

ECUADOR

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Amnesty International submits this briefing ahead of the review of Ecuador by the UN Committee against Torture (the Committee) in July 2024. This is not an exhaustive set of issues. It sets out the organization's main concerns with regard to the current crisis within Ecuador's prisons. This document covers the period from January 2021 to May 2024, by way of follow up on the last periodic report received by Ecuador in December 2020.

1. INTRODUCTION

Amnesty International submits this briefing ahead of the review of Ecuador by the UN Committee against Torture (the Committee) in July 2024. This is not an exhaustive set of issues. It sets out the organization's main concerns with regard to the current crisis within Ecuador's prisons. This document covers the period from January 2021 to May 2024, by way of follow up on the last periodic report received by Ecuador in December 2020.¹

Despite important recommendations made by the Committee in the previous review, the situation in Ecuador's prisons is as concerning as ever, with few structural improvements and a sustained crisis of deaths in custody as well as multiple reports of torture and other ill treatment of persons deprived of liberty.

Furthermore, Amnesty International is concerned about allegations of possible human rights violations and crimes under international law in connection with the declaration of a state of emergency in response to the increased violence in Ecuador (Decree 110 of 8 January 2024) and state of internal armed conflict (Decree 111 of 9 January 2024).

The intervention of Ecuador's armed forces in public security and prison management, based on the failed "war on drugs" rhetoric, has led to numerous reports of torture and ill-treatment of persons deprived of their liberty.

2. CHRONIC CRISIS IN THE PENITENTIARY SYSTEM (ARTICLES 1 AND 16)

2.1 STRUCTURAL SHORTCOMINGS IN ECUADOR'S PRISON SYSTEM

Ecuador's prison system has for many years suffered chronic deficiencies. Amnesty International has been monitoring this issue, especially in recent years, in which a series of prison massacres have occurred. Ecuador lacks public policies to address the structural problems facing its prisons, including overcrowding, neglect and the lack of guarantees for the rights of the country's prison population.

Ecuador's prisons fall under the administration of the SNAI – the Service for Attention to Persons Deprived of Liberty and Adolescent Offenders (Servicio Nacional de Atención Integral a Personas Adultas Privadas de la Libertad y a Adolescentes Infractores). According to a report by the Inter-American Commission on Human Rights (IACHR) following a mission to the country in late 2021, the SNAI faces severe institutional challenges, which have "facilitated corruption, violence between criminal groups in prisons, and the consequent loss of control of the penitentiary centres."²

According to information received by Amnesty International, the poor institutional oversight in prisons appears to have gone unabated. Following the report of the IACHR, in February 2022, former President Lasso announced a public policy for the social rehabilitation of prisoners, with the technical support of the Office of the UN High Commissioner for Human Rights.³ However, this policy is still far from being a comprehensive reform and the information available suggests that authorities have not yet provided adequate resources to implement it.

¹ Committee against Torture, "Octavo informe periódico que el Ecuador debía presentar en 2020 en virtud del artículo 19 de la Convención con arreglo al procedimiento simplificado de presentación de informes", 2 December 2020, CAT/C/ECU/8.

² Inter-American Commission on Human Rights, *Personas privadas de libertad en Ecuador: Aprobado por la Comisión Interamericana de Derechos Humanos el 21 de febrero de 2022* / Comisión Interamericana de Derechos Humanos, parr. 215; (OAS. Documentos oficiales; OEA/Ser.L/V/II) ISBN 978-0-8270-7459-0).

³ Office of the United Nations High Commissioner for Human Rights, "Ecuador – Prison violence | OHCHR", 10 May 2022.

In addition, according to information provided by lawyers and human rights groups that provide services to families of those detained, health services inside Ecuador's prisons have been practically non-functional since at least 2022. Lawyers told Amnesty International in mid-2023 that the Ministry of Health no longer provided doctors stationed inside Ecuador's largest prison, "Del Litoral", (Guayas Prison 1), in the province of Guayas, which houses over 5,000 prisoners. Those prisoners with health urgencies are transported to external health posts with the help of emergency services.

Forensic services assigned to prisons are slow and often unable to carry out their work. In response to the multiple deaths in custody and massacres over recent years, according to local human rights groups on the ground, investigative authorities routinely fail to properly carry out their duties, with forensic services delaying in properly identifying bodies and remains of those deceased and families receiving distressing and confusing information on the fate of their loved ones.

