

Summary of Repeated and Systematic Human Rights Violations in Ecuador



Presented by:

Colectivo Europeo de la Diversidad Ecuatoriana (CEDE) - Spain

Norwegian Forum for Democracy and Rights in Ecuador (NOFEC) - Norway

Association des Migrants Latino-Américains en France (ALMA) - France

Asociación por las Libertades en Iberoamérica y los Derechos Humanos (ALI-HUMA) - Spain

Associazione Amici dell'Ecuador (ADE) - Italy

Association de Litige et Action Stratégique pour les Droits Humains en Amérique Latine (LéAL) - Belgium





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I. Introduction

This updated report addresses the critical situation in Ecuador during 2023. Focused on highlighting violations of the rule of law and fundamental rights, this detailed analysis serves as a denunciation to the international community, including governments, human rights bodies, and relevant entities.

Ecuador has faced a multidimensional crisis: social, economic, political and security, where the guarantee of the rule of law, essential for the balance of state powers, has been seriously affected. This problem has resulted in a constant threat to human rights and citizens' freedoms.

This document follows on from the December 2022 report,¹ which we recommend reading, updating, and highlighting critical developments.

Since January 2023, we have observed a worrying evolution in the situation in the country, which was already critical at the end of 2022. The aim is to report and denounce these developments, providing an objective and up-to-date overview for international and local actors.

Key findings since the last report include increased violence, persistent political persecution, challenges in the administration of justice and continued violations of freedom of expression. These issues will be developed in detail in the following sections, emphasising the urgent need for international attention and action.

Since December 2022, we have noted some worrying dynamics that persist and, in some cases, have intensified. Despite international calls for reforms and improvements, the situation in several respects has worsened. Among the most salient findings are:

- Increased violence and instability: There has been an increase in the levels of violence, both in terms of political and criminal violence. This phenomenon has affected the daily lives of citizens and further weakened the country's democratic institutions.
- Persistence of political persecution: Political persecution practices, which were already a concern in 2022, have continued and even intensified in some cases. This has led to a climate of fear and self-censorship among political opponents and human rights activists.

¹ Report on the situation of serious violations of the rule of law and of fundamental rights and freedoms in Ecuador (2022, 03 December). <https://github.com/huayra/nofec.no/raw/master/static/images/Report%20on%20the%20situation%20of%20serious%20violations%20of%20the%20rule%20of%20law%20and%20of%20fundamental%20rights%20and%20freedoms%20in%20Ecuador.pdf>.

- Challenges in the administration of justice: Judicial independence remains an area of major concern. Reports indicate continued political interference in the judicial system, affecting the fairness and effectiveness of justice.
- Violations of freedom of expression: Despite previous criticisms, freedom of expression remains under threat, with reports of censorship and attacks on journalists and media outlets.

These and other issues will be developed in more detail in the following sections, providing a comprehensive overview of the current situation in Ecuador and highlighting the urgent need for international attention and action.

II. Rupture of the rule of law and political crisis

A. Political crisis and desinstitutionalization

Corruption in Ecuador's governmental strata has seriously eroded public confidence in the country's institutions. This loss of faith in the system has been exacerbated by a lack of transparency and the progressive desinstitutionalization of the state, undermining the foundations of Ecuador's democracy.

In January 2023, the digital media "LA POSTA" uncovered a corruption scandal that had a profound impact on the country's power structures. The investigation revealed a corruption network allegedly led by Danilo Carrera, close to President Guillermo Lasso, involving high-ranking officials and businessmen.

On January 9th, leaked audios from Leonardo Cortázar, a senior government official, suggest the existence of payments in exchange for political favours and appointments in state companies.² Subsequently, on January 16th, new audios were released implicating Hernán Luque and Rubén Cheres in acts of corruption in National Electricity Corporation and FLOPEC, a state oil company,³ also suggesting the involvement of Iván Correa Calderón, Secretary of Public Administration, and Oswaldo Rosero, manager of FLOPEC.

² Editorial Staff (2023, 1 January). Complaint about the corruption case 'El Gran Padrino' splashes the family of President Guillermo Lasso. NTN24. <https://www.ntn24.com/noticias-actualidad/denuncia-sobre-el-caso-de-corrupcion-el-gran-padrino-salpica-a-la-familia-del-presidente-guillermo-lasso-405390>.

³ Loaiza, Y. (2023, 31 March). Ecuador: Ruben Cherez, friend of Guillermo Lasso's brother-in-law and linked to Albanian mafia, murdered. Infobae. <https://www.infobae.com/america/america-latina/2023/03/31/ecuador-asesinaron-a-ruben-cherrez-amigo-del-cunado-de-guillermo-lasso-y-vinculado-a-la-mafia-albanesa/>.

The government's reaction was immediate, with President Lasso requesting the Attorney General's Office to locate and arrest Luque and Cherres.⁴ The National Assembly, given the seriousness of the situation, formed a specialised commission to investigate the case.⁵

On January 26th, the commission, led by legislators Viviana Veloz and Mireya Pazmiño, began its work, broadening its investigation to include Danilo Carrera's possible connections to drug trafficking and the Albanian mafia. Tragically, on 31 March, Rubén Cherres was murdered in suspicious circumstances.⁶

On May 10th, a commission report recommended impeachment proceedings against President Lasso for breach of duty and complicity in state embezzlement.⁷ Lasso, facing the possibility of impeachment, dissolved the National Assembly and called early elections, using the "cross-death" mechanism provided for in the Constitution.

In July, Andersson Boscán and Mónica Velasquez, key journalists in the investigations, fled to Argentina and later to an unknown location, citing threats to their safety and accusing the government of persecution.⁸

Boscán's revelations about the lives of Fernando Villavicencio and General José Luis Erazo, and their connection to the "León de Troya" case linking President Lasso to Albanian criminal organisations, add a further layer of complexity and gravity to the situation.⁹

In the same context, Boscán denounced that state intelligence bodies knew that the lives of Boscán, Villavicencio, and Erazo were in danger and pointed out obscure details about the death of former legislator Fernando Villavicencio, and a possible attempt on the life of General José Luis Erazo of the National Police. Both were linked to the León de Troya case, which directly linked President Lasso to Albanian criminal organisations.¹⁰

⁴ Sotalín, K. (2023, 16 January). Guillermo Lasso orders Hernán Luque and Rubén Cherres to be located for investigation for alleged corruption. *El Comercio*. <https://www.elcomercio.com/actualidad/politica/guillermo-lasso-localizar-hernan-luque-corrupcion-cherres>.

⁵ Press room (2023, 18 January). Assembly forms occasional commission to investigate alleged corruption network in «El gran padrino» case. National Assembly of Ecuador. <https://www.asambleanacional.gob.ec/es/noticia/86612-asamblea-conforma-comision-ocasional-que-investigara>.

⁶ Editorial office (2023, 31 March). Rubén Cherres was murdered on Punta Blanca beach, Santa Elena. *El Comercio*. <https://www.elcomercio.com/actualidad/seguridad/ruben-cherres-punta-blanca-santa-elena.html>.

⁷ Editorial office and agencies. (2023, 10 May). Ecuador's Congress approves impeachment trial against President Lasso. *DW*. <https://www.dw.com/es/congreso-de-ecuador-aprue%20ba-juicio-pol%C3%ADtico-contra-presidente-lasso/a-65567870>.

⁸ Editorial Staff (2023, 2 August). Ecuador: Two journalists who investigated the president are forced to leave the country. International Federation of Journalists. <https://www.ifj.org/media-centre/news/detail/article/ecuador-dos-periodistas-que-investigaron-al-presidente-guillermo-lasso-se-ven-forzados-a-abandonar-el-pais>.

⁹ Jairala, J., Un café con J.J. (2023, 31 August). Andersson Boscán: The State knew through three channels about assassination attempts. *La Radio Redonda 99.3 FM*. <https://www.youtube.com/watch?v=BxPDLvpgIKs>.

¹⁰ Editorial office (2023, 29 August). Boscán: «The main threat against my life is the Lasso government». *Ecuador en Vivo*. <https://www.ecuadorenvivo.com/index.php/politica/item/166936-boscan-la-principal-amenaza-contra-mi-vida-es-el-gobierno-de-guillermo-lasso>.

On 30 August, lawyers for Erazo and another police officer implicated in the case applied to the Inter-American Commission on Human Rights for protection, alleging state persecution.¹¹

B. Role of the media in political polarization

1. Background

The media in Ecuador have played a crucial role in shaping the country's political and social landscape. Historically, these media have been strongly linked to specific economic and political interests, which has influenced their coverage and their relationship with the government and society in general.¹²

Over the last decades, the Ecuadorian media landscape has been dominated by private groups, many of which are linked to large economic and political conglomerates. These media groups have used their influence to negotiate with the state and defend their interests. In this sense, the media have played a significant role in shaping public opinion and the country's political dynamics.¹³

An important milestone in the relationship between the media and the government of Rafael Correa was the enactment of the Organic Law on Communication (OLC) in 2013. This legislation introduced a series of regulations that directly affected the relationship between the media and the government. The OLC was a response to concerns about private media concentration and its impact on democracy and freedom of expression, the radio electric spectrum was to be shared with public and community media. It obliged journalists and communicators to hold university degrees to practice the profession and dignified the work of cartographers. However, this law also generated controversy and was criticised by various sectors, including the media. It was argued that some provisions of the law could be used to restrict freedom of expression and censor media critical of the government.¹⁴

The law addressed issues such as media lynching, defining it as the concerted and repeated dissemination of information with the aim of discrediting a person or reducing his or her public credibility.

¹¹ Editorial office (2023, 1 January). José Luis Erazo and Rodney Rengel, investigators of the 'León de Troya' case, requested a precautionary measure from the IACHR for the State to give them protection. El Universo. <https://www.eluniverso.com/noticias/politica/jose-luis-erazo-y-rodney-rengel-investigadores-del-caso-leon-de-troya-pidieron-una-medida-cautelar-a-la-cidh-para-que-el-estado-les-de-proteccion-nota/>.

¹² Farinango, L. (2011, 29 April). Ecuador: quantitative opinion study on the political and media situation. Flacso Andes. <https://www.flacsoandes.edu.ec/agora/medios-de-comunicacion-en-la-vida-politica-de-los-ecuatorianos>.

¹³ Flores, R. (2022, 23 June). Subdirector de la CELAG: Crisis in Ecuador is the result of neoliberal policies. La Razón. <https://www.la-razon.com/mundo/2022/06/23/subdirector-de-la-celag-crisis-en-ecuador-es-el-resultado-de-las-politicas-neoliberales/>.

¹⁴ Editorial (2021, 8 November). Communications in Ecuador: between the seized media and a scenario of regulatory reform. Telesemana. <https://www.telesemana.com/blog/2021/08/11/las-comunicaciones-en-ecuador-entre-los-medios-incautados-y-un-escenario-de-reforma-normativa/>.

While this provision sought to protect the dignity and reputation of individuals, it also raised concerns about its possible use to silence legitimate criticism.

The OLC and the media situation in Ecuador reflect an ongoing tension between the need to ensure a free and objective press and attempts to regulate the media to protect other rights and social values. This historical context provides the basis for understanding the current relationship between media, government and society in Ecuador and is fundamental to understanding the current challenges in terms of press freedom and media pluralism. The OLC was repealed by Lenin Moreno in 2019.

2. Influence of the media on democracy and politics

The influence of the private media in Ecuadorian politics has been notable, especially in its representation of and response to the social and economic reforms promoted by progressive governments. This section examines how these media have impacted both public perception and national politics (Lizarzaburu & Sánchez, 2018).¹⁵

During Rafael Correa's governments, a series of reforms aimed at improving social and economic equity were implemented. However, media coverage of these reforms by the private media was often characterised by a critical or even hostile stance. These media focused their narratives on the challenges and setbacks of the reforms, rather than their achievements or positive impacts.

The private media in Ecuador have, in many cases, been aligned with specific economic and political interests. This has influenced the way they report and comment on the government and its policies. In several cases, they have favoured agendas that oppose progressive reforms, contributing to a climate of political polarisation.¹⁶

The influence of the media in shaping public opinion is significant. By presenting a biased view of government policies, the media has contributed to the formation of public opinion that may not fully reflect the reality of reforms and their effects on society. This has generated debates and controversies that go beyond the actual merits of the policies implemented.¹⁷

Media coverage has a direct impact on national politics. The way in which the media reports on the government and its policies can influence the popularity of political leaders, citizens' electoral decisions and, ultimately, the course of national politics.

¹⁵ Lizarzaburu, R. and Sánchez, R. (2018). «Chapter 5 - Private media and political power in Ecuador 2007-2016», in Communication, development and policy, ed. Natalia Aguiar Mariño and Nelson Medranda Morales. Quito: Editorial Abya-Yala. pp. 115-143. <https://books.scielo.org/id/yn8f6/pdf/aguiar-9789978104989-07.pdf>.

¹⁶ Rivadeneira, B. (n.d.) Top 10 media in Ecuador (2022). MC Comunicaciones. <https://mccomunicaciones.com.ec/top-10-medios-de-comunicacion-en-ecuador/>.

¹⁷ Rosas, D. (2018, 23 October). Communication in Ecuador for the sake of political change: current situation and perspectives. Dialoguemos. <https://dialoguemos.ec/2018/10/la-comunicacion-en-el-ecuador-en-aras-del-cambio-politico-situacion-actual-y-perspectivas/>.

This media influence has been a key factor in Ecuador's political dynamics, highlighting the importance of a diverse and balanced press for a healthy democracy.

3. Impact on public perception

The influence of the media in shaping public opinion in Ecuador has been and continues to be significant, particularly regarding its coverage of Rafael Correa, Correa's political coidearies and the legal processes associated with them. This section explores how media coverage has shaped public perception, especially in relation to former president Correa¹⁸ and his political allies.

Citizens, exposed to a partial version of reality, may form opinions based on incomplete or distorted information. This phenomenon is of particular concern in a democratic environment, where public opinion is central to political decision-making and governance.

In many cases, media coverage has contributed to a polarised political climate. Arguments and perceptions are based more on media narratives than on objective facts. The polarisation around Correa's political coidearies, exacerbated by the media, has been a key factor in Ecuador's political division, affecting the way citizens perceive political leaders and their policies.

The practice of lawfare, i.e. the use of legal proceedings for political ends, has been amplified by the media. In the context of Ecuador, this has manifested itself in the way the media has covered legal accusations and trials against Rafael Correa and his allies. Such coverage has often magnified the accusations, in many cases without solid evidence, influencing public perception and political debate. The way in which these legal proceedings have been reported has contributed to an atmosphere of mistrust and scepticism towards Correa.¹⁹

The media's influence on public opinion and politics in Ecuador, especially in relation to Correa's political coidearies and lawfare, raises serious questions about the state of democracy in the country. The media's ability to influence public opinion and political processes is a powerful reminder of the need for balanced and responsible journalism. Moreover, polarised media narratives can exacerbate divisions within society, creating an environment in which political disagreements become deeper and more persistent conflicts.²⁰

¹⁸ López-Jímenez, D. (2016, 1 October). The construction of public opinion in Ecuador based on political participation in social networks. *Obra Digital*. Number 11. <https://revistesdigitals.uvic.cat/index.php/obradigital/article/view/103>.

¹⁹ Milagro State University (2019, 18 November). Consensus building and social control. *Public Opinion*. Unit 3. https://sga.unemi.edu.ec/media/recursotema/Documento_2021101165839.pdf.

²⁰ Vasallo, G. (2021, 4 December). Rafael Correa: «With lawfare they have delayed history, but they will not be able to stop it». *Página 12*. <https://www.pagina12.com.ar/387054-rafael-correa-con-el-lawfare-han-demorado-la-historia-pero-n>.

C. Attacks on freedom of the press

The press freedom situation in Ecuador during 2023 has been alarming. Attacks and threats against journalists and other media professionals have been a recurring theme, which has generated great concern at the international level. Volker Türk, the United Nations High Commissioner for Human Rights, has expressed his concern about the increase in violence in Ecuador, including attacks and threats against political candidates, public figures, and journalists, urging the authorities to redouble their efforts to protect these individuals.²¹

As mentioned in the previous section, the case of Andersson Boscán, an Ecuadorian journalist, stands out in the context of the attacks on press freedom in Ecuador. Boscán and his wife, Mónica Velásquez, also a journalist, were forced to leave Ecuador due to serious threats against their lives. These threats arose in the context of their journalistic work, especially after an investigation entitled “El Gran Padrino” (The Great Godfather), which included the León de Troya case involving the brother-in-law of President Guillermo Lasso in a corruption and drug trafficking scheme. This report prompted an intensification of threats against them, including warnings from an Albanian mafia operative group with orders to try on their lives. The situation of Boscán and Velásquez adds to other cases of Ecuadorian journalists who have had to leave the country for similar reasons, underlining the critical situation of press freedom in Ecuador.²²

The case of Karol Noroña, who specialises in organised crime at the GK portal, and Lisette Ormaza, a journalist at Majestad Televisión, are additional examples of media professionals in Ecuador who have faced serious threats in 2023. These situations underline the increasing hostility and danger faced by journalists, especially those covering sensitive topics such as organised crime and government corruption. The forced departure of these journalists from Ecuador highlights not only the personal risk they face, but also the general erosion of press freedom in the country.

