, the beating, detention, and expulsion of the scholar and journalist Manuela Picq shows that legal warfare is used against foreigners who support Indigenous claims. After the police dragged and beat Picq and her partner, the Indigenous leader Carlos Perez Guartambel, she was hospitalized in Quito, then her visa was arbitrarily revoked and she was detained as an illegal migrant. She was expelled from the country without due process, denied constitutional rights, due process, and rights of the family. Although her case gained enough international visibility to free her from jail, her various demands for visa have been denied. Perez, in turn, was beaten again by mounted police forces in December 2015 and left unconscious on the pavement bleeding from his head and face.

In general, the criminalization of political activism has reached unprecedented levels in the history of Ecuador (**violation of Arts. 1, 15, 25**). There are over 700 people criminalized, most of them are Indigenous activists defending their rights to self-determination, protecting their territories from mega-projects, and asking for prior and informed consultation. The report lists some cases. Javier Ramirez was detained for “resistance” in Intag, jailed arbitrarily for ten months before facing a trial. The Amazon leader Pepe Acacho was accused of a crime he did not commit and sentenced to 12 years of jail for demanding water rights. In the highlands of Azuay, Carlos Pérez Guartambel, Efraín Arpi y Federico Guzmán were charged with sabotage and terrorism for blocking the road to impede the militarization of water sources, and sentenced for altruistic terrorism. In Bolivar, the community member Manuel Trujillo faces 30 judicial processes (including rebellion, sabotage, and terrorism) for resisting the construction of a hydro-power plant in his community. At least two cases of Indigenous deaths still await legal resolution.



Students protesting policy and teachers demanding labor and union rights have been another focus of criminalization, suffering arbitrary detention, torture, and lack of due process (**violation of Arts. 9 y 21; response to paragraph 25 in the list of questions**). In Cotopaxi, seven teachers and local officials were charged with threatening “the internal security of the state” for “invading a public building” when they shortly protested education policies with banners in the town hall in 2010- they were punished with three years in jail. In 2012, special forces detained a group of ten young people (one of them pregnant) who gathered to discuss environmental and water rights – they were charged with threatening the security of the state, and kept about a year in preventive prison until they were released by lack of evidence. In February 2013, a student protest at the high school Central Técnico in Quito resulted in some broken glass. Police forces were called in to severely repress the protest, arresting about 70 youth. Students were charged with the crime of “rebellion”, 12 remained 44 days in preventive prison. In September 2014, armed police forces entered high schools to repress students contesting governmental policy. Students were beaten, some detained and tortured. Over 90 high school students were detained at the high schools Mejia and Montufar in Quito. They faced legal charges during which parents were told to kneel to ask the President’s forgiveness. In many cases, students were suspended from school or relocated to distant, rural schools as punishment.

The report refers to a sample of cases to identify violence against women as an axis of the crisis of civil and political rights in Ecuador. During the repression of Saraguro in August 2016, Indigenous women were beaten in their sexual parts, threatened with rape, humiliated and pulled by the hair. Many were arbitrarily detained and continue to face legal charges of ‘resistance’ to state authority. In February 2016, seven women were beaten by private security forces for voicing protest during a presentation by Turkish President R.T. Erdogan. President Correa supported the beating calling the victims “bad behaved girls” who disrespected the Turkish President. The cases of two female teachers persecuted for six years show the length of legal warfare. Mery Zamora, former president of Ecuador’s National Union of Teachers, faces legal warfare since 2010 without due process: the government charged her with terrorism and sabotage for allegedly inciting students to participate in a peaceful protest and sentenced with 8 years in prison. The political persecution of Rosa Bastidas is similar: the President of a provincial teachers’ union was beaten, detained, and charged with sabotage for protesting against governmental policy.