Institutional failures are compounded by overcrowding in prisons, largely caused by punitive drug policies. Prison population in Ecuador rose by more than 400 percent in 20 years, fuelled by increased sentences, abuse in pretrial detention and denial of prison progression for petty drug offences.⁴

2.2 DEATHS IN CUSTODY

According to the Permanent Committee for the Defence of Human Rights of Guayaquil (CDH Guayaquil), an estimated 600 people have died in prisons in Ecuador from 2018 to December 2023. 2021 and 2022 were particularly critical years, with over 400 deaths registered during those two years alone.

Several instances of mass killings are worth mentioning. On 23 February 2021, 79 people deprived of their liberty lost their lives in one day, in acts of violence in four prisons across the country.⁵ On 9 May 2022, at least 44 prisoners were killed and 10 others injured at the Santo Domingo de los Tsáchilas prison.⁶

Finally, in July 2023, 31 prisoners were killed, and dozens wounded in the El Litoral prison in Guayas, and 137 prison guards were temporarily taken hostage in prisons across the country.⁷

Many of these deaths have been attributed by human rights groups, observers and experts to the rivalry between criminal groups and gangs inside prisons. Nevertheless, the lack of state control over these non-state actors does not lessen the official responsibility for these killings, as states have a duty to protect persons from violence by private individuals, as well as a duty to safeguard the health and wellbeing of people deprived of liberty.⁸

On 31 May 2024, the Ombudsman's Office reported 24 additional deaths in custody, between 9 February and 7 March 2024, in the context of the state of exception, as discussed further below.⁹

⁴ Inter American Commission on Human Rights, "[IACHR Issues Report on the situation of persons who are deprived of liberty in Ecuador](#)", March 17, 2022, para 107-111.

⁵ Amnesty International, Ecuador: Authorities must be held accountable for 79 deaths in prisons, 24 February 2022.

⁶ Amnesty International, [Ecuador: In light of new prison massacre, authorities must address structural causes - Amnesty International](#), 10 May, 2022

⁷ Amnesty International, [Ecuador: Families and Detainees at Risk after Massacre - Amnesty International](#), 28 July 2023.

⁸ Daley v Jamaica, HRC, UN Doc. CCPR/C/63/D/750/1997 (1998) §7.6.

⁹ Defensoría del Pueblo, "La Defensoría del Pueblo ante las reiteradas alertas y denuncias de tortura y malos tratos en los centros de privación de libertad EXHORTA al Estado a ejecutar acciones urgentes", 24 May 2024, <https://www.dpe.gob.ec/la-defensoria-del-pueblo-ante-las-reiteradas-alertas-y-denuncias-de-tortura-y-malos-tratos-en-los-centros-de-privacion-de-libertad-exhorta-al-estado-a-ejecutar-acciones-urgentes-para-la-garantia-y-pro/ara-la-garantia-y-proteccion-de-derechos-de-las-personas-privadas-de-libertad>

3. STATE OF EXCEPTION FROM JANUARY 2024 AND THE ARMY'S CONTROL OF PRISONS (ARTICLES 1, 2 AND 16)

Following the escape from prison of one of the countries' main gang leaders in early 2024, the already critical situation inside prisons was aggravated by measures adopted by President Daniel Noboa. On 8 and 9 January 2024, the President declared a state of exception and an internal armed conflict. Besides deploying the military to patrol the streets, the state of exception assigned the control of prisons to the armed forces (Decreets 110 and 111).¹⁰ Both decrees were extended.¹¹

During this period, multiple reports of torture and other ill treatment have been received. The information suggests a possible reliance on cruelty as a form of control on the part of the armed forces.