This report analyses the case of Alondra Santiago, a Cuban journalist based in Ecuador, as an example of the complexities and challenges facing press freedom in a context of political polarisation. Santiago has openly criticised political figures such as Guillermo Lasso and Lenin Moreno, former presidents of Ecuador, which has earned her verbal and physical attacks, as well as sexist, and xenophobic attacks on social networks. Her identification with leftist and feminist ideologies has intensified hostilities towards her, highlighting how political affinities can increase the risk to journalists in polarised environments.

²¹ Office of the UN High Commissioner for Human Rights (2023, 10 August). Commentary by the UN High Commissioner for Human Rights, Volker Türk, on the assassination of presidential candidate Fernando Villavicencio in Ecuador. <https://www.ohchr.org/es/statements/2023/08/comment-un-human-rights-chief-volker-turk-killing-presidential-candidate>.

²² Editorial office (2023, 25 July). Boscán and his wife urgently leave the country. La República. <https://www.larepublica.ec/blog/2023/07/25/boscan-y-su-mujer-abandonan-urgentemente-el-pais/>.

These incidents underline the urgent need for measures to protect journalists, regardless of their political positions, and to ensure freedom of expression in Ecuador, where diversity of opinion has become a risk factor for the safety and well-being of media professionals.

On 6 November 2023, representatives of journalists and freedom of expression defenders from Ecuador held a hearing at the Inter-American Commission on Human Rights (IACHR). They raised concerns about the adverse conditions facing journalism in Ecuador, characterised by episodes of violence, job instability and institutional challenges. During the hearing, César Ricaurte, director of Fundamedios and a conservative political figure, argued that between 2007 and 2017, journalism in Ecuador was subject to pressure from political power, which resulted in a more authoritarian model of government, weakening the media, and putting them in a vulnerable position.²³

Furthermore, it is essential to reflect on the criticism of the role of Fundamedios. This organisation, the leader of the delegation, is perceived by some groups as a defender of elitist interests and opposed to the policies of former president Rafael Correa. Of particular concern is the 2019 incident involving César Ricaurte, director of Fundamedios. Ricaurte was sentenced to 15 days in prison after pushing Jorge Jurado.²⁴ Former ambassador of Ecuador to Germany and Secretary of Water in Correa's government. This incident is particularly alarming as Jurado is an elderly person with a disability. Assaulting a person in this condition is an act that deserves to be strongly condemned, reflecting the need to maintain high ethical standards in any kind of interaction, especially in political or public contexts.²⁵

In this context, it is relevant to consider that during the period 2007-2017, although there were tensions between the government and the media, there were no reports of violent attacks against journalists as there have been in recent years. This suggests that the situation has evolved and that the challenges facing journalism and freedom of expression in Ecuador are increasingly serious. In fact, in 2023 alone, nine journalists had to go into exile because of threats to their physical and professional integrity. Karol Noroña, who was at the hearing, explained that most of them chose not to report their cases due to a lack of trust in the state.²⁶

²³ Editorial Office (2023, 7 November). Journalists exposed the lack of protection by the Ecuadorian State at the IACHR. El Universo. <https://www.eluniverso.com/noticias/politica/periodistas-expusieron-en-la-cidh-la-falta-de-proteccion-del-estado-ecuatoriano-nota/>.

²⁴ Redaction (2019, 29 June). Fifteen days in prison against the director of Fundamedios, César Ricaurte, for shoving a former ambassador of Correa. La República. <https://www.larepublica.ec/blog/2019/06/29/quince-dias-de-prision-contra-el-director-de-fundamedios-cesar-ricaurte-por-empujar-a-exembajador-correista/>.

²⁵ Bravo, M. (2019, 1 July). Fifteen days in prison against the director of Fundamedios, César Ricaurte, for shoving a former Correista ambassador. Confirmado.net. <https://confirmado.net/2019/07/01/el-doble-rasero-de-la-prensa-mercantilista-en-ecuador-o-marco-antonio-bravo/>.

²⁶ Loaiza, Y. (2023, 7 November). The complaint of an exiled Ecuadorian journalist before the IACHR: «Those who wanted to kill me are protected by the State». Infobae. <https://www.infobae.com/america/america-latina/2023/11/07/un-periodista-ecuatoriana-exiliada-hablo-ante-la-cidh-quienes-quisieron-matar-me-son-protegidos-por-el-estado/>.

The IACHR questioned the Ecuadorian government on measures taken to ensure an end to impunity and the restoration of confidence so that journalists can report fully and impartially and return from exile to their country. IACHR Vice-Chair, Roberta Clarke, asked specifically whether the government accepted the perception of impunity and what measures had been taken in this regard. Roberta Clarke highlighted the concern for the 9 journalists who had to leave Ecuador between April and November 2023 due to death threats from organised crime. Of these journalists, at least six remain in exile. As of November 2023, 220 attacks against journalists had been registered in Ecuador, including five bombs sent to journalists in March, which left one person injured.²⁷

During 2023, significant attacks against the press were recorded. These collective incidents reflect an increasingly hostile environment for freedom of expression in Ecuador, where the safety of journalists is seriously threatened. This is evidence of an urgent need for stronger protection measures and international attention focused on the human rights and press freedom situation in the country.

D. Critical evaluation of government responses to corruption scandals

The government's handling of corruption scandals in Ecuador, especially in the context of the León de Troya case involving Danilo Carrera and other officials, has been the subject of criticism and questioning. The government's response, while swift in some respects, such as the request for arrests, was perceived by many as a strategy to divert attention from the deeper implications of corruption at the highest levels of power.

President Guillermo Lasso's decision to dissolve the National Assembly and call for early elections, although in line with constitutional mechanisms, has been critically interpreted as an attempt to evade imminent impeachment. This manoeuvre, known as "cross-death", was seen by opposition sectors and political analysts as a tactic to escape accountability and growing demands for accountability. Such an action not only exacerbated the political crisis, but also raised serious questions about institutional stability and the health of Ecuador's democracy.

The early presidential elections in Ecuador, in this context, were not simply a regular electoral process. Rather, they became a political battleground, where the legitimacy and effectiveness of the Lasso government was assessed. These elections were widely interpreted as an effort by the president to revalidate his mandate amidst significant scandal, generating heated debate about the manipulation of the democratic process.

²⁷ Editorial Staff (2023, 6 November). Impunity in crimes against journalists, a state "sin" in Ecuador. Ecuador Chequea. <https://ecuadorchequea.com/impunidad-en-crimenes-contra-periodistas-un-pecado-estatal-en-ecuador/>.

The political climate during these elections was marked by a deep distrust of the government and its intentions. The call for early elections, far from being a solution to the crisis, was seen by many as indicative of deepening political instability and the erosion of democratic norms. This raised serious questions about the capacity of Ecuador's political system to manage internal crises and maintain public confidence in its institutions.

E. Retrospective of the electoral process in Ecuador in 2023

1. Ecuador's 2023 electoral crisis: irregularities, intimidation and unprecedented violence

The year 2023 in Ecuador was marked by an electoral process characterised by irregularities, acts of intimidation and an unprecedented level of violence. This electoral period cast doubts on the integrity and reliability of the Ecuadorian democratic system. The wave of assassinations and attacks against candidates and political leaders, which amounted to 23 murders and 47 attacks between January and August, further undermined the confidence and stability of the electoral process.

These acts of violence, which reflected the intrusion of organised crime into politics, generated an atmosphere of fear and reticence among participants in the political process. The seriousness of these incidents was a clear indication of the vulnerability of political life in Ecuador and the detrimental influence of organised crime.

The early elections took place against a backdrop of growing tension and mistrust. The first round was held on 20 August and the second round on 15 October 2023. These elections were called following President Guillermo Lasso's decision to dissolve the National Assembly through the constitutional mechanism of "cross-death".²⁸

The atmosphere in which the elections took place was marked by anxiety and concern. Candidates and voters not only faced the challenge of expressing their political preferences, but also of doing so in an environment threatened by violence and manipulation. The integrity of the electoral process was compromised not only by acts of violence, but also by the general perception that the elections were a ploy to divert attention from the deeper problems facing the nation.

In retrospect, the 2023 elections in Ecuador represented a critical moment, raising fundamental questions about the robustness of democratic institutions and the country's ability to overcome the challenges of corruption, violence, and political instability.

²⁸ Editorial Staff (2023, 17 May). President Guillermo Lasso decrees the dissolution of Ecuador's National Assembly and calls for elections. BBC News World. <https://www.bbc.com/mundo/noticias-america-latina-65623515>.

The way in which citizens and the international community responded to these events was crucial for the future of democracy in Ecuador.

2. Wave of political violence: assassinations of leaders during the electoral period in Ecuador

During 2023, Ecuador was rocked by a wave of political assassinations that shocked the country and triggered widespread indignation and repudiation. These crimes not only highlighted the alarming situation of violence and insecurity in Ecuador, but also the dangerous infiltration of organised crime into politics.

Agustín Intriago, the mayor of Manta, was brutally murdered on 23 July 2023. This crime, perpetrated by hired assassins on a motorbike during a visit to a sewage works, not only claimed Intriago's life but also that of a sportswoman who accompanied him, leaving two other people injured. Intriago had previously warned about the growing security problems in his city, especially in relation to drug trafficking.²⁹ The following day, former president Guillermo Lasso established a state of emergency in the province of Manabí, province of Los Ríos and the city of Durán in the province of Guayas.

On the other hand, the assassination of Fernando Villavicencio, a journalist, former assembler, and presidential candidate, on 9 August 2023, marked another flashpoint in Ecuador's political violence. Villavicencio was attacked by a hitman who shot him after leaving a political rally in Quito, injuring around 40 people, including several police officers.³⁰ This attack sparked international condemnation, including from UN Secretary General Antonio Guterres and High Commissioner for Human Rights Volker Türk, who pointed to these acts as a serious threat to democracy.³¹

The ineffectiveness of the security system surrounding Villavicencio has led his family to hold the Ecuadorian state responsible for his death. In addition, his murder has become embroiled in political controversy, with unfounded accusations directed at specific sectors and without concrete evidence, increasing polarisation and hatred in the country. Presidential candidate Luisa González, from Rafael Correa's political movement, condemned these acts and called for a serious and impartial investigation.³²

²⁹ Editorial Staff (2023, 24 July). Agustín Intriago, the popular mayor of Manta, and a young footballer are murdered in Ecuador. BBC News World. <https://www.bbc.com/mundo/articles/cndk24k17y7o>.

³⁰ Alonso, J. (2023, 10 August). Fernando Villavicencio Murdered: 3 Keys to Understanding the Wave of Violence Rocking Ecuador. BBC News World. <https://www.bbc.com/mundo/articles/c6pvjdy153mo>.

³¹ United Nations (2023, 10 August). Ecuador: UN condemns murder of presidential candidate Fernando Villavicencio and calls for investigation into crime. UN News. <https://news.un.org/es/story/2023/08/1523337>.

³² Agency EFE (2023, 17 August). Correa candidate promises to create a commission to investigate Villavicencio's murder. Swissinfo. <https://www.swissinfo.ch/spa/elecciones-ecuadorcandidata-correa%C3%ADsta-promete-crear-una-comisi%C3%B3n-para-investigar-asesinato-de-villavicencio/48743698>.

González herself reported threats against her life and accepted military protection offered by the Lasso government. Tension escalated with the arrest of individuals armed with grenades, although the police did not confirm a conspiracy against González. Subsequently, an audiotape was revealed implicating one of those arrested in a plot to assassinate the candidate, prompting the attorney general's office to open an investigation with no results to date.³³

In addition, many analysts have pointed out that the murder of Fernando Villavicencio and the subsequent wave of hatred promoted by certain media sectors have had a significant impact on the Ecuadorian political landscape, particularly in the 2023 presidential elections. Luisa González, who was considered the favourite to win in the first round, was negatively affected by this climate of violence and polarisation. Analysts suggest that the fear and distrust generated by these events, together with the intense disinformation and defamation campaign, played a crucial role in the decline of her popular support. This situation highlights how political violence and media manipulation can significantly alter the course of democratic processes, influencing electoral results and affecting public perception of candidates and their proposals. This phenomenon not only undermines democracy, but also raises serious questions about freedom of expression and the responsibility of the media in creating an informed and balanced political environment.

These events illustrate the depth and complexity of Ecuador's security crisis, highlighting the urgent need to address both political violence and the infiltration of organised crime into the public sphere. The response of the state and the international community to these challenges will be crucial to guarantee the country's stability and democratic integrity.

3. Executions in prison: the fatal fate of the allegedly executed responsible in the Villavicencio case

Following the murder of Fernando Villavicencio, seven individuals identified as the perpetrators of the crime were imprisoned. However, in a surprising and alarming twist, they were found dead in prisons in Guayaquil and Quito. On 7 October 2023, six Colombian nationals implicated in the crime and detained in the Guayaquil penitentiary were found hanged. On the same day, José Montaña, an Ecuadorian national accused of facilitating the logistics for the assassination, was found in similar circumstances in the Inca prison in Quito.³⁴

These deaths raised suspicions of possible obstruction of the investigation, especially considering that the United States had shortly before offered a reward for information on the mastermind of the crime

³³ Newsroom (2023, 18 September). Luisa González files a complaint with the Public Prosecutor's Office for an alleged plot to assassinate her. Infobae. <https://www.infobae.com/america/agencias/2023/09/18/luisa-gonzalez-presenta-ante-la-fiscalia-una-denuncia-por-presunto-plan-para-atentar-contra-ella/>.

³⁴ Quesada, J. (2023, 8 October). Purge in Ecuador's police leadership after the murder in prison of seven people implicated in the death of Fernando Villavicencio. El País. <https://elpais.com/internacional/2023-10-08/purga-en-la-cupula-policial-de-ecuador-tras-el-asesinato-en-prision-de-siete-implicados-en-la-muerte-de-fernando-villavicencio.html>.

against Villavicencio. The Ecuadorian Prosecutor's Office opened an investigation into these deaths, questioning why the transfer orders for the prisoners were not executed by the relevant authorities.

On 9 October, a few days before the second round of the elections, the Prosecutor General's Office revealed a shocking statement: a witness in advance testimony narrated the preparations and amounts offered by the masterminds.³⁵ Christian Zurita (Fernando Villavicencio's replacement for the 2023 presidential elections) also stated on his social networks that the witness had affirmed that "those responsible for the murder of Fernando Villavicencio is the Correa government"³⁶ and that the witness was "the only witness they failed to kill". This accusation was immediately refuted by Correa himself and his political movement on their respective social media platforms.³⁷

This testimony came a few days before the second round of the presidential elections that took place on October 15, 2023, which according to statistics and the results of the first round (August 20, 2023), would have been won by Luisa González, candidate of the Revolución Ciudadana, who obtained 33.61% of the votes, against Daniel Noboa, candidate of the Alianza Acción Democrática Nacional, who obtained 23.47% of the votes.

In the turbulent political atmosphere surrounding the 2023 presidential elections in Ecuador, the murder of Fernando Villavicencio and the subsequent deaths of his alleged killers in suspicious circumstances became a focal point of political manipulation. As in the first round, these events were used strategically to influence public opinion and damage the image of the political movement led by Rafael Correa. The disturbing succession of extrajudicial executions, presumably orchestrated by state actors, points to a calculated attempt to discredit, and weaken the candidacy of Luisa González of the Revolución Ciudadana movement.

These acts, far from being mere coincidences, appear to be part of a broader strategy aimed at influencing electoral outcomes. The use of scare tactics and disinformation to shape public perception and the media narrative against a specific political group reveals a disturbing erosion of democratic principles and the rule of law. The killing of the alleged perpetrators of the Villavicencio crime, in circumstances that point to extrajudicial executions, not only raises serious questions about justice and state accountability, but also reflects the use of violence and intimidation as political tools.

³⁵ Prosecutor General's Office. (2023, 8 October). #In relation to the closing of the fiscal investigation into the alleged murder of former presidential candidate Fernando V., #FiscalíaEc reports (Image attached). X. https://twitter.com/FiscaliaEcuador/status/1711206837872214079?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtr%20m%5E1711206837872214079%7Ctwgr%5E48a53f9e08ad53ca8581a13b509f38e0be5848c3%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.%20primicias.ec%2F-noticias%2Fseguridad%2Fcaso-villavicencio-fiscalia-sicarios-ecuador%2F

³⁶ Zurita, C. (2023, 9 October) [@christianzr] #Urgente: Advance testimony of the only witness they failed to kill (and who was protected) pointed out under oath that those responsible for the murder of Fernando Villavicencio is the "Correa government" ... (Post). X. <https://twitter.com/christianzr/status/1711210571104669733>.

³⁷ Correa, R. [@MashiRafael] (2023, 9 October). DIFUNDE. We told you: Villavicencio was murdered, the preliminary investigation is delayed for a month, all the hitmen are killed except one.... #YaNoNosEngañan @Pontifex_es @CIDH. (Repost with quote). X. https://twitter.com/MashiRafael/status/1711213929165189169?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtr%20m%5E1711213929165189169%7Ctwgr%5E48a53f9e08ad53ca8581a13b509f38e0be5848c3%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.%20primicias.ec%2F-noticias%2Fseguridad%2Fcaso-villavicencio-fiscalia-sicarios-ecuador%2F

This abuse of state power and manipulation of tragic events for political ends underlines the urgent need for an impartial and transparent investigation and a critical examination of democratic practices in the country.

