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Jailhouse Incident Renews Torture Debate in Ecuador

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On May 31, 2016, members of an enforcement unit of the Intervention and Rescue Group (Grupo de Intervención y Rescate, GIR), along with other policemen dressed in camouflage tortured inmates of a medium security pavilion of the Turi jail in Cuenca, in the highlands of Southern Ecuador.

Two public defense attorneys who have offices in Turi denounced the actions and filed a habeas corpus petition in Cuenca’s courts so that the affected detainees could have the opportunity to denounced the torture before a judge. A first audience scheduled for June 21 was suspended, as was as a second one scheduled for June 28, as representatives of the Interior Ministry searched for security camera videos that would back up their theory that the elite police unit had entered to control a riot. In other words, according to authorities, evidence of a riot would justify the police entering the jail. Moreover, it would legitimize the torture.

The security camera videos were leaked, causing indignation among Ecuadorans and forcing several civil and human rights organizations to turn their attention to the issue of torture in Ecuador, an issue that officials had managed cover up with assurances that the penal system had been reformed and its structure improved with the construction of new and modern detention centers. More importantly, the events at Turi motivated organizations to produce a report for the UN Committee Against Torture, which was scheduled to review Ecuador during the first week of November 2016.

The UN General Assembly adopted the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on Dec. 10, 1984. Ecuador ratified it in 1988, promising at that time to submit periodic reports. The most recent report was delivered in 2010. In July 2014, a progress report was issued detailing steps taken to respond to the committee’s recommendations made in Ecuador in 2010. In 2014, the committee issued new recommendations and the November 2016 exam was intended to review the actions taken based on those recommendations.

Cases of torture unpunished

Besides the complaint of torture in Turi, other issues addressed in the reports of civil and human rights organizations surfaced, including:

• cases of students, such as Angelo Ayol, who was tortured after being arrested during student demonstrations in 2014

• some 118 complaints, not yet investigated, filed with the Truth Commission (a commission created by the government itself) (Notisur, June 15, 2007, and April 18, 2014)

• cases of torture by members of the Army, such as that of five brothers tortured in the province of Sucumbios

• extrajudicial executions

• conditions of imprisonment

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• inhuman treatment of refugees

Speaking to the UN committee, Ledy Zúñiga, Ecuador’s justice minister, tried to explain the penal reforms and the role of the Ombudsman’s anti-torture program (Mecanismo de Prevención de la Tortura), but her statements were overshadowed by the forceful reports submitted by the human rights organizations. And she had no answers for the UN commissioners, who wanted to know why, even after the reforms, the penal population had tripled, and why the Ombudsman had kept quiet about cases of torture in the prison system and about the conduct of police in the control of public order.

Committee conclusions

On Dec. 7, 2016, the UN Committee Against Torture issued its report on Ecuador. It had 31 observations—six indicating government progress in relation to the 2014 report, and 25 addressing points of continuing concern. In some instances, the committee found that things have gotten worse—in relation to judicial independence and governmental pressure on judges, for example, or to the rights of women and the LGBT population, sexual violence in the education sector, and above all, the excessive use of force against demonstrators.

The UN report notes that judges use the courts to persecute social leaders, but simultaneously points out that the judges risk being fired if they don’t follow government guidelines. The Judiciary Council (Consejo de la Judicatura), charged with monitoring the performance of the judges, should be impartial and independent and ensure that judicial functions are carried out without pressure or interference, the report says.

Likewise, in regards to the LGBT population, the report draws attention to the regression of rights, the deepening of discrimination, and even the fact that murders have not been investigated nor have responsible parties been found.

A significant section of the report is dedicated to the rights of indigenous peoples, with special emphasis on the issues of isolated communities, prior consultation, and indigenous justice. Specifically, the report says that the government “must increase efforts to protect the lives and livelihoods of indigenous peoples in isolation, specifically guaranteeing that extractive activities or other activities that create a more vulnerable situation are not carried out.” It made direct reference to the extractive activities that are underway in their territories (NotiSur, Nov. 11, 2011).

The report notes the need to comply with the indigenous communities’ right to prior, free, and informed consultations when the state plans to develop extractive or infrastructure projects. The committee recommends the state “adopt the necessary steps to guarantee effective consultations with indigenous communities and indigenous groups in order to obtain free and informed consent in advance of whatever could substantially impact their way of life and their culture.”

Regarding indigenous justice, the committee expressed concern about the lack of a legal and institutional framework that regulates what should fall under indigenous jurisdiction and what under ordinary jurisdiction (NotiSu, Nov. 9, 2012, and July 15, 2016), and urges the state to “take the necessary steps to adopt a deliberate legal and institutional framework to regulate those jurisdictions, and to guarantee respect of the rights and interests of indigenous peoples and communities, so that individuals in these communities may have full enjoyment of their rights under the covenant.”

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The committee was also concerned about other issues, such as restrictions on freedom of expression and association, restrictions on abortion, and the use of sexual reorientation therapies for homosexuals.

In short, after the presentations to the Committee Against Torture, it’s clear that the list of issues to be tackled are much greater than the advances mentioned by the government. In fact, the presentation was a great deal less positive than reports in 2014 and 2010, indicating that human rights and indigenous rights in Ecuador are moving backwards, and that cases such as the incident in the Turi jail could reoccur periodically.

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