3.1 SPECIFIC REPORTS OF TORTURE AND OTHER ILL TREATMENT AT THE HANDS OF ARMED FORCES

In response to a request of information, the Ministry of Women and Human Rights informed¹² Amnesty International that between 9 January and 27 February 2024, it had received 35 alerts in relation to allegations of human rights violations committed by the National Police and Armed Forces, in the context of the state of exception. These alerts included allegations of torture and other ill treatment inside detention centres. For its part, the Alliance for Human Rights of Ecuador, alongside the Committee of Families for Justice in Prisons and the Permanent Committee on the Defence of Human Rights (CDH) published a report in late April 2024¹³ detailing over 100 complaints of torture and other ill treatment in Ecuador's prisons in the period since January 2024 (mainly in the prisons near the city of Guayaquil which these NGOs monitor most closely). Among the treatment used by armed forces, the report denounces beatings with batons, electrical cables, forced postures, simulating drowning in water containers, ill treatment with electric currents and insults. In addition, the report outlines complaints by prisoners of rape through forcing weapons or implements up the anus of persons deprived of liberty.

These reports from human rights organizations are in line with the information received by Amnesty International of possible acts of torture and ill-treatment by security forces in some detention centres of the National System for Social Rehabilitation, such as the "*del Litoral*" prison. For their part, journalistic investigations have shed light on the torture techniques possibly being used by the military in prison, including waterboarding, whippings and beatings.¹⁴

On 31 May 2024, the Ombudsman's Office issued a press statement about a new rise in deaths in custody, in the context of the Armed Forces' control of detention centres. According to the statement, between 9 February and 7 March 2024, 24 detainees died in custody across different detention centres in Ecuador. In some cases, those death showed signs of torture.¹⁵

Further, at a meeting in June 2024, officials from the Prosecutor's Office told Amnesty International that it had initiated 31 investigations on torture, between 8 January 2024 and 5 June 2024, in the context of the declaration of the state of exception.

¹⁰ Presidencia de la República del Ecuador, Decreto Ejecutivo 110, 8 January 2024; Presidencia de la República del Ecuador, Decreto Ejecutivo 111, 9 January 2024.

¹¹ Decree 111 was extended on 7 March for 30 days, with the passing of Executive Decree 193. Presidencia de la República del Ecuador, Decreto Ejecutivo 193, 7 March 2024.

¹² Ministerio de la Mujer y Derechos Humanos, Oficio Nro. MMDH-MMDH-2024-0271-0, 8 March 2024.

¹³ CDH Guayaquil, Reporte Situación De Crisis Carcelaria Ecuador- Contexto Conflicto Armado Interno, 25 April 2024.

¹⁴ *El País*, [From barbarism to abuse: The ongoing problem of Ecuador's prisons](#), 20 May 2024.

¹⁵ Defensoría del Pueblo, "La Defensoría del Pueblo ante las reiteradas alertas y denuncias de tortura y malos tratos en los centros de privación de libertad EXHORTA al Estado a ejecutar acciones urgentes", 24 May 2024, <https://www.dpe.gob.ec/la-defensoria-del-pueblo-ante-las-reiteradas-alertas-y-denuncias-de-tortura-y-malos-tratos-en-los-centros-de-privacion-de-libertad-exhorta-al-estado-a-ejecutar-acciones-urgentes-para-la-garantia-y-pro/ara-la-garantia-y-proteccion-de-derechos-de-las-personas-privadas-de-libertad>

3.2 DEPRIVATION OF FOOD AND ACCESS TO LAWYERS AND OBSERVERS

Reports from human rights groups and lawyers have confirmed to Amnesty International that access to persons deprived of liberty has been even further limited since the commencement of the state of exception in January 2024. In addition, family members have told media outlets that visits have been banned for the last five months and phone calls not allowed.¹⁶ In addition, the Human Rights Ombudsman's Office has also experienced obstacles to entering prisons to carry out verification visits, according to information collected by the CDH of Guayaquil.

On 17 April 2024, prison authorities informed the families of detainees across Ecuador that the provision of food and medication would be suspended.¹⁷ According to national press coverage, this measure was taken because of a delayed payment to the private company that provides food to prisons across the country. The families of detainees were also given a list of medication they needed to buy for their relatives, as supplies were no longer available inside prisons.

On 24 April 2024, a coalition of human rights organizations in Ecuador requested precautionary measures to protect the rights of detainees.¹⁸ At a hearing held on 2 May, a judge in Quito granted the measures,¹⁹ and ordered: 1) the Ministry of Economy and Finance to transfer prison authorities the funds required to pay the private company that supplies food to detainees, within 15 days, 2) the National Service for Integral Attention of People Deprived of Liberty to carry out a public procurement process in order to hire a supplier to guarantee the permanent and continuous supply of food in prisons, within three months, 3) the National Service for Integral Attention of People Deprived of Liberty to take interim measures to guarantee detainee have access to food, including by accepting donations, and 4) the Ombudsman's Office to oversee the compliance of the measures and to submit monthly reports with updates. s' compliance with this judicial order. In June 2024, human rights organizations told Amnesty International that authorities still needed to comply with these measures.