4. Urgent action on extrajudicial killings: intervention by the UN Special Rapporteur

Faced with the alarming situation of extrajudicial executions in Ecuador, particularly in the context of recent political and electoral events, human rights organisations have taken an active stance. Recognising the gravity of the circumstances and the urgency of addressing these abuses, we have sent a request to the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, asking for immediate intervention. This action is based on the worrying lack of adequate and transparent investigations into the deaths of persons deprived of their liberty in the prisons of Guayaquil and Quito.

The request emphasises the need for an independent investigation in accordance with international standards, following the 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.³⁸ This protocol is a crucial instrument to ensure that investigations of suspicious deaths are conducted in a thorough, systematic, and objective manner, particularly in contexts where the impartiality and independence of local authorities may be compromised.

On October 20, 2023, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions sent an urgent communication to the Ecuadorian State, expressing his concern about the possible involvement of state agents and the lack of adequate investigations, highlighting the need for exhaustive and transparent investigations, in accordance with international standards, to avoid impunity in the case of the murder of Villavicencio and the deaths of the suspects in custody.³⁹

The government's response of December 21, 2023, to the complaint is disappointing.⁴⁰ Instead of specifically addressing in detail the serious allegations related to the case of Fernando Villavicencio and the suspects killed in state custody, it merely offers empty generalities. The lack of detail in the investigations is alarming and what is even more worrying is the total absence of any acknowledgement of errors or failures in the handling of these cases. Although the government expresses its commitment to justice and human rights, concrete actions are conspicuous by their absence, which can be considered a significant omission.

³⁸ Office of the United Nations High Commissioner for Human Rights (2017). The Minnesota Protocol on the Investigation of Potentially Unlawful Deaths (2016). https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol_SP.pdf.

³⁹ Office of the United Nations High Commissioner for Human Rights (2023, 20 October). Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication-File?gId=28561>.

⁴⁰ Ministry of Foreign Affairs and Human Mobility - Permanent Mission of Ecuador to the UN Geneva (2023, 21 December). Response of the Republic of Ecuador to Communication No. UA ECU 4/2023 of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Note No. 4-7-422/2023. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37892>.

Moreover, the response deviates from the central theme of the complaint by focusing on general policies against organised crime and international cooperation. In short, the government's response is far from satisfactory and raises serious questions about its transparency and accountability.

5. Limitations on electoral participation: more than 13 million Ecuadorians eligible but without access to telematic voting for residents abroad

The Collective of Ecuadorians Living Abroad expressed concern about the absence of the National Electoral Council (NEC) at a public hearing convened on May 29, 2023. The hearing was intended to discuss the impact of the implementation of telematic voting in overseas constituencies during the early presidential and legislative elections of 2023. Despite the importance of this meeting, the absence of NEC representatives was notable and considered as a lack of interest in listening to the legitimate concerns of Ecuadorians living abroad. This situation led the Collective to formalise its complaint to the Consejo de Participación Ciudadana y Control Social for the violation of their right to participation.⁴¹

On August 20, 2023, Ecuador experienced an election day marked by significant technological and administrative challenges. Although the polls were open from 7:00 a.m. to 5:00 p.m., the process was marred by alleged cyber-attacks on the digital voting platform and accusations of fraud, especially in overseas constituencies.⁴² This tumultuous context affected close to 400,000 Ecuadorian voters living abroad, whose votes were annulled by NEC due to detected irregularities.

The leap towards digitalisation, represented by the introduction of telematic voting, was a milestone in Ecuador's electoral history. Although a pilot scheme had been implemented in February 2023 in areas of low population density, the widespread implementation of telematic voting in the October elections proved to be problematic. Lack of thorough testing and limited consultation with stakeholders resulted in several shortcomings that undermined confidence in the election results.

From the beginning of this process, the organisations that authored this report played a key role, gathering information directly from those affected and actively participating in each electoral stage. In the face of ambiguity and lack of guidance from the NEC, these organisations set up assistance centres and offered guidance by telephone, as well as providing an online form to report incidents.

⁴¹ Editorial office (2023, 30 May). Collective of Ecuadorian migrants will denounce NEC for denying the right to participate in matters of public interest "telematic voting". Tercera Información.es. <https://www.tercerainformacion.es/articulo/30/05/2023/colectivo-de-migrantes-ecuatorianos-denunciara-al-cne-por-negar-el-derecho-a-participar-en-asuntos-de-interes-publico-voto-telematico-en-el-exterior/>.

⁴² Editorial Staff (2023, 26 August). NEC defines the nullity of the elections in the three constituencies abroad. Correo newspaper. <https://diariocorreo.com.ec/87654/portada/cne-define-nulidad-de-las-elecciones-en-las-tres-circunscripciones-en-el-exterior>.

However, many Ecuadorians in Europe reported significant difficulties that restricted their right to vote:

- **System Errors:** Voters reported glitches in online voting, such as receiving erroneous notifications that they had already voted or faced system freezes during the process.
- **Connection problems:** Despite stable internet connections, many faced slowness and outages on the platform, persisting even after trying recommended solutions.
- **Lack of Verification Codes:** A considerable number of voters did not receive the necessary code to complete their vote, generating frustration and mistrust.
- **Obstacles for Overseas Voters:** Many found the voting platform inaccessible or unavailable in their regions.
- **Inadequate technical support:** Support channels proved ineffective, with reports of invalid emails and saturated phone lines.

These problems not only raised doubts about the legitimacy of the election results, but also highlighted the urgent need to review and improve the telematic voting system to ensure fair and transparent elections in the future.

The second round of the presidential elections in Ecuador, held on October 15, 2023, marked a significant change in the voting method compared to the first round. After facing multiple problems with the telematic voting system during the first round, especially for voters abroad, NEC decided that the second round would be held in person.

This change from telematic to face-to-face voting was a response to the difficulties and criticisms faced during the first round, seeking to restore confidence in the electoral process and to guarantee the integrity of the results.

F. Obstruction of citizen oversight and controversial removal of CCPSC members

Before detailing the events that led to the dismissal of the president of the Council for Citizen Participation and Social Control (CCPSC) in October 2023, it is essential to review some crucial background information. This background, set out in detail in our December 2022 report (pages 78-84),

contextualises the deep institutional crisis that Ecuador is going through, affecting the dynamics between the CCPSC and the Constitutional Court, fundamental entities for the balance of powers and the safeguarding of rights in the country.⁴³

The creation of the CCPSC in 2008, according to the Ecuadorian Constitution, was intended to foster citizen participation and exercise social control over public entities, as well as to designate authorities in various state functions. However, this purpose was altered when, in 2018, the original CCPSC was replaced by a “Transitory CCPSC” through a popular consultation lacking constitutional oversight. This transitional body exceeded its powers by dismissing members of the Constitutional Court and appointing replacements, provoking an institutional conflict.

The scenario was further complicated in 2019 by Constitutional Court Ruling 2-19-IC/19. The ruling sought to protect the actions of the Transitory CCPSC that had appointed its members, thus limiting the powers of future CCPSC councillors, and preventing them from reviewing the dismissal and appointment of authorities in various state functions. This chain of events has led to severe questioning of the legitimacy, impartiality, and autonomy of both institutions, setting a worrying precedent in Ecuador’s democratic context.

1. Court order for citizen oversight: Betty Moreira case, September 13, 2023

The purpose of the citizen oversight body, established by court decision, was to analyse and assess the administrative actions related to the dismissal and appointment of Constitutional Court judges carried out by the Transitional CCPSC. This oversight was processed by the CCPSC in accordance with the regulations in force. Despite the invitation for public participation, the constitution of the *veeduría* (oversight) provoked a negative response from the Constitutional Court, which highlights the tension between the institutions involved.⁴⁴

Ecuador’s Constitutional Court, in a controversial move, issued a warning on September 5, 2023, to the CCPSC. The warning focused on the mandate to refrain from taking any action contrary to interpretative opinion 2-19-IC/19. This opinion established a shield to the decisions taken by the Transitional CCPSC, which had appointed the current members of the Court. This interpretative approach, intended to apply to the rules, was used in an unusual way to shield the proceedings of the Transitional CCPSC. This situation has raised criticism and concerns about the Court’s impartiality, as it appears to defend and legitimise the decisions of those who appointed it, rather than objectively interpreting the norms. The action has been seen by some analysts and sectors of society as a

⁴³ Report on the situation of serious violations of the rule of law and fundamental rights and freedoms in Ecuador (2022, 03 December), pp. 78-84. <https://github.com/huayra/nofec.no/raw/master/static/images/Report%20on%20the%20situation%20of%20serious%20violations%20of%20the%20rule%20of%20law%20and%20of%20fundamental%20rights%20and%20freedoms%20in%20Ecuador.pdf>.

⁴⁴ Editorial Staff (2023, 5 September). Another CCPSC controversy: the Constitutional Court calls it to account. Firsts. <https://www.primicias.ec/noticias/politica/veeduria-cpccs-transitorio-corte-constitucional/>.

limitation on the autonomy and the capacity of the current CCPSC for self-tutelage, which could have significant implications for the balance of powers and judicial independence in Ecuador.

The CCPSC reacted on September 6, 2023, to the Constitutional Court's notification on citizen oversight. Through an official response, the CCPSC underlined that the initiative of the *veeduría* (oversight) did not come from the plenary of the Council, but originated as an expression of citizens' democratic exercise, protected under article 204 of the Constitution of Ecuador. This article supports the right of citizens to oversee the acts of public power, emphasising citizen participation in the control and oversight of government activities.

The CCPSC defended that the constitution of this *veeduría* (oversight) did not represent a political or legal decision that could infringe the Constitutional Court's interpretative ruling but was an administrative action in line with the powers of social control. This position was challenged internally, as two councillors of the CCPSC submitted a communication to the Court, claiming that the *veeduría* (oversight) was a unilateral initiative of the CCPSC president. However, this argument was refuted based on the regulation on citizen oversight, which clearly states that citizen-initiated oversight does not fall under the jurisdiction of the CCPSC plenary but is managed by the Sub-coordination of Social Oversight.

On September 13, 2023, the Constitutional Court of Ecuador, with a majority of eight votes in favour and one concurring vote, decided to initiate the follow-up phase of ruling 2-19-IC/19,⁴⁵ a resolution that raised a wave of controversy and criticism. This decision was interpreted by many political and social sectors as an attempt by the Court to interfere in the functions of the CCPSC and a possible threat of dismissal of its members, elected by popular vote in February 2023.

The Court summoned the CCPSC to a public hearing on September 25, 2023, with the aim of verifying the Council's compliance with the ruling. However, the judicial manoeuvre was seen by many as an effort to preserve the decisions made by the Transitional CCPSC, which appointed the current judges of the Court, calling into question the impartiality and independence of the Ecuadorian judicial system.

Faced with this scenario, three CCPSC councillors appealed to the Inter-American Commission on Human Rights (IACHR), requesting precautionary measures. They alleged that the Constitutional Court had violated their rights to participation, effective judicial protection, and equality. This petition was based on concerns that the Court was shielding the decisions of the Transitory CCPSC and obstructing the exercise of citizen oversight, in contravention of an Inter-American Court ruling that prohibits the removal of elected officials by popular vote.⁴⁶

⁴⁵ Constitutional Court of Ecuador (2020, 14 December). Interpretative Opinion 2-19-IC/19. <https://international.vlex.com/vid/ecuador-corte-consti-tucional-dictamen-874196550>.

⁴⁶ Inter-American Court of Human Rights (2020, 8 July). *Petro v. Colombia* Judgment (2020). Series C No. 406. https://www.corteidh.or.cr/docs/casos/articulos/seriec_406_esp.pdf.

On October 2, 2023, a significant twist in the saga of citizen oversight in Ecuador occurred when the Court of Justice of Manabí annulled the formation of the ombudsman's office to investigate the appointment of Constitutional Court judges by the Transitory CCPSC. This decision of the Manabí Court reversed the previous ruling of the Montecristi judge, Leiver Patricio Quimís Sornoza, and declared inadmissible the action for protection initiated by the citizen Betty Moreira.⁴⁷

This ruling by the Manabí Court of Justice provoked consternation among various sectors, as it appeared to undermine the constitutional right of citizens to exercise *veeduría* (oversight) and oversight over acts of public power. The elimination of the *veeduría* (oversight) was seen by many as an act that restricted transparency and accountability at a critical moment for Ecuadorian democracy.

The resolution not only put an end to a citizen oversight initiative, but also sent a worrying message about the limits to citizen participation and the ability of citizens to scrutinise and challenge government decisions in Ecuador.

2. Plagiarism reporting and citizen scrutiny: the Constitutional Court and the case of the State Attorney General Diana Salazar

State Attorney General Diana Salazar faced serious allegations of plagiarism in June 2023. The Colectivo Acción Jurídica Popular (Popular Legal Action Collective) claimed that Salazar had plagiarised her graduate thesis, submitted to obtain her degree as a lawyer and doctor of jurisprudence. This document was an essential part of her profile in the merit-based competition for her appointment as Prosecutor. Furthermore, additional allegations of plagiarism arose in relation to a book and a scientific article published by Salazar in 2019 and 2022 respectively, the latter during her tenure as Attorney General of the State. These accusations called into question the academic and professional integrity of the Prosecutor, generating a debate about ethics and credibility in the country's judiciary.⁴⁸

The controversy surrounding the State Attorney General, Diana Salazar, escalated when the Council for Citizen Participation and Social Control (CCPSC) became aware of the allegations of plagiarism presented by the People's Legal Action Collective (Colectivo Acción Jurídica Popular). The collective called a public hearing for June 1 and 2, 2023, with the aim of discussing the accusations. However, both Salazar and his legal representative chose not to attend the hearing.

Subsequently, on June 26, 2023, the Plenary of the CCPSC decided to approve the investigation report on the allegations of plagiarism and to forward it to the Attorney General's Office. The instruction was to investigate a possible offence of influence peddling associated with the case.

⁴⁷ Redaction (2023, 2 October). Corte Constitucional: Manabí Court revokes oversight and points fingers at judge. *Primicias*. <https://www.primicias.ec/noticias/politica/corte-manabi-revoca-veeduria-juez-montecristi/>.

⁴⁸ Editorial office (2023, 22 May). Salazar denounced for alleged plagiarism in undergraduate thesis. *Radio La Calle*. <https://radiolacalle.com/denuncian-a-salazar-por-supuesto-plagio-en-tesis-de-pregrado/>.

In a statement issued by the CCPSC, its president, Alembert Vera, emphasised the Council's stance against any act of intimidation, reaffirming its commitment to transparency and justice.⁴⁹

In a reaction that intensified the controversy, Diana Salazar accused the CCPSC of attempting to remove her from office, even though such action is outside the Council's competence. This accusation suggests a growing tension between the Attorney General's Office and the CCPSC, highlighting the complex dynamics of power and influence in the Ecuadorian justice system.

On September 25, 2023, the public hearing of the Constitutional Court took place, a key event in the context of institutional tensions in Ecuador. During this hearing, the Attorney General of the State, Diana Salazar, made a strong request to the members of the Constitutional Court: she asked for the dismissal of four councillors of the CCPSC. Salazar based her request on an alleged violation of interpretative ruling 2-19-IC/19 by these councillors, a ruling which includes references to her own appointment as Attorney General. This episode was broadcast and recorded on the Constitutional Court's official YouTube channel.⁵⁰

During the public hearing of the Constitutional Court on September 25, 2023, a considerable legal issue was raised. The six magistrates that make up the Court were appointed by the Transitory CCPSC, raising doubts about their ability to make an objective judgement in the case of a possible dismissal. This situation poses a significant conflict of interest, as the magistrates are a direct product of the very actions that were under review and questioning. The ability of these magistrates to make impartial decisions in this context is questionable, raising serious concerns about the impartiality and integrity of the ongoing judicial process. This concern was highlighted by Dr Jorge Sosa Meza in a tweet published on 26 September 2023, highlighting the complexity and challenges of constitutional justice in Ecuador.⁵¹

3. Intervention of the Constitutional Court and dismissal of CCPSC officials: questions over separation of powers in Ecuador

On October 6, 2023, in a controversial decision, the Constitutional Court of Ecuador ruled to dismiss Alembert Vera Rivera, President of the CCPSC, and Ismael Merizalde Núñez, general coordinator of legal advice to the CCPSC. This verdict was taken in response to what the Court perceived as a failure by the CCPSC to comply with interpretative opinion 2-19-IC/19.

⁴⁹ Council of Citizen Participation and Social Control (2023, 4 July). "We are not going to allow acts of intimidation", says CCPSC president Alembert Vera. <https://www.cpcs.gob.ec/2023/07/no-vamos-a-permitir-actos-de-intimidacion-afirma-el-presidente-del-cpcs-alembert-vera/>.

⁵⁰ Constitutional Court of Ecuador (2023, 25 September). Public Hearing Case No. 2-19-IC]. YouTube. <https://www.youtube.com/live/RZGbLYC3jDw?-si=w7vE4JpS8XQ4Sub3>.

⁵¹ Sosa, J. [@JorgeSosaMeza] (2023, 26 September). The follow-up phase for compliance with constitutional decisions is not a disciplinary sanctioning process... (Youtube video attached). X. <https://x.com/JorgeSosaMeza/status/1706477552154313095?s=20>.

The Court argued that the CCPSC had violated this ruling through two specific actions: the review of the public merit-based competition for the selection and appointment of the Attorney General of the State and the initiatives to establish a citizen oversight body. This resolution has generated a broad debate on the independence and separation of powers in the country, as it is perceived as a drastic measure that directly affects officials selected through democratic processes.⁵²

The situation in Ecuador regarding Interpretative Opinion 2-19-IC/19 raises serious questions about the integrity of its democratic institutions. This ruling, which safeguards the decisions of the Transitory CCPSC, imposes significant restrictions on the democratically elected CCPSC in 2023. In doing so, it creates a worrying precedent that undermines the principles of self-governance and institutional checks and balances, vital elements in any democratic system.

Beyond the legal issues, this ruling directly affects the essence of citizen participation. By limiting the powers of the elected CCPSC, it restricts its capacity for oversight and control, essential functions to ensure transparency and accountability in governance. This restrictive approach of the opinion weakens active citizen participation, thus eroding one of the most important foundations of democracy: the right of citizens to oversee and supervise the actions of public authorities.

The problem is compounded when one considers that the Transitory CCPSC, which benefited from this ruling, was responsible for appointing the current judges of the Constitutional Court. This raises questions about the impartiality of the Court in interpreting and applying this ruling, as a conflict of interest could be perceived. Such a situation not only calls into question judicial independence, but also affects the public perception of the judiciary and its impartiality.

Due to the seriousness of these issues, on October 6, 2023, a communication was submitted by the organisations subscribing to this report to the UN Rapporteur on the independence of judges and lawyers. This action seeks to highlight concerns about judicial independence in Ecuador and the need to ensure that democratic institutions operate with full transparency and respect for fundamental rights. The objective is to press for an international assessment and response to this situation, which it considers a possible violation of the basic principles of justice and democracy guaranteed by international treaties.

⁵² Editorial Staff (2023, 7 October). Constitutional Court removes the president of the Council of Citizen Participation and Social Control from his post, Alembert Vera. Confirmado.net. <https://confirmado.net/2023/10/07/corte-constitucional-destituye-a-presidente-del-consejo-de-participacion-y-control-social-alembert-vera/>.

G. Attacks on the Judiciary

1. Statement by the UN Special Rapporteur on Judicial Independence in Ecuador: attacks and concerns of August 23, 2023.⁵³

The UN Special Rapporteur on the independence of judges and lawyers expressed deep concern about the critical situation faced by justice officials in Ecuador. This alarm focuses on their vulnerability, particularly in cases related to organised crime and corruption. During the period 2022-2023, violence towards these officials has reached alarming levels: four prosecutors were murdered, and numerous judges and other judicial officials have been targets of intimidation and threats. In addition, multiple bomb threats to judicial facilities have been reported, evidencing a climate of hostility and danger. In the province of Manabí, for example, thirteen incidents of attacks and threats against judicial personnel were reported. In addition, the Rapporteur highlighted that several criminal judges have faced physical attacks and have managed to survive assassination attempts, underlining the severity of the security crisis affecting the judicial sector in Ecuador.

The Special Rapporteur underlined with great concern that attacks and threats against judicial officials in Ecuador constitute a serious attack on the independence of the judicial system, an indispensable element to guarantee the adequacy of judicial systems.⁵⁴ These acts of violence and coercion have a direct and pernicious impact on the work of judges and prosecutors, particularly in their efforts to safeguard the rule of law in the fight against corruption and organised crime. The Special Rapporteur emphasised that these attacks not only put the integrity and lives of officials at risk, but also represent a flagrant violation of their fundamental rights and freedoms. The independence and security of judicial personnel are crucial to maintaining public confidence in justice and ensuring that the law is applied fairly and impartially. These events not only undermine confidence in the judicial system, but also jeopardise the basic principles of democracy and the rule of law in Ecuador.

The Special Rapporteur on the independence of judges and lawyers, in her most recent report to the Human Rights Committee, issued a stark warning: attacks on judicial independence are an alarming hallmark of processes of autocratisation and democratic decline. This statement highlights the seriousness with which threats to the judiciary must be addressed, as they are not just isolated attacks on individuals, but indicative of a wider and worrying trend that threatens the very foundations of democracy. Judicial independence is a fundamental pillar of the rule of law and its erosion can be an early sign of democratic decline, where fundamental freedoms and principles of fairness and justice are at risk.

⁵³ Office of the United Nations High Commissioner for Human Rights (2023, 23 August). Attacks on Ecuador's judiciary threaten rule of law, UN expert warns. <https://www.ohchr.org/es/press-releases/2023/08/attacks-against-ecuadorian-judiciary-threaten-rule-law-warns-un-expert>.

⁵⁴ Report of the Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite (2023, 13 April). A/HRC/53/31. https://digitallibrary.un.org/record/4011014/files/A_HRC_53_31-ES.pdf.

This context demands immediate attention and action to protect the integrity of the judicial system and preserve democracy in Ecuador.⁵⁵

In her statement, the Rapporteur strongly urged the Ecuadorian authorities to take concrete measures to address the alarming situation of violence and intimidation facing the country's judicial system. It has urged thorough and effective investigations into all attacks and threats directed at judges, prosecutors, and other judicial officials. Furthermore, she has emphasised the critical need to ensure that these professionals are adequately protected, allowing them to carry out their essential work without fear of reprisals or harm. In this context, the Special Rapporteur has maintained active communications with the Government of Ecuador, seeking to address and resolve these troubling allegations. This call highlights the importance of safeguarding judicial independence as a key component of the rule of law and democracy in Ecuador.

2. Escalation in the judicial crisis: arrest of Wilman Terán, one more step in the ‘judicial coup d’état’ of December 14, 2023

In the early hours of December 14, 2023, the controversial arrest of Wilman Terán, President of the Council of the Judiciary and former judge of the National Court of Justice, took place.⁵⁶ This action, which is part of the “Metástasis” operation led by the Attorney General’s Office, has been interpreted by some sectors as a diversionary manoeuvre by the Attorney General, Diana Salazar, whose impending impeachment trial in the National Assembly and the imminent competition for judges of the National Court are at the centre of controversy.

The arrest comes in the context of an alleged corruption network with links to drug trafficking, involving some thirty figures from the judicial, prison, police, and criminal systems. However, the timing of these events has raised suspicions that the operation could be used as a smokescreen to divert attention from the political and judicial processes facing the Attorney General’s Office itself.

This interpretation is reinforced by the critical situation in which Ecuador’s judicial system finds itself, marked by recent controversial decisions and actions that have undermined public confidence in the impartiality and independence of its institutions. In this context, the arrest of Terán, a key figure in the country’s judiciary, has added another layer of complexity to an already tense political and judicial situation, raising concerns about legitimacy and transparency in the handling of cases of high national relevance.

The Judiciary Council of Ecuador plays a crucial role as the governing, administrative, supervisory, and disciplinary body of the judiciary. It oversees the proper administration of justice by judges and is structured at several levels: jurisdictional bodies, which include the National Court of Justice, the

⁵⁵ Ibid.

⁵⁶ Editorial Staff (2023, 14 December). Correa anticipated: Mega operation and raids, 29 arrested, among them president of the Judiciary. Confirmado.net. <https://confirmado.net/2023/12/14/correa-anticipo-mega-operativo-y-allanamientos-29-detenidos-entre-el-los-presidente-de-la-judicatura/>.

Provincial Courts of Justice, and the courts and tribunals of first instance; administrative bodies, represented by the Judicature Council itself; auxiliary bodies, such as notaries, judicial auctioneers and judicial depositaries; and autonomous bodies, including the Attorney General's Office and the Public Defender's Office.

While the Judiciary Council has the authority to supervise and sanction the State Prosecutor's Office, its power is limited to disciplinary measures, not extending to the dismissal of its members. This limitation underlines the autonomy and independence of the Prosecutor's Office, ensuring that its operations and decisions are not subject to external influence. The structure and competencies of the Judiciary Council are essential to maintain the balance and integrity of the Ecuadorian judicial system, ensuring that each component of the Judicial Function operates within its corresponding legal and ethical framework.⁵⁷

The arrest of Wilman Terán, President of the Judiciary Council of Ecuador, in the early hours of December 14, 2023, generated controversy and concern in the country's legal and political sphere. Hours after the raid on his home and the offices of the Judiciary Council, Terán expressed his distrust of the legitimacy of his arrest, suggesting that it was in response to intentions to destabilise justice and democracy in Ecuador.

In an unexpected twist during his detention, Terán was informed, without apparent legal basis, of alleged links to "hired killings and organised crime". Most worryingly, his home was raided after his transfer, without his presence, intensifying his fears that evidence could be planted against him. This procedure has been questioned for its possible violation of standard legal protocols, fuelling speculation about the transparency and fairness of the process.

This incident not only raises doubts about the integrity of the operation, but also casts shadows on the independence and impartiality of the Ecuadorian judicial system. The way the arrest and raid were carried out, along with Terán's statements, suggests the possibility of a wider political manoeuvre, which could have significant implications for democracy and judicial stability in Ecuador.

The arrest of Wilman Terán, President of the Judiciary Council of Ecuador, in a context of growing tensions and institutional challenges. His appointment in February 2023 by the CCPSC and the subsequent loss of confidence by the National Court of Justice in August underline a climate of instability and conflict within the Ecuadorian judicial system. The situation is further complicated by the Attorney General's expressed disapproval of Terán, especially on the eve of a crucial phase in the competition to select seven judges for the National Court of Justice.

⁵⁷ Live broadcast on Youtube (2023, 14 December). Prosecutor's Office arrests Wilmán Terán. Ecuador Live. <https://www.youtube.com/watch?v=R12UpOsZbFk>.

Teran's arrest, just before a key meeting of the Plenary of the Judiciary Council to appoint the National Court of Justice, seems not only timely but also strategically calculated. This event not only disrupts the process of selecting judges, but also raises serious questions about the independence of the Judiciary Council and the integrity of the judicial process.

In response to these events, the five NGOs that authored this report issued a social media statement on 14 December condemning the arbitrary arrest of Wilman Terán. This statement highlights concerns about the implications of this arrest for the fight against corruption, judicial independence, and the preservation of democracy in Ecuador.

Given the seriousness of the situation, it is essential that the United Nations Rapporteur ship on the Independence of Judges and Lawyers intervene and make a statement. The credibility of the Ecuadorian judicial system is at stake, and the international community must be vigilant in ensuring that the principles of justice, judicial independence and democracy are respected. The urgency of this situation cannot be underestimated, as the future of democratic governance and the rule of law in Ecuador could depend on how this crisis is handled.

H. Use of the judiciary for the persecution and criminalisation of political opponents

1. Contextualization and evolution of political persecution

For a deeper understanding of political persecution in Ecuador, it is essential to refer to our previous report, published in December 2022. On 92 to 111, this document details the cases of political opponents and the sentences imposed against them.⁵⁸

Over the past year, we have observed an alarming increase in the persecution and criminalisation of political opponents. These actions, which appear to be aimed at silencing and discrediting voices critical of the government, fall under the umbrella of what is known as lawfare. This misuse of the judicial system as a political tool has created an atmosphere of fear and intimidation, evidenced in several emblematic cases that highlight the erosion of the rule of law and respect for fundamental rights. These cases are indicative of a worrying trend towards authoritarianism and the restriction of freedom of expression, essential elements in any democratic society. The following is an analysis of the emblematic cases:

⁵⁸ Report on the situation of serious violations of the rule of law and fundamental rights and freedoms in Ecuador (2022, 03 December). <https://github.com/huayra/nofec.no/raw/master/static/images/Report%20on%20the%20situation%20of%20serious%20violations%20of%20the%20rule%20of%20law%20and%20of%20fundamental%20rights%20and%20freedoms%20in%20Ecuador.pdf>.

2. Rafael CORREA DELGADO

International recognition as a victim of persecution policy and rejection of red alerts by Interpol

The case of Rafael Correa, President of Ecuador between 2007 and 2017, has generated considerable international attention due to the accusations and judicial proceedings against him. Interpol rejected Ecuador's requests for "Red Alerts" against Correa, considering them incompatible with human rights. This decision was communicated to Ecuador's National Court of Justice, stating that maintaining Correa's information in Interpol's system was not compatible with the organisation's responsibilities in the context of respect for the Universal Declaration of Human Rights.⁵⁹

In addition, a Belgian court rejected a request by the Ecuadorian justice system to extradite Correa, who currently resides in Brussels with his Belgian wife. The Belgian courts dismissed the extradition request on the grounds of political persecution and that Correa was granted refuge and political asylum in Belgium on April 15, 2022, preventing the Ecuadorian authorities from extraditing him. This decision adds weight to Correa's claims that he is a victim of political persecution. Correa was sentenced in Ecuador in November 2021 to eight years in prison on corruption charges, which he has steadfastly denied. Correa's defenders and independent jurists have suggested that his conviction reflects a broader pattern of lawfare against popular leftist movements in Latin America.⁶⁰

The 2012-2016 Soborno Case: a paradigmatic example of lawfare in Latin America

The 2012-2016 Soborno case, which resulted in the conviction of twenty people, including former president Rafael Correa, on bribery charges, has become emblematic of what many critics consider to be a manifestation of lawfare in Latin America. Correa was convicted on the controversial theory of "psychic influence", which implied his influence over his collaborators simply because he was president at the time, without additional direct evidence.

The application of the "psychic influence" theory in this case has been strongly criticised and described by legal experts as a legal aberration. It represents a worrying precedent in the use of the judicial system as a political tool against opponents.

A key milestone in the analysis of this case was the international seminar organised on 11 November 2022 by the Peninsula State University of Santa Elena, the Bolivarian University of Ecuador, and the Distance University of Madrid (Udima). At this event, held in Guayaquil, renowned jurists such

⁵⁹ Editorial Staff (2021, 18 August). Interpol Rejects Red Alert Against Rafael Correa for Third Time. Telesur in English. <https://www.telesurenglish.net/news/Interpol-Rejects-Red-Alert-Against-Rafael-Correa-for-Third-Time-20210818-0013.html>.

⁶⁰ Editorial Staff (2018, 5 December). Interpol Scraps Red Notice on Rafael Correa Citing Human Rights. Telesur in English. <https://www.telesurenglish.net/news/Interpol-Scraps-Red-Notice-on-Rafael-Correa-Citing-Human-Rights-20181205-0031.html>.

as Raúl Zaffaroni, Aitor Martínez, Baltasar Garzón, among others, discussed the violations of due process and minimum judicial guarantees evidenced in the criminal proceedings of the Bribery Case.

The seminar highlighted procedural irregularities and the apparent instrumentalization of the executive over the judiciary to persecute political opposition figures and exclude Rafael Correa from the 2021 elections. The unanimous conclusion of the experts was that the case lacked basic judicial guarantees and constituted a clear example of lawfare.⁶¹

Political manipulation and the media: murder of Fernando Villavicencio

The murder of Fernando Villavicencio, journalist, and presidential candidate, on August 9, 2023, unleashed a wave of speculation and accusations on the Ecuadorian political scene. Specific political sectors and several media outlets used this unfortunate event to try to implicate Rafael Correa and his “Revolución Ciudadana” movement, seeking to discredit his political influence and increase polarization in the country. This act of manipulation intensified just before the first round of the presidential elections, creating a climate of mistrust and political tension.

The context was further complicated during the second round of the elections, when seven of the alleged perpetrators of Villavicencio’s murder were killed in suspicious circumstances while in custody in Ecuadorian state prisons. This event was interpreted by many as an attempt to link Correa and his political movement to these deaths, negatively influencing public opinion and the electoral outcome. These actions, apparently coordinated, seemed aimed at undermining the legitimacy of the “Citizen’s Revolution” and distorting the democratic process in Ecuador.

This strategic and manipulative use of a high-profile political crime reflects a worrying trend in Ecuadorian politics, where lawfare and media manipulation are used as tools to influence the political and public landscape. The situation underlines the need for an impartial press and politics based on facts and democratic principles, away from defamation and manipulation.

3. Jorge GLAS ESPINEL

The chronicle of political persecution and lawfare: the case of the former Vice-President

Jorge Glas, who served as Vice President of Ecuador from 2013 to 2018, experienced a dramatic change in his political career. Although he initially shared a mandate with Rafael Correa and later with Lenin Moreno, his relationship with Moreno deteriorated significantly due to political divergences and a distancing from Correa’s policies. In this context of political tensions, Glas was involved in

⁶¹ KolectiVOZ Digital (2022, 16 November). Echoes of the International Seminar on the Bribery Case. <https://youtu.be/zWjVBSpkz3E>.

a series of accusations linked to corruption cases, such as the Odebrecht and Bribery scandals. These judicial proceedings resulted in sentences of six and eight years, respectively, on charges that his defenders describe as politicised and questionable. The sequence of these events and the subsequent sentences have been interpreted by many observers as part of a lawfare strategy used to marginalise political figures opposed to the current administration.

The case of Jorge Glas, former Vice-President of Ecuador, has attracted international attention, reflected in several pronouncements by human rights organisations, such as:

- On December 31, 2019, the Inter-American Commission on Human Rights (IACHR) issued precautionary measures in his favour, motivated by concerns about his health and the conditions of his detention. These measures, detailed in Resolution No. 69/19, emphasise the need to protect the integrity of Glas.⁶²
- On October 21, 2021, the UN Working Group on Arbitrary Detention recognised violations of Glas' human rights and requested alternative measures to detention. This decision highlights concerns about the treatment of Glas and the circumstances of his detention and refers the case for investigation by other rapporteurs.⁶³
- On May 25, 2022, the IACHR classified the Odebrecht case in the Inter-American system as urgent, demonstrating the seriousness of the accusations and the judicial process.⁶⁴
- Diego García-Sayán, UN Special Rapporteur on the independence of judges and lawyers, highlighted on 10 August 2022 the worrying situation of Glas, who remained in detention despite a writ of habeas corpus in his favour. This statement highlights concerns about respect for the rule of law and judicial independence in his case.⁶⁵

⁶² Report on the situation of serious violations of the rule of law and fundamental rights and freedoms in Ecuador (2022, 03 December) pp. 99-100. <https://github.com/huayra/nofec.no/raw/master/static/images/Report%20on%20the%20situation%20of%20serious%20violations%20of%20the%20rule%20of%20law%20and%20of%20fundamental%20rights%20and%20freedoms%20in%20Ecuador.pdf>.

⁶³ Inter-American Commission on Human Rights (2019, 6 December). Resolution No. 69/19 - Precautionary Measure No. 1581-18 - Jorge David Glas Espinel with respect to Ecuador. <https://www.oas.org/es/cidh/decisiones/pdf/2019/69-19MC1581-18-EC.pdf>.

⁶⁴ Office of the UN High Commissioner for Human Rights. (2021, 11 November). Working Group on Arbitrary Detention of the UN Human Rights Council. Opinion No. 39/2021 concerning Jorge David Glas Espinel (Ecuador). https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_39_AdvanceEditedVersion.pdf.

⁶⁵ García-Sayán, D. [@ExRelator_UNU] (2019, 10 May). #Ecuador. As UN Rapporteur on Judicial Independence, I am closely following the situation of a court order to release former President Jorge Glas... (Post). X. https://x.com/ExRelator_UNU/status/1557446921509289985?s=20.

Odebrecht case: annulment of evidence in Brazil and testimony by Abdalá Bucarám Pulley

The Odebrecht case is one of the most representative cases of corruption in Latin America, involving the distribution of millions of dollars to politicians, businessmen and former officials in 12 countries. It is based on an investigation by the US Department of Justice, together with 10 other Latin American countries, into the Brazilian construction company Odebrecht.

In October 2017, former vice-president Jorge Glas was arrested in connection with the Odebrecht case and sentenced to six years in prison in December.

A crucial turning point came on August 9, 2023, when Brazil's Supreme Federal Court invalidated the evidence presented by Odebrecht against Jorge Glas, on the grounds that it was obtained illegally⁶⁶ and that he was unjustly sentenced in Ecuador to six years in prison in this case.

The annulment of the evidence in the case of Jorge Glas, former Vice-President of Ecuador, was based on its obtaining without judicial authorisation and the lack of compliance with due legal process. On August 24, 2023, in an effort of international legal cooperation, the Brazilian court sent the sentence to the Ecuadorian prosecutor's office. However, there was a significant delay in the actions of the Attorney General of the State, Diana Salazar. It was not until December 28, 2023, that she notified Glas' defence of the withdrawal of the file.

This delay in the notification of the judgment raises questions about the efficiency and transparency of the OTP in handling cases of international relevance. The situation underlines the importance of adhering to the principle of due process in judicial proceedings, especially in cases involving cooperation between international jurisdictions.

In an increasingly worrying context, recent statements by former Ecuadorian Assemblyman Abdalá Bucarám Pulley, issued on December 8, 2023, have shed light on questionable manoeuvres that have affected the integrity of Ecuador's judicial system. In a public statement, Bucaram expressed regret for having endorsed former president Lenin Moreno and revealed the existence of fraudulent tactics designed to incriminate Jorge Glas, including the manipulation of a flash drive. Bucaram claims that Moreno was directly involved in building the Odebrecht case against Glas, using fabricated evidence.^{67 and 68}

⁶⁶ Vázquez, R. (2020, 29 October). Brazil's Supreme Court annuls Odebrecht evidence against Jorge Glas. Fuser News. <https://fusernews.com/supremo-tribunal-de-brasil-anula-pruebas-de-odebrecht-contra-jorge-glas/>.

⁶⁷ Redacción. (2023, 12 de diciembre). Bucaram sembró 'pruebas' para encarcelar a Glas: Bucaram se arrepinte (video). Noticias D. <https://www.noticiasd.com/ecuador/politica/articulo/lenin-moreno-sembró-pruebas-para-encarcelar-a-glas-bucaram-se-arrepinte-video/>.

⁶⁸ Buitrago, L. (2019, 1 de octubre). Caso Jorge Glas: así se forjaron las «pruebas» y el falso testimonio para incriminarlo. El Ciudadano. <https://www.elciudadano.com/reportaje-investigacion/caso-jorge-glas-asi-se-forjaron-las-pruebas-y-el-falso-testimonio-para-incriminarlo/10/01/>.

This confession is evidence of a worrying manipulation of justice and corroborates that Glas has been the victim of political persecution. However, despite the seriousness of these revelations, the Attorney General of the State has decided not to initiate a new investigation to clarify these accusations. Instead, she has opted to uphold the existing conviction against Glas.⁶⁹

Such a decision calls into question the impartiality and objectivity of the Prosecutor General's Office, suggesting that its actions may be more geared towards protecting private interests rather than ensuring the impartial justice that should prevail in a fair judicial system.

Singue case: reopening of investigation in the case and its implications

The Singue case, related to the awarding of a contract for the extraction of oil in the Singue Field, involves the former Vice President of Ecuador, Jorge Glas. The Attorney General's Office initially accused him of irregularities in the process, arguing an alleged economic damage to the state of 28 million dollars for establishing a price of 33.5 dollars per barrel produced, lower than the value of the initial offer.⁷⁰

However, an international arbitration award contradicts this assertion, determining that there was no damage to the state and ordering Ecuador to compensate Gente Oil with 11 million dollars.⁷¹ This international decision highlights the lack of basis for the accusations of the Attorney General's Office.

Subsequently, on November 10, 2022, the National Court of Justice of Ecuador declared the sentence against Jorge Glas and seven other implicated parties null and void, establishing that the Singue case should never have been initiated. The Court identified violations of fundamental rights such as due process, in addition to recognising that there was no harm to the State.

Despite this Court decision, on June 2, 2023, the State Prosecutor's Office reopened the preliminary investigation against 14 individuals, including Jorge Glas.⁷² This action raises serious questions about the motivation behind the Prosecutor's decision and its implications for the rule of law in Ecuador.

⁶⁹ Editorial office (2023, 11 December). Prosecutor's Office responds to Dalo Bucaram's statements on evidence against Glas in Odebrecht case. Teleamazonas. <https://www.teleamazonas.com/fiscalia-abdala-bucaram-jorge-glas/>.

⁷⁰ Press Room (2022, 24 May). Arbitration award. Singue Field. <https://www.camposingue.com/>.

⁷¹ Newsroom (2022, 7 June). Arbitral tribunal rules in favour of Gente Oil in the Singue case. Petroenergía. <https://www.petroenergia.info/post/tribunal-arbitral-falla-a-favor-de-gente-oil-en-el-caso-singue>.

⁷² Editorial office (2023, 2 June). Singue case, involving Jorge Glas, is reactivated from the preliminary investigation. Primicias. <https://www.primicias.ec/noticias/politica/caso-singue-reactiva-investigacion-previa/>.

The reopening of the case, especially after a court decision and an international arbitral award dismissing the charges, suggests a possible persistence in the use of justice for political purposes, undermining confidence in the independence and impartiality of the Ecuadorian judicial system.

After the release: reprisals and asylum in the Mexican embassy

Jorge Glas has faced a complex path to freedom. Released in December 2022⁷³ on a precautionary measure after five years and four months in prison, he underwent a political rehabilitation that implied the recognition of having been a victim of political persecution or lawfare.⁷⁴ Despite recovering his political rights, the difficulties did not cease.

Moreover, a worrying aspect of his case is the retaliation against judges who have ruled in his favour. Several national judges who had ruled in his favour have been accused of prevarication, dismissed from their posts and some have even been imprisoned.⁷⁵ This trend has raised alarms about the independence and integrity of the judicial system in Ecuador, as it suggests a pattern of intimidation and punishment against those who make judicial decisions that do not align with certain political interests.

Jorge Glas faced a denial of his pre-release request in December 2023, a decision that has raised controversy and concerns about the impartiality of the Ecuadorian judicial system. Despite having served more than 60% of his sentence and having made academic efforts by obtaining two master's degrees and enrolling in a PhD, his pre-release request was denied under questionable evaluation criteria.

The reasons for this refusal include a low rating in the report of the Technical Evaluation and Diagnostic Team of the Deprivation of Liberty Centre, which penalised Glas for not participating in group activities in prison. This criterion is particularly questionable given that Glas received more than 70 death threats and lived in forced isolation for security and health reasons, which prevented him from participating in such activities.

Glas's denial of pre-release contrasts with other cases, such as those of criminal gang leaders who have received prison benefits under similar circumstances⁷⁶. This unequal treatment underscores inequalities in the application of prison benefits within the Ecuadorian judicial system. This unequal treatment underlines the inequalities in the application of prison benefits within the Ecuadorian judicial system. The judge also requested his return to prison, a sentence that has been appealed by his national defence.

⁷³ Editorial office and agencies (2022, 29 November). Ecuador: Jorge Glas, convicted of corruption, is released. DW. <https://www.dw.com/es/ecuador-jorge-glas-condenado-por-corrupci%C3%B3n-sale-en-libertad/a-63921833>.

⁷⁴ Editorial office (2023, 10 June). Former Ecuadorian vice-president's political rights restored. Telesur. <https://www.telesurtv.net/%20news/ecuador-restituyen-derechos-politicos-jorge-glas-20230610-0001.html>.

⁷⁵ Cañizares, A. (2022, 9 August). Judge orders the release of Jorge Glas, former vice president of Ecuador, but the government warns that he will not be released. CNN en Español. <https://cnnespanol.cnn.com/2022/08/09/jorge-glas-libertad-ecuador-vicepresidente-gobierno-orix/ge-glas-a-case-of-justice-and-political-asylum-for-sonia-vera/>.

⁷⁶ Vera, S. (2023, 29 December). Jorge Glas: The Denial of Pre-Freedom and his Asylum in the Mexican Embassy. Confirmado.net. <https://confirmado.net/2023/12/29/jorge-glas-la-negativa-de-prelibertad-y-su-asilo-en-la-embajada-mexicana-por-sonia-vera-garcia/>.

In anticipation of this, Glas sought asylum in the Mexican embassy in Quito on December 20 2023,⁷⁷ evidencing his lack of confidence in the Ecuadorian justice system and his fear for his safety and life. He is currently a diplomatic asylum seeker and guest of the United Mexican States. His case reflects the challenges and issues facing the judicial system in Ecuador, where legal decisions can be influenced by factors beyond the law and justice.

Manabí and Esmeraldas reconstruction case: new preventive detention order

An investigation was opened into the alleged crime of embezzlement related to the failed reconstruction process in the province of Manabí. Jorge Glas and two former officials allegedly administered the resources destined for the urgent works required in the area affected by the 2016 earthquake in Manabí and Esmeraldas.⁷⁸ Glas did not manage funds; he chaired the committee that prioritised the reconstruction projects and the productive reactivation of Manabí and Esmeraldas. The reason for the accusation: the construction of a park and a road.

Critically, this case was launched to coincide with the early presidential elections on October 15, 2023. The prosecutor's tactic of starting investigations at election time has raised concerns among human rights defenders and political observers alike.

In relation to the case, a hearing was convened by the Prosecutor's Office for November 29, 2023, for the purpose of bringing charges against Jorge Glas. The judge requested authorisation from the National Assembly to continue his prosecution, as established in Article 120 numeral of the Constitution, and although the Assembly did not authorise the prosecution,⁷⁹ Glas' defence challenged the judge,⁸⁰ the judge ignored the request and called Glas to trial, accepted the prosecutor's request and ordered his preventive detention.⁸¹ This scenario raises doubts about the motivations behind the accusation, especially when other members of the committee do not face similar charges and all decisions were taken unanimously.

⁷⁷ Vera, S. (2023, 19 December). Jorge Glas: A Case of Injustice and Political Asylum. Confirmado.net. <https://confirmado.net/2023/12/19/jor>.

⁷⁸ Editorial Staff (2023, 4 September). Reconstruction of Manabí: Glas criticises new case against him. Primicias. <https://www.primicias.ec/noticias/politica/reconstruccion-manabi-jorge-glas-peculado/>.

⁷⁹ Editorial Office (2023, December 21). In a controversial decision, the Assembly did not reach the votes to authorise the trial of Jorge Glas. Primicias. <https://www.primicias.ec/noticias/politica/asamblea-resolucion-enjuiciamiento-penal-glas/>.

⁸⁰ Editorial office (2024, 4 January). Jorge Glas challenges judge Luis Rivera and once again prevents a hearing from being held in the case of the Reconstruction of Manabí. Radio Huancavilca 830 AM. <https://radiohuancavilca.com.ec/jorge-glas-recusa-al-juez-luis-rivera-y-vuelve-a-impedir-que-se-instale-audiencia-en-caso-reconstruccion-de-manabi/>.

⁸¹ EFE Agency (2024, 5 January). Prosecutor asks for Glas to be remanded in custody for alleged embezzlement in the reconstruction of Manabí. La República. <https://www.larepublica.ec/blog/2024/01/05/fiscalia-pide-prision-preventiva-de-glas-por-la-reconstruccion-de-manabi/>.

4. María de los Ángeles DUARTE PESANTES

María de los Ángeles Duarte, a former minister in Ecuador's Citizen Revolution government, has become an emblem of political persecution on the international stage. Implicated in the Bribery case and sentenced to eight years in prison in 2020, her story has transcended national borders, becoming a focus of attention on human rights and political justice.

Interpol's rejection of two requests from Ecuador to issue a red notice against Duarte is a key indication.⁸² These rejections suggest doubts about the fairness and justice of the legal proceedings against him, supporting the perception that his case may be motivated more by political considerations than objective legal issues. This crucial aspect highlights the importance of fairness and justice in legal proceedings, especially in an international context.

Seeking safety and legal protection, Duarte took refuge in the Argentine embassy in Quito in 2020, invoking protection under the 1954 Convention on Diplomatic Asylum and the American Convention on Human Rights.⁸³ Argentina's granting of diplomatic asylum in December 2022,⁸⁴ and Ecuador's subsequent refusal to grant safe conduct,⁸⁵ highlights the dispute over her status as a politically persecuted person and the international obligations related to asylum.

The situation was exacerbated by diplomatic tension between Ecuador and Argentina, including the reciprocal expulsion of ambassadors, reflecting the magnitude of the case in the international arena. These events underline the complexity of balancing national sovereignty, legal processes, and human rights in cases of alleged political persecution.

Finally, in March 2023, María Duarte left the Argentine embassy and found refuge in Venezuela,⁸⁶ adding another layer of complexity to her situation. This turn of events reinforces Duarte's narrative as a central figure in a broader debate about political persecution, international justice, and the protection of human rights globally.

⁸² Editorial Staff (2022, March 9). Interpol denies red notice against María de los Ángeles Duarte, ex-minister of Rafael Correa. Confirmado.net. <https://confirmado.net/2022/03/09/interpol-niega-difusion-roja-contra-maria-de-los-angeles-duarte-ex-ministra-de-rafael-correa/>.

⁸³ Agencias (2020, 13 August). Ecuador: former minister convicted of corruption takes refuge in Argentine embassy. DW. <https://www.dw.com/es/ecuador-exministra-condenada-por-corrupci%C3%B3n-se-refugia-en-embajada-argentina/a-54561497>.

⁸⁴ Agencias (2022, 13 December). Argentina grants diplomatic asylum to María de los Ángeles Duarte. DW. <https://www.dw.com/es/argentina-concede-asilo-diplom%C3%A1tico-a-mar%C3%ADa-de-los-%C3%A1ngeles-duarte/a-63974020>.

⁸⁵ Agencias (2022, 14 December). Ecuador denies safe-conduct to María de los Ángeles Duarte. DW. <https://www.dw.com/es/ecuador-niega-salvoconducto-a-mar%C3%ADa-de-los-%C3%A1ngeles-duarte/a-64085057>.

⁸⁶ Editorial staff and El Clarín (2023, 14 March). María de los Ángeles Duarte: «The Government turned me into its hosen». Primicias. <https://www.primicias.ec/noticias/politica/mariaangelesduarte-escapa-embajada-argentina-quito/>.

5. Pablo ROMERO QUEZADA

Pablo Romero Quezada was Ecuador's intelligence secretary between 2011 and 2013 during the government of Rafael Correa.

The Balda case involves Pablo Romero as one of the kidnapers of Fernando Marcelo Balda Flores, an Ecuadorian politician. In 2009, Balda fled to Colombia to escape two judicial proceedings. In 2012, he was held in a vehicle for a drive through several streets of Bogotá and after 40 minutes released by his Colombian captors, the case was sentenced in Colombia, with no mention of Rafael Correa.⁸⁷

Even though the case had already been tried in Colombia, the Ecuadorian judicial system did not respect the principle of non bis in idem and reopened the case in 2018, involving Pablo Romero and Rafael Correa, following a meeting between Balda and former President Lenín Moreno.⁸⁸

Pablo Romero sought asylum in Spain, where he had been residing since 2017. However, in June 2019 he was arrested in Madrid at Ecuador's request and subsequently released under precautionary measures of periodic presentation at any police station in Spain.⁸⁹ This initiated Pablo Romero's extradition trial. Despite protests and concerns about the lack of guarantees of a fair trial, Pablo Romero was extradited to Ecuador in February 2020, when an appeal on his asylum request was about to be resolved.⁹⁰

During his time in Spain, there were attempts by the Ecuadorian authorities to get Pablo Romero to provide information that could implicate Rafael Correa in the Balda case. He was reportedly offered a reduced sentence in exchange for his "effective cooperation" in accusing Rafael Correa and his allies in the kidnapping, but Pablo Romero refused to participate in what he considered to be a political persecution of Rafael Correa and his allies.⁹¹

On August 14, 2020, Pablo Romero was sentenced to nine years for the crime of kidnapping. On August 31, 2020, Raúl Chicaiza, one of the ex-agents who framed Pablo Romero, declared from Argentina: "They took us out of the CRS clandestinely to pressure them to implicate, with our testimony, high-ranking officials and former President Rafael Correa. This was the only way they would grant us effective cooperation, a maximum sentence of 9 months and witness protection".⁹²

⁸⁷ Editorial office (2012, 15 August). Fernando Balda denounces second kidnapping attempt in Colombia. El Universo. <https://www.eluniverso.com/2012/08/15/15/1/1355/fernando-balda-denuncia-segundo-intento-secuestro-colombia.html/>.

⁸⁸ Editorial Staff (2020, 31 August). Balda case would be a set up by Lenin Moreno and the late Trujillo. Banana Republic. <https://republicadelbanano.com/2020/08/31/caso-balda-seria-un-montaje-por-parte-de-lenin-moreno-y-el-fallecido-trujillo/>.

⁸⁹ Agencia EFE (2020, 19 February). Former intelligence chief Pablo Romero is arrested in Spain to be extradited to Ecuador. El Comercio. <https://www.elcomercio.com/actualidad/seguridad/pablo-romero-detenido-extradicion-espana.html>.

⁹⁰ Ortiz, S. (2020, 21 February). Pablo Romero, ex-secretary of Intelligence, is extradited this Friday, 21 February 2020. El Comercio. <https://www.elcomercio.com/actualidad/seguridad/pablo-romero-senain-extradicion-espana.html>.

⁹¹ Editorial office (2023, 12 April). Balda Case. Lawfare Ecuador. <https://lawfareecuador.com/2023/04/caso-balda/>.

⁹² Radio Pichincha Universal [@pichinchauniver] (2020, 31 August). Interview with Raúl Chicaiza. (Posting with video attached). X. https://x.com/radio_pichincha/status/1300463334068752384?s=20.

Since his return to Ecuador in February 2020, Pablo Romero was in pre-trial detention until March 22, 2023, when he was released on a precautionary measure,⁹³ he spent more than three years in prison without a final sentence.

In September 2020, Pablo Romero filed an appeal against the sentence, but his claims were rejected. In February 2022, the cassation court was set up and only convened for a hearing on July 31, 2023. Pablo Romero's cassation appeal has recently been denied.

In March 2023, Pablo Romero's international defence team sent a communication to Margaret Satterthwaite, UN Special Rapporteur on the Independence of Judges and Lawyers, to inform her of the persecution of Pablo Romero and to remind the Ecuadorian government of the requirements of international law, including the guarantee of the full exercise of Pablo Romero's rights, as well as adequate reparation.

The case of Pablo Romero is an example of how the principle of non bis in idem can be violated for political reasons. In addition, other principles such as territoriality, legality and the presumption of innocence have been violated. Pablo Romero has been the victim of political persecution that has affected his right to a fair trial and his personal freedom.

6. Freddy CARRIÓN INTRIAGO and Priscila SCHETTINI CASTILLO

Freddy Carrión was appointed as Ombudsman on April 10, 2019, by the Transitional Council for Citizen Participation and Social Control (CCPSC-T). During his tenure, his commitment to the defence of human rights in Ecuador was evident, especially for the most vulnerable groups, such as indigenous peoples, women, children, migrants, prisoners and LGBTI people.

One of the most significant acts during his administration was the creation of a Truth Commission that oversaw the elaboration and presentation of the report of crimes against humanity against former president Lenin Moreno and other high-ranking government officials. This report focused on the events of October 2019, when Ecuador experienced intense social protests following the elimination of fuel subsidies. The document not only limited itself to describing the events, but also provided a detailed legal analysis, pointing out that the forces of law and order had committed possible crimes against humanity by repressing the protesters. The gravity of the accusations was evidenced by the documentation of the deaths of 11 people, six of them possibly by extrajudicial executions, and the mutilation of 14 individuals due to the impact of tear gas bombs fired directly into their faces. Furthermore, this report attributed political and operational responsibility to former President Lenin Moreno, Defence Minister Oswaldo Jarrín, Government Minister María Paula Romo, and various officers of the National Police.⁹⁴

⁹³ Editorial office (2023, 22 March). Pablo Romero, ex-head of Senain, is released from prison. Primicias. <https://www.primicias.ec/noticias/%20politica/pabloromero-senain-salida-prision-snai/>.

⁹⁴ Revolución Ciudadana Ibiza and Formentera (2021, 26 March). Freddy Carrión: According to the Commission's report there were crimes against humanity. Un café con J.J. - Youtube. <https://www.youtube.com/watch?v=p7M02NgsaGk>.

However, the figure of Freddy Carrión became the subject of controversy in May 2021 after attending a social gathering with former health minister Mauro Falconí, whose partner accused him of committing sexual abuse. Despite his denials and his defence, which alleged inconsistencies and violation of due process⁹⁵ and has denounced prosecutor Diana Salazar of procedural fraud, on 20 October he was sentenced to three years' imprisonment. His defence filed an appeal, which was rejected by a Tribunal of the National Court of Justice on 10 March 2023.⁹⁶

Beyond the judicial process against Freddy Carrión, the situation worsened as it directly affected his family. On May 19, 2023, the Attorney General's Office decided to withdraw the witness protection action from Freddy Carrión's family.⁹⁷ This measure left Priscila Schettini Castillo, Freddy Carrión's wife, and their three minor children in a vulnerable situation. Priscila Schettini, who has been covered by the National System of Protection and Assistance to Victims, Witnesses and Other Participants since 2021, reported having been subjected to threats, intimidation, aggression, and robbery. The seriousness of the situation is reflected in the eight formal complaints he filed. Schettini has publicly attributed these actions and the decision to withdraw protection to reprisals directed by prosecutor Diana Salazar, in response to Freddy Carrión's work as Ombudsman, and to her denouncing the prosecutor for plagiarism of her graduate thesis and academic work with the Acción Jurídica Popular lawyers' collective.

Since July 24, 2023, Priscila Schettini and the Colectivo Acción Jurídica Popular have been denounced for hate crimes by Olivia Méndez, the mother of the Attorney General, Diana Salazar, the complaint refers to messages written by third parties on social networks, unrelated to the collective or Schettini. There is an attempt to link this collective with armed groups, for which the Attorney General has even requested protective measures against the collective and criminal assistance from the United States to investigate them.⁹⁸

The case of Freddy Carrión and his family stands out as a worrying example of the intersection between the exercise of public functions in defence of human rights and the reprisals that can arise in contexts of high political and social polarisation. Freddy Carrión's work as Ombudsman, particularly his courageous denunciation of possible crimes against humanity and corruption, placed him in a position of confrontation with powerful state actors.

⁹⁵ Editorial Staff (2022, March 9). The Carrión case falls: this is the evidence that Diana Salazar wanted to hide. Radio La Calle. <https://radiolacalle.com/esta-es-la-prueba-que-diana-salazar-quiso-ocultar-en-el-caso-carrion/>.

⁹⁶ Editorial Staff (2021, 14 September). The sexual abuse complaint against Freddy Carrión was not made by the alleged victim. Radio La Calle. <https://radiolacalle.com/la-denuncia-por-abuso-sexual-en-contra-de-freddy-carrion-no-la-hizo-la-victima/#:~:text=La%20supuesta%20v%C3%ADctima%20nunca%20habr%C3%ADa,el%20pasado%20de%20septiembre>.

⁹⁷ Editorial Staff (2023, May 19). Prosecutor's Office withdraws Carrión's family from the Witness Protection Service. Radio La Calle. <https://radiolacalle.com/fiscalia-retira-del-servicio-de-servicio-de-proteccion-de-testigos-a-la-familia-de-carrion/>.

⁹⁸ Schettini, P. [@PrisSchettini] (2023, 13 September). Attorney General uses the institution for personal purposes -They ask the Judge of Quito for protection measures to silence us for having denounced the plagiarism and procedural fraud of #DianaSalazar.... (Post with video attached). X. <https://x.com/PrisSchettini/status/1702120146213437817?s=20>.

7. Julian ASSANGE

Julian Assange is an Australian journalist, activist, and founder of WikiLeaks.⁹⁹ His life has been dedicated to working for the right to freedom of the press and access to information for citizens, whether for social, political or advocacy purposes.¹⁰⁰

Julian Assange became an Ecuadorian citizen in December 2017 while in asylum in the Ecuadorian Embassy in the United Kingdom. However, since April 11, 2019, the government of Lenin Moreno decided to withdraw his asylum status and suspended his Ecuadorian citizenship on the grounds that it was illegally granted since, according to the Minister of Foreign Affairs and Human Mobility, the respective procedure was transgressed.

On July 23, 2021, it was decided that Ecuadorian nationality should be withdrawn. In view of this situation, an appeal in cassation was lodged on October 5, 2021.

On June 1, 2023, the cassation appeal hearing was scheduled to take place, where the technical defenders of the Ministry of Foreign Affairs and Human Mobility, as well as the State Attorney General's Office, appeared.

Once the respective hearing was over, the Court of Cassation withdrew to deliberate to adopt a decision; however, once the procedural act was reinstated, the parties were informed that a new date would be set on which the sentence would be notified.

Despite this provision, to date no ruling has been adopted and, on the contrary, it has been indicated that there is no unanimous, majority criterion, but rather that three positions have arisen, without reaching a jurisdictional consensus. By virtue of this atypical attitude, the president of the chamber has called upon other judges to generate a majority decision, in accordance with article 203 of the Organic Code of the Judiciary, which provides as follows:

“ Majority required for a decision - An absolute majority of votes is required for a decision of the chambers.

If this majority is not obtained, the co-judges shall be called; if a majority is not obtained either, the President of the National Court or of the Chamber shall have the casting vote”.

⁹⁹ WikiLeaks is a news portal that has been publishing documents of public interest from anonymous sources since 2006. The platform designed a system of IP firewalls to prevent anyone, not even the news platform itself, from being able to identify the whistleblowers who issued this documentation. Thanks to the information published by WikiLeaks, multiple human rights violations around the world have been revealed.

¹⁰⁰ Executive Secretariat (2022). The government of Ecuador grants political asylum to Julian Assange, founder of Wikileaks. National Human Rights Council of Mexico. <https://www.cndh.org.mx/index.php/noticia/el-gobierno-de-ecuador-concede-asilo-politico-julian-assange-fundador-de-wikileaks>.

Finally, it should be noted that confidential information has been obtained, in which it was pointed out that there is already a unanimous sentence, despite which, and once they were supposed to sign this document, they withdrew from doing so, postponing it until the merit-based competition for judges of the National Court of Justice is completed, in which there would be contestants who would be part of this court of cassation.

It is worrying that judges who did not attend the oral and adversarial hearing, make up this cassation chamber and issue a sentence, when they were not present at the act of substantiation of the appeal presented and analysed.

8. Ola BINI

Since his arrest on April 11, 2019, Swedish open-source software developer and computer security expert Ola Bini has been the victim of persecution by the Ecuadorian government and accused of illegal use of a communications system. He was released after 70 days in prison, but the persecution has not stopped.

After almost four years of a criminal trial marred by irregularities, delays, and violations of the rights of the defence, his right to a fair trial finally prevailed on January 31, 2023, when he was acquitted following a unanimous verdict issued by the Criminal Guarantees Court of Pichincha (Ecuador). But almost a year after the sentence was handed down, the oral judgment issued at the hearing has still not been published in writing and the precautionary measures against Ola Bini remain in force.

Ola Bini is under a periodic reporting obligation to the Public Prosecutor's Office, which does not register him, he remains unable to leave Ecuador, use his bank accounts or recover several of his devices seized in 2019.

The prosecution appealed the acquittal decision to the same court. Ola Bini's defence filed an appeal of recusal against two of the three judges on the Tribunal on the grounds that they had previously denied him the right to defend himself freely and upheld the decision to imprison him for 90 days. However, these two members were upheld. For this reason, in November 2023, Ola Bini's defence asked the National Court of Justice to form a new impartial tribunal.

The independence of the judiciary has been seriously compromised. Cases have been observed where judicial decisions appear to be influenced by political interests, which has led to a deterioration of the rule of law in the country. The stories presented here are not only testimonies of the current situation in Ecuador, but also a call for reflection and action.

III. Criminal violence and insecurity

A. Background

During Rafael Correa's term in office (2007-2017), a security policy was implemented. This approach resulted in a series of legal, institutional, and operational reforms that contributed significantly to the strengthening of the security system in the country. Among the most prominent measures are:

- The passage of the Law on Public and State Security, which replaced the old National Security Law and provided a new legal framework for citizen security, national defence, and strategic intelligence.¹⁰¹
- The creation of the Coordinating Ministry for Security, which played a key role in coordinating and articulating the actions of the different security sector agencies, such as the Ministry of the Interior, the Ministry of Defence, the National Police, the Armed Forces, and the National Intelligence Secretariat.¹⁰²
- Investments were made in infrastructure, equipment, technology, training and professionalisation of members of the National Police and the Armed Forces. In addition, working conditions and salaries were improved, which contributed to raising the quality of the security service provided to the population.¹⁰³
- Crime prevention policies were deepened, with programmes that sought to address the socio-economic causes of crime. Efforts were made to integrate street gangs into society through social inclusion programmes, which had a positive impact on reducing the homicide rate.¹⁰⁴
- Regional and international security cooperation was promoted, especially with neighbouring countries and multilateral organisations, to address common threats such as drug trafficking, organised crime and terrorism.¹⁰⁵

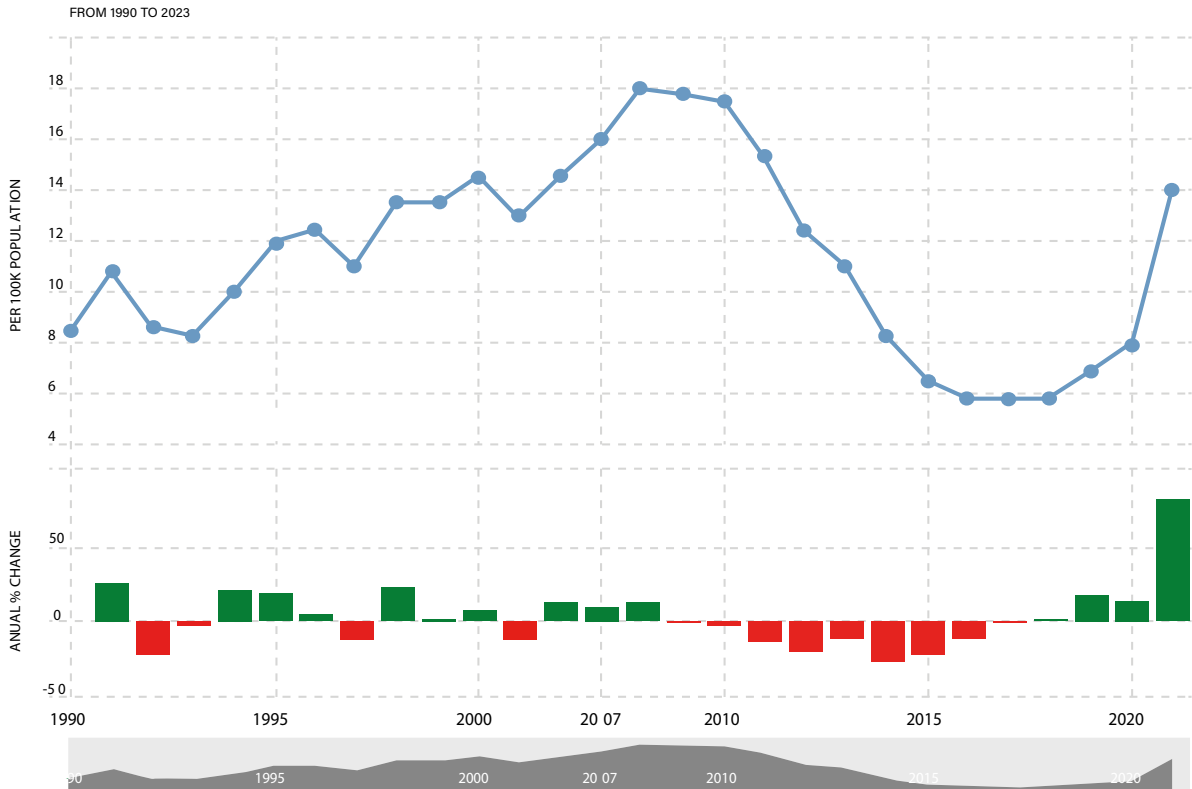
¹⁰¹ Editorial Staff (2022, 7 March). The security policy of the Correa government guaranteed peace and tranquillity to Ecuadorians. Confirmado.net. <https://confirmado.net/2022/03/07/la-politica-de-seguridad-en-el-gobierno-de-correa-garantizo-paz-y-tranquilidad-a-los-ecuatorianos/>.

¹⁰² León, J. (2007, 5 May). Order, security and institutionality in the Correa administration. La Tendencia No. 05. <https://repositorio.flacsoandes.edu.ec/handle/10469/4957>.

¹⁰³ Bachelet, P. and García, M. (2015, 13 February). What about the highest paid police force in Latin America? Blog Inter-American Development Bank. <https://blogs.iadb.org/seguridad-ciudadana/es/que-ocurre-cuando-se-tiene-la-policia-mejor-pagada-de-america-latina/>.

¹⁰⁴ Brotherton, D. and Gude, D. (2018, March). Social inclusion from below. Discussion Paper No. IDB-DP-578. Inter-American Development Bank. <https://publications.iadb.org/publications/spanish/viewer/Inclusion-social-desde-abajo-Las-pandillas-callejeras-y-sus-posibles-efectos-en-la-reduccion-de-la-tasa-de-homicidios-en-el-Ecuador.pdf>.

¹⁰⁵ Editorial office (2022, 7 March). The security policy of the Correa government guaranteed peace and tranquillity to Ecuadorians. Confirmado.net. <https://confirmado.net/2022/03/07/la-politica-de-seguridad-en-el-gobierno-de-correa-garantizo-paz-y-tranquilidad-a-los-ecuatorianos>.



Lenín Moreno’s term in office in Ecuador (2017-2021) marked a significant shift from the security policies previously implemented by Rafael Correa. According to an analysis published by Jacobin magazine, Moreno, who was initially seen as the successor to Correa’s policies, quickly veered towards a neoliberal approach, making a deal with the International Monetary Fund (IMF).¹⁰⁶ This shift resulted in significant budget cuts and the implementation of austerity measures that negatively affected several sectors, including public security.

Under the Moreno administration, public security spending was reported at \$3.121 billion in 2021, with a \$58 million under-execution. Although in 2022 the budget increased to \$3.398 billion, approximately \$192 million was not executed. This contrasts with Correa’s approach, who in 2017 allocated \$3.5 billion to the security sector, achieving a 98 per cent execution rate.¹⁰⁷

In the context of Guillermo Lasso’s government, security spending was 2.14 billion dollars until August 2023, with a marginal increase of 5%, despite the growing crisis of insecurity and violence related to drug trafficking.¹⁰⁸

¹⁰⁶ Goodfriend, H. (2023, 9 December). Ecuadorian Migrants Fleeing to the US Are Refugees of Right-Wing Rule. Jacobin. <https://jacobin.com/2023/09/ecuadorian-migrants-lenin-moreno-refugees-right-wing-rule>.

¹⁰⁷ Idem.

¹⁰⁸ Tapia, E. (2023, 4 September). Security: government spending not enough to face Ecuador’s worst crisis. Primicias. <https://www.primicias.ec/noticias/economia/seguridad-presupuesto-gasto-publico-crisis/>.

A UN report on Ecuador also links crime to poverty and criticises the government for failing to end forced labour in slave-like conditions, particularly among minorities. This report emphasises the need to address insecurity as a problem of poverty and lack of economic opportunity, not just from a law enforcement perspective.¹⁰⁹

These elements highlight the complexity of the challenges Ecuador faces in terms of security and social justice, and the importance of implementing comprehensive policies that address both the causes and symptoms of violence.

B. Current situation

The current situation is characterised by an alarming increase in criminal violence, kidnappings, extortion, as well as an increase in homicides and robberies perpetrated by gangs and cartels operating in the country.

Over the past year, Ecuador has witnessed an alarming increase in violence and insecurity, marking a dramatic departure from its previously more peaceful record. This trend represents a serious violation of the right to life and affects both the civilian population and the authorities. This worrying increase is largely due to the growing presence and influence of criminal organisations and drug cartels, which have created a climate of fear and contributed to a palpable atmosphere of impunity.

The statistics speak for themselves: compared to previous years, murders and other violent acts have increased significantly, making violence one of the most common causes of death in the country, surpassing even previously prevalent illnesses such as influenza, pneumonia, and traffic accidents. This stark reality has catapulted security to become one of the main concerns of citizens and a significant challenge for the new government.

The impact of this situation is multidimensional, affecting not only public security, but also the country's social welfare and economy. Underlying factors such as lack of opportunities, social inequality and possible shortcomings in security policies are exacerbating this crisis. The situation has created a vicious cycle where violence breeds more violence, and communities are caught in a spiral of fear and hopelessness.

Looking beyond Ecuador's borders, this situation is exceptional even in the Latin American context, a region that has struggled with problems of violence and drug trafficking for decades. The Ecuadorian situation stands out for its intensity and rapid escalation, which calls for urgent attention and specific measures.

¹⁰⁹ Garcia, R. (2023, 8 September). UN report on Ecuador links crime with poverty, faults government for not ending bonded labor. Independent. <https://www.independent.co.uk/news/ap-ecuador-mexico-city-quito-lenin-moreno-b2408257.html>.

In narrative terms, the personal stories of those affected by the violence illustrate the human cost of this crisis. From families torn apart by the loss of loved ones to young people driven to crime by a lack of opportunity, Ecuador's social fabric is under unprecedented strain. These personal accounts put a face to the statistics and highlight the urgency for effective and compassionate action.

C. Extortion, homicide, and street robbery

In 2022, Ecuador witnessed an alarming increase in its crime rate, specifically in terms of homicides. During this year, the country registered 4,632 violent deaths, a figure that represents double the number of murders reported in 2021, when 2,131 cases were counted. This 82% increase in violent deaths placed Ecuador as one of the countries most affected by violence in the region, surpassing even nations traditionally associated with high levels of crime such as Mexico. The impact of this increase is clearly reflected in the homicide rate per 100,000 inhabitants. In 2022, this rate reached 25 homicides per 100,000¹¹⁰ people, a significantly high number that highlights the gravity of the situation. This figure not only indicates the magnitude of the problem Ecuador faces in terms of violence, but also underlines a worrying change in the country's security trend. Until recently, Ecuador was considered a relatively peaceful country in terms of violence and crime. However, this escalation in homicides has transformed the nation's perception and reality in the regional context.

The year 2023 marked a grim turning point in Ecuador's history in terms of violence and crime. During this year, the country registered a total of 7,607 violent deaths,¹¹¹ a figure that not only surpasses the already alarming numbers of 2022, but sets a grim record, making 2023 the most violent year in Ecuador's history.

The magnitude of this escalation can be measured in terms of the frequency of homicides: an average of 21 violent deaths every 24 hours. This constant and high rate of violence raised the country's murder rate to 45 per 100,000 inhabitants. To put this into perspective, this means that every day, Ecuadorian communities faced a level of violence that resulted in multiple deaths, a reality that had a profound impact on society.

Looking at the most affected regions, the cities of Durán, Guayaquil, Samborondón and Daule stand out as the areas with the greatest increase in violence. In these areas, violent deaths increased from 1,446 in 2022 to 2,560 by the end of 2023. This increase not only reveals the gravity of the situation, but also the concentration of violence in certain geographical areas, which poses challenges in terms of security and crime prevention.

¹¹⁰ Mella, C. (2023, 13 August). Ecuador: from a peaceful country to one of the most violent in the region. El País. <https://elpais.com/internacional/2023-08-13/ecuador-de-pais-tranquilo-a-uno-de-los-mas-violentos-de-la-region.html>.

¹¹¹ González, M. (2023, 23 October). Ecuador registers an average of 21 homicides per day. Primicia. <https://www.primicias.ec/noticias/seguridad/personas-asesinadas-promedio-diario-ecuador/>.

Particularly alarming is the case of the Nueva Prosperina neighbourhood in Guayaquil. With a homicide rate of 114 per 100,000 inhabitants, this area has reached one of the highest rates of violence on the planet. As far as women are concerned, from 1 January to December 31, 2023, 583 women were victims of violent deaths in Ecuador, including 443 with premeditation. Of these, 463 lived in the Coast region.¹¹² This not only underscores the severity of the crisis in certain communities, but also reflects how violence can concentrate and escalate in specific areas, creating environments of extreme danger and despair for their inhabitants.

These data reflect an alarming increase in crime in Ecuador in recent years, with the year 2023 presenting even more worrying figures than the previous year. The increase in criminal violence, kidnappings, extortion, as well as the rise in homicides and robberies perpetrated by gangs and cartels operating in the country, is a cause for deep concern, especially in the provinces of Guayas and Esmeraldas. In 2022, 40 cases of kidnapping were registered, while in 2023, this figure rose to 122, which is an alarming increase and a serious threat to the security of citizens.

These criminal groups employ tactics such as assassinations, car bombings and extortion to eliminate rivals, attack authorities or intimidate traders. These acts are a blatant violation of citizens' right to life and personal security, and a reflection of the state's inability to guarantee public order and prevent the spread of crime. This deterioration in public security also contributes to an atmosphere of insecurity and distrust among the population, which further undermines the quality of life and stability of Ecuadorian citizens.¹¹³

Car bombs have been used alarmingly to attack both public and private buildings, particularly those linked to security and justice. According to information provided by the National Police, during the night of Wednesday, 31 August and the early hours of Thursday, September 1, 2023, four car bomb incidents were detected in the cities of Quito and Machala. Fortunately, these attacks did not result in fatalities, but did cause significant material damage. The police hypothesise that these acts are a response by a criminal gang protesting the intervention measures being carried out in the prisons, with the aim of disarming inmates.¹¹⁴

One form of extortion that has had a devastating impact on the commercial sector is what is known as "vacuna", which involves the demand for money in exchange for not causing damage or allowing the normal operation of a business. According to a report covering the period between January and June 2023, more than 6,500 complaints of extortion have been registered in Ecuador, an alarming increase from the 3,188 complaints reported in 2022.

¹¹² La Posta. [@LaPosta_Ecu] (2024, 6 January). 2023 was a violent year for women, especially on the Ecuadorian coast. See the figures for femicides and violent deaths. @a_kcer (post with images attached). X. https://twitter.com/LaPosta_Ecu/status/1743414574098067912/photo/2.

¹¹³ Mella, C. (2023, 9 April). Guayaquil, la ciudad ecuatoriana donde cunde el terror del crimen organizado. El País. <https://elpais.com/internacional/2023-04-09/guayaquil-la-ciudad-ecuatorial-donde-cunde-el-terror-del-crimen-organizado.html>.

¹¹⁴ Mella, C. (2023, 31 August). The explosion of two car bombs puts Quito on alert weeks before Ecuador's elections. El País. <https://elpais.com/america/2023-08-31/el-estallido-de-dos-coches-bomba-ponen-en-alerta-a-quito.html>.

It is particularly worrying that the city of Guayaquil is the most affected, with more than 60% of extortion cases reported in the whole country.¹¹⁵

These extortions have had a devastating impact on the economy, causing significant financial losses, the closure of numerous businesses and increased unemployment. Extortion, in the form of “vacuna” or other forms, has created a climate of insecurity and fear among entrepreneurs, who are forced to pay significant sums of money to protect their businesses and themselves.

The result of these extortions is decreased business investment, reduced economic activity and ultimately job losses when businesses are forced to close due to financial pressure and intimidation. This situation not only negatively affects business owners, but also the workers who depend on those jobs to support their families.

It is essential that the authorities take effective measures to combat extortion and ensure the safety of both businesses and the workforce to protect the economic and social stability of the country.

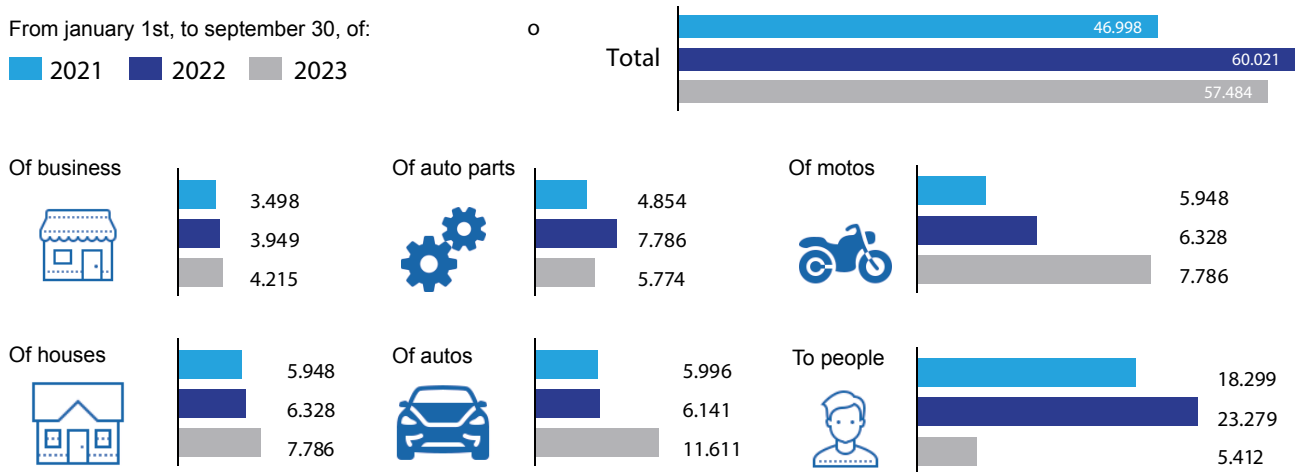
D. Youth and the hitmen

The increase in cases of contract killings is of great concern. Criminal gangs are resorting to increasingly extreme and ruthless tactics, recruiting vulnerable and desperate young people from impoverished urban areas and offering them considerable sums of money in exchange for carrying out criminal activities. This practice is particularly alarming because it puts the lives and futures of these young people at risk, trapping them in a cycle of violence and crime. Children who refuse to accept these contracts often face devastating consequences, such as the threat of death or false accusations that result in wrongful convictions and prison sentences. The exploitation of children in criminal activities is a flagrant violation of their rights and a social tragedy that must be urgently addressed.

The use of motorbikes by these hitmen adds an additional element of danger and efficiency to their operations, allowing them to carry out assassinations more quickly and evade authorities more easily. This is reflected in the increase in motorbike theft by 2023, making motorbikes one of the most stolen items. Importantly, this trend towards organised crime, together with the exploitation of minors, generates a generalised atmosphere of insecurity and undermines confidence in the institutions responsible for maintaining peace and security in the country. It is crucial that concrete measures are taken to address these problems and protect both vulnerable young people and society.¹¹⁶

¹¹⁵ Editorial office (2023, 14 September). Militarisation of prisons generates crisis and opportunity for criminal gangs. Primicias. <https://www.primicias.ec/noticias/seguridad/militarizacion-carceles-crisis-oportunidad-bandas-criminales/>.

¹¹⁶ González, M. (2023, 21 November). Insecurity: the figures of the chaotic scenario left by Guillermo Lasso’s government. Primicias. <https://www.primicias.ec/noticias/seguridad/inseguridad-guillermo-lasso-ecuador-muertes/>.



Statements by Olivier De Schutter, UN Special Rapporteur on extreme poverty and human rights of September 8, 2023, underline the critical connection between the lack of job opportunities, poor education, and the rise of organised crime in Ecuador. Young people’s vulnerability to recruitment by criminal gangs is deeply rooted in the lack of prospects and lack of viable options in their lives.

Moreover, the actions of these criminal gangs not only perpetuate poverty by extorting small businesses, but also disrupt access to education, which has a devastating impact on children’s development. This atmosphere of fear and desperation is leading to a growing exodus of Ecuadorians seeking a safer life of opportunity elsewhere.

The Special Rapporteur’s words emphasise the urgent need to invest in the well-being of the Ecuadorian population, especially in creating jobs, improving education, and implementing effective social policies. Breaking this vicious cycle of poverty and violence requires a determined commitment on the part of the government and the international community to address the root causes of these problems and ensure a brighter future for the people of Ecuador.¹¹⁷

E. Massive degradation of the right to life and for the physical integrity of persons deprived of their liberty

In recent years, Ecuador has faced a severe and growing prison crisis, marked by a disturbing increase in violence, overcrowding, and structural deficiencies. This context raises serious concerns from a human rights perspective.

¹¹⁷ Centro de Prensa (2023, 8 September). Ecuador: Rising violence should be a wake-up call to urgently address poverty, says UN expert. Office of the UN High Commissioner for Human Rights. <https://www.ohchr.org/es/press-releases/2023/09/ecuador-surgiving-violence-must-be-wake-call-urgently-address-poverty-says-un>.

Prisons in Ecuador have been the scene of recurrent episodes of extreme violence. This phenomenon, exacerbated by chronic overcrowding, has resulted in numerous deaths and injuries. In 2023, the situation reached a critical point with multiple violent incidents, including gang clashes and riots.

In August 2022, the first prison census in Ecuador was carried out by the National Institute of Statistics and Censuses (INEC). According to Technical Bulletin n°02-2023-CP, published in May 2023, a total of 31,321 persons deprived of their liberty were interviewed, of whom 29,356 were men and 1,965 were women. The data reveals that 40% of the Ecuadorian prison population is in the 18-29 age range, and a significant 37.2% of women in prison are between 18 and 22 years old. Furthermore, it is important to note that most prisoners have less than a basic education.¹¹⁸ The data revealed a predominantly young prison population, with a large percentage of prisoners with low levels of education. These factors are indicative of significant challenges in terms of rehabilitation and social reintegration.

Among the population deprived of liberty who report having a sentence, which amounts to 26,134 persons, it is observed that most of them face charges for illicit trafficking of substances, with a total of 7,347 cases. This is followed in number of cases by charges for the crime of robbery, with 5,092 cases, and charges for homicide/murder, with a total of 3,898 cases.

The most common grounds on which persons deprived of their liberty are charged reflect the persistent violence that prevails in society outside prisons. This situation is exacerbated by the lack of state control, which has led to prisons becoming a breeding ground for rampant violence. In this context, detained criminal gang members compete for control of cocaine distribution and export, resulting in the orchestration of repeated massacres nationwide since 2021.

This series of 14 killings has resulted in the loss of more than 500 inmates' lives in five different prisons in the country. Alarming, 59% of the victims are young people. These tragic events highlight a flagrant violation of the right to life and physical integrity of prisoners, while pointing to the responsibility of the state, either by omission or complicity, in these events. It is important to highlight that these events transcend the prison walls, generating a profound climate of insecurity and fear, not only among the prisoners' families, who live in constant anxiety for the safety of their loved ones, but also among the public.

1. Violence and Ward Assignment in the Ecuadorian penitentiary system

The allocation of inmates to wards based on their alleged affiliation to criminal gangs is a worrying practice that has been identified in Ecuador's prison system. This classification strategy, which is often carried out without a framework of transparency and consistency, has exacerbated violence within

¹¹⁸ Arroyo, F. (2023, 30 December). Ecuador hits rock bottom in 2023 and ends up as the most violent country in Latin America. Agencia EFE. <https://efe.com/mundo/2023-12-30/ecuador-toca-fondo-en-2023-y-termina-como-el-pais-mas-violento-de-america-latina/>.

prisons, creating and perpetuating conflicts between inmates.

According to José Serrano, former interior minister of Ecuador, during the government of Rafael Correa there was a regulation that classified inmates in prisons according to their level of danger. This regulation was later repealed in the government of Lenín Moreno. The repeal of this classification system could have had a significant impact on prison management, possibly contributing to the current prison crisis characterised by violence and control of prisons by criminal gangs. This change in prison policy illustrates how government decisions can have profound effects on prison security and management.

Grouping inmates according to gang alliances not only perpetuates existing rivalries, but also fosters the creation of new feuds and internal tensions. This dynamic turns prisons into zones of ongoing conflict, where violent confrontations are common and often deadly. It facilitates the struggle for control of illicit activities within prisons, especially in relation to the distribution and export of drugs. This not only endangers the lives of inmates, but also further corrupts the prison system, allowing criminal gangs to operate more effectively within prisons.

This type of classification, rather than promoting an environment that facilitates the reformation and education of prisoners, practices further immersing them in the cycle of violence and criminality. This practice poses serious security risks, not only for inmates, but also for prison staff. It also violates the human rights of prisoners by exposing them to increased risk of violence and denying them the opportunity to rehabilitate themselves in a safe and constructive environment.

This situation has become especially critical since 2021, when multiple violent incidents and massacres were reported in different prisons in the country. Violence in Ecuadorian prisons is often controlled by criminal organisations that extort money from detainees and their families, and gang control over specific sectors of the prisons has contributed to widespread massacres and violence.

Inmates are forced to join gangs as a survival measure once they enter certain wings. This dynamic has created an environment where violence and the struggle for control have intensified, and prisons have become centres of operations for criminal activities, especially related to drug trafficking. Overcrowding and lack of trained prison staff only exacerbate this situation.

Moreover, the state has been criticised for its inaction or ineffective response to this crisis. The consequences of this practice are devastating not only for inmates and prison staff, but also for their families and society at large. Structural reforms and effective policies are urgently needed to address the root causes of this humanitarian crisis in Ecuador's prison system.

2. Between December 2022 and December 2023, Ecuador experienced an unprecedented prison crisis, with an alarming increase in violence

Estos disturbios han resaltado deficiencias críticas en el sistema penitenciario ecuatoriano, como el hacinamiento, la falta de control estatal efectivo y condiciones precarias en las instalaciones carcelarias. Durante este período, se produjeron masacres en varias ocasiones, que resultaron en la pérdida de 86 vidas:

- 3 October 2022: 15 deaths¹¹⁹ in the Social Rehabilitation Centre of Cotopaxi - Latacunga Prison.
- 5 October 2022: 13 deaths¹²⁰ at the Guayas No 1 Guayas Prison - Penitenciaría del Litoral, in Guayaquil
- 7 November 2022: 5 deathss¹²¹ at El Inca Provisional Detention Centre in northern Quito
- 18 November 2022: 10 deaths¹²² at El Inca Provisional Detention Centre in northern Quito
- 14 April 2023: 12 deaths¹²³ in the Guayas No 1 Guayas Prison - Penitenciaría del Litoral, in Guayaquil
- 22, 23 and 24 July 2023: 6 deaths¹²⁴ in the Guayas No 1 Prison - Penitenciaría del Litoral, in Guayaquil
- 25 July 2023: 18 deaths¹²⁵ in the Guayas No 1 Guayas Prison - Penitenciaría del Litoral, in Guayaquil

¹¹⁹ Editorial Office (2022, 3 October). At least 15 dead and 21 wounded in Cotopaxi prison shooting. El Comercio. <https://www.elcomercio.com/actualidad/seguridad/fallecidos-heridos-tiroteo-tiroteocarcel-cotopaxi.html>.

¹²⁰ Editorial office and agencies (2022, 6 October). A new riot in an Ecuadorian prison has left at least 13 dead and 22 injured. Infobae. <https://www.infobae.com/america/america-latina/2022/10/06/un-nuevo-motin-en-una-carcel-de-ecuador-dejo-cinco-muertos-y-23-heridos/>.

¹²¹ La República (2022, 7 November). Five inmates dead and five wounded in clashes in the Inca prison. La República. <https://www.larepublica.ec/blog/2022/11/07/cinco-reos-muertos-y-cinco-heridos-en-en-enfrentamientos-en-la-carcel-de-el-inca/>.

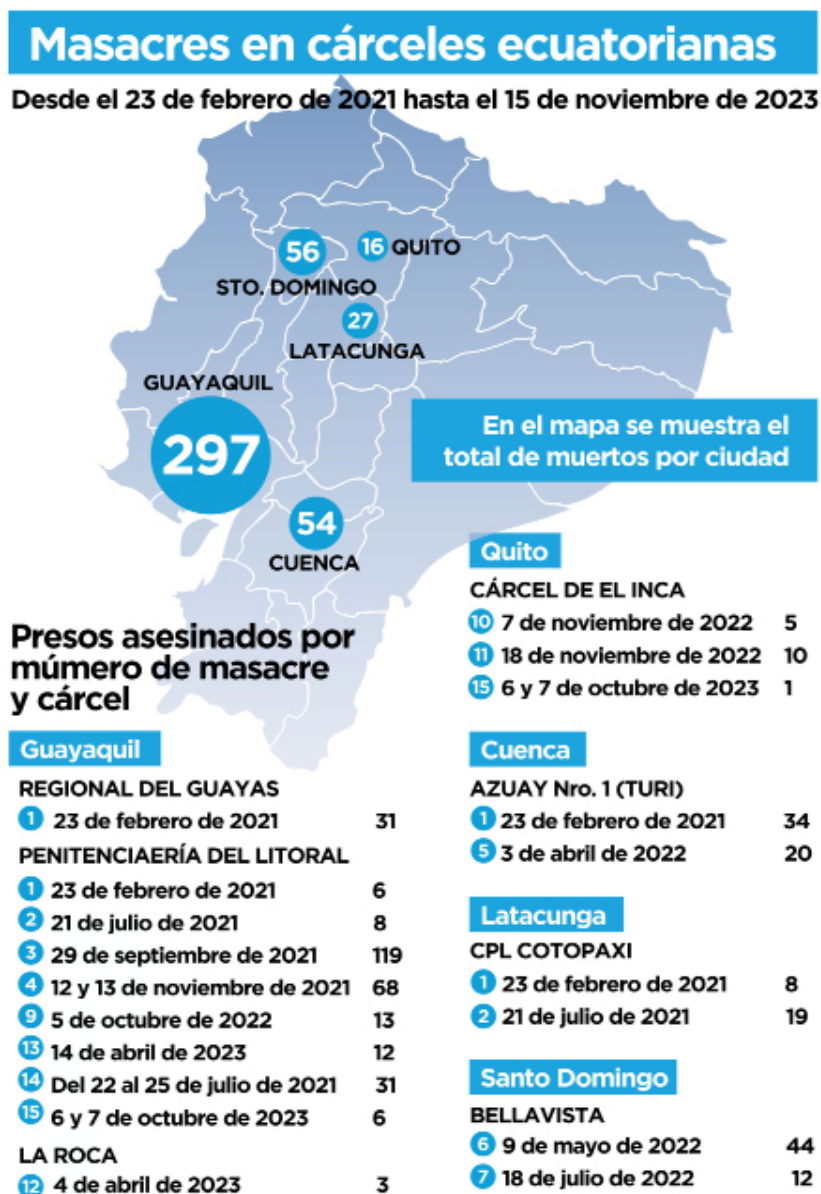
¹²² González, M. (2022, 5 August). La Roca: Drug lords transferred to a prison without perimeter security. Primicias. <https://www.primicias.ec/noticias/en-exclusiva/cabecillas-traslados-roca-sin-seguridad/V>.

¹²³ Romero, D. (2023, 16 April). 13 killed in Ecuadorian prisons between Friday 14 and Sunday 16 April. El Comercio. <https://www.elcomercio.com/%20actualidad/13-asesinados-en-carceles-de-ecuador-entre-el-viernes-14-y-domingo-16-de-abril.html>.

¹²⁴ Editorial office and EFE Agency. (2023, 24 July). The number of inmates killed in clashes in Ecuadorian prison rises to 6. Swissinfo. https://www.swissinfo.ch/spa/ecuador-c%C3%A1rcel_asiende-a-6-la-cifra-de-reos-fallecidos-en-enfrentamientos-en-c%C3%A1rcel-de-ecuador/48683116.

¹²⁵ Editorial staff and scoops (2023, 25 July). The death toll rises to 18 after three days of rioting in the Litoral prison. Confirmado.net. <https://confirmado.net/2023/07/25/a-18-a-18-asciende-la-cifra-de-fallecidos-tras-tres-dias-de-motin-en-la-carcel-del-litoral/>.

- 6 and 7 October 2023: 6 deaths in the Guayas No 1 Guayas Prison - Penitenciaría del Litoral, in Guayaquil
- 6 and 7 October 2023: 1 death at the El Inca Provisional Detention Centre, in northern Quito



3. Violence and Gang Control in the Ecuadorian penitentiary system

This has manifested itself in various acts of violence and a struggle for control within the prisons. At the end of July 2023, the situation came to a head with the start of a widespread hunger strike in 13 prisons across the country. This strike was triggered in direct response to the threat of mass transfers and deplorable prison conditions, reflecting the inmates' deep discontent and despair at their situation. It also highlights the urgent need to reform the prison system to improve the living conditions of inmates and reduce the influence of criminal gangs.

On July 24, 2023, the National Service of Integral Attention to Adults Deprived of Liberty and Adolescent Offenders (SNAI) reported that 96 prison guards in five prisons (Cotopaxi, Azuay, Cañar, Napo, and El Oro)¹²⁶ were being held by prisoners. Although the detained officials were in good condition, the incident highlights the vulnerability and risks to which prison workers in Ecuador are exposed. The situation reflects not only the power and influence of inmates within prisons, but also the deficiencies in security and control measures that need to be urgently addressed to ensure the safety of prison staff.

Testimonies from prison guards reveal the co-optation of many of their colleagues by criminal gangs, either through fear, extortion, or bribes. One particularly striking testimony noted that some prison guards feel that they would only be safe if criminal gangs eliminated them, as this would provide them with a guarantee against the orders of organised crime leaders who force them to collaborate with them.¹²⁷

This is evidence of the serious influence of organised crime in prisons and highlights the urgent need to implement effective measures to protect and support prison staff in the face of these threats. Prisoners and their families in Ecuador lack the organisational means and political leverage to push for meaningful change. The lack of effective tools to address the root causes of violence has led to growing tension in prisons, resulting in riots and violent clashes. All this underscores the urgent need for structural reforms and effective policies that address both prison conditions and the broader factors that contribute to violence and insecurity in the prison system.

Even journalists investigating this issue face threats. In March 2023, Karol Noroña, a journalist for the Quito-based independent website GK, reported an assassination attempt on the director of the women's prison in Guayaquil, as well as conducting interviews with inmates about the alarming homicide rate inside prisons.

¹²⁶ Navarrete, B. and Bastias, F. (2023, 28 July). Outdoor monitoring at Penitenciaría del Litoral - Pronunciamiento. Permanent Committee for the Defence of Human Rights. <https://www.cdih.org.ec/ultimos-pronunciamientos/605-monito%20reo-en-exteriores-de-penitenciaria-del-litoral-24-julio-2023.html>.

¹²⁷ Editorial Staff (2023, 4 August). Violence on the streets and in prisons in July 2023: everything we know. GK. <https://gk.city/2023/07/25/clashes-prisons-july-2023-all-we-know/>.

On May 24, 2023, a source alerted her to a death threat from a criminal gang leader because of her work. Karol Noroña was forced to flee Ecuador and plans to return when she can count on security guarantees for her return.

IV. Conclusion

In 2023, Ecuador was plunged into a profound human rights crisis marked by an erosion of the rule of law that has reached alarming levels. This erosion is manifested through multiple and serious violations of fundamental rights, reflecting a significant degradation of the democratic and legal principles that underpin a just and equitable society. The crisis has been exacerbated by several interrelated factors.

The political crisis and the deterioration of the rule of law in Ecuador have led to profound institutional instability. This situation has eroded public confidence in democratic institutions and undermined their ability to protect fundamental rights. The independence of the judiciary, an essential pillar of any democracy, faces unprecedented challenges, manifested in attacks and threats against judicial officials, which compromises the impartiality and effectiveness of the administration of justice.

In the area of prisons, the situation is distressing. Uncontrolled violence in prisons, evidenced by massacres and acts of violence, reflects critical deficiencies such as overcrowding and lack of effective control by the state. These conditions have led to serious violations of the human rights of inmates and prison guards, including their fundamental right to life and physical integrity.

Political persecution and criminalisation of dissent are also of concern. The use of the judicial and media system as a tool to persecute political opponents has created a climate of fear and repression, eroding basic democratic principles such as the separation of powers and freedoms of expression and association.

On the other hand, freedom of the press and expression face serious challenges. Journalists and media critical of the government are subject to violence and intimidation, which has led some to seek exile for fear of reprisals. This situation severely limits the right to free information and freedom of expression, pillars of a democratic and transparent society.

The assessment of security in Ecuador, based on official data and figures, indicates that there were significant improvements in this area during the government of Rafael Correa. However, policies implemented by the subsequent administrations of Lenín Moreno and Guillermo Lasso, marked by budget cuts and neoliberal approaches, have been linked to increased insecurity and violence. This contrast highlights the importance of stable and well-founded security policies to ensure social welfare and the effective protection of citizens.

The escalation of political and criminal violence in the country reflects a deep security crisis. Those most affected by this wave of violence are the most vulnerable groups in society, including low-income families and marginalised communities, exacerbating existing inequalities and vulnerabilities.

The assassination of Fernando Villavicencio, presidential candidate, and key figure in uniting the anti-correa's sector, marked a critical point in Ecuador's recent political history. His death, far from being an isolated crime, became a central element of political manipulation, with profound implications for the presidential elections. The subsequent murder of the alleged perpetrators of the crime, while they were in pre-trial detention, suggests a calculated strategy to influence public opinion and alter the electoral outcome, especially in the second round, against the Correa's political coidearies movement.

These events not only reveal the vulnerability and risks faced by political actors in Ecuador, but also illustrate how violence and media manipulation can be used as tools to shape the political landscape. The series of events surrounding Villavicencio's assassination and the death of the alleged perpetrators raises serious concerns about the integrity of the democratic process, the independence of the judicial system, institutional degradation, and respect for human rights in the country.

As we concluded this report on the human rights situation in Ecuador