3.3 FAILURE OF THE PRESIDENT AND OTHER PUBLIC AUTHORITIES TO TAKE ACTION

The Executive Branch for its part appears to have overlooked the concrete measures that must be taken in order to improve the prison system. This, in spite of the fact that President Daniel Noboa, in the Decree 111 signed on 9 January, recognized the crisis in the prison system, and specifically quoted extracts from the recommendations of the UN Sub-Committee on Torture, calling for the maintenance of civilian control over prisons, after its 2022 visit to the country.²⁰ The government is yet to make the Sub Committee's full report public. In addition, the president's public discourse has repeatedly undermined the rights of persons that defend the human rights of those deprived of liberty, calling them as "antipatriotic."²¹

¹⁶ *El País*, [From barbarism to abuse: The ongoing problem of Ecuador's prisons](#), 20 May 2024.

¹⁷ Amnesty International, *Detainees at Imminent Risk*, AMR 28/7987/2024 [Ecuador: Detainees at imminent risk - Amnesty International](#), 25 April 2024.

¹⁸ The Precautionary Measures were lodged before the Unidad Judicial Civil Con Sede En La Parroquia Iñaquito Del Distrito Metropolitano De Quito, Provincia De Pichincha. Process number: 17230202409062.

¹⁹ Unidad Judicial Civil Con Sede En La Parroquia Iñaquito Del Distrito Metropolitano De Quito, Provincia De Pichincha, No. proceso: 17230202409062, www.funcionjudicial.gob.ec, 2 April 2024.

²⁰ Presidencia de la República del Ecuador, Decreto Ejecutivo 111, Exposición de motivos, 9 January 2024.

²¹ See for example: Ecuavisa, "Noboa en respaldo a los militares: "Que ningún antipatria nos venga a decir que nosotros estamos violando los derechos de nadie", <https://www.ecuavisa.com/noticias/politica/noboa-declaraciones-derechos-humanos-manabi-DN6816014>, 15 febrero 2024.

4. RECOMMENDATIONS

Amnesty International recommends that the state party:

- Take immediate steps to prevent and stop torture and ill-treatment, and to ensure access to basic needs of detainees, including water, food, and medicines.
- Immediately recommence family visits and phone calls in prisons as well as health services in prisons and allow for routine and on-site inspections by the Human Rights Ombudsman.
- Address the root causes of prison overcrowding, particularly due to punitive drug policies, including by abolishing automatic pretrial detention and favouring non-custodial measures for non-violent drug offences.

Amnesty International further recommends that the state party, through the:

- **President and the Ministry of Women and Human Rights**, make public the 2022 report prepared by UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment after its visit to Ecuador.
- **Attorney General's Office**, immediately launch prompt, independent, impartial and exhaustive investigations into any information concerning or allegation of torture and other ill-treatment in prisons, and ensure the investigations are conducted in accordance with international standards in order to bring those suspected of being responsible to justice. They should also accelerate the application of forensic examinations to all alleged victims of torture and other ill-treatment so that examinations take place immediately and ensure in cases of sexual violence that they are conducted with the appropriate sensitivity to issues of trauma and gender, ensure that victims of torture or other ill-treatment receive immediate mental and physical health attention and have access to redress and reparations due to inhumane prison conditions.
- **Service for Attention to Persons Deprived of Liberty and Adolescent Offenders**, urgently take measures to ensure that the involvement of the armed forces in prisons is subordinated to civilian authorities and subject to strict monitoring.
- **Ministry of Economy and Finance**, allocate all necessary resources to the National System for Social Rehabilitation to ensure adequate food and medicines are provided to all detainees.
- **Armed Forces**, suspend any agents – regardless of rank – suspected of being involved in acts of torture or other ill-treatment, pending impartial and independent investigation and ensure that any public official found to have been directly or indirectly responsible for torture and other ill-treatment is not employed in other public security, prosecutorial or judicial institutions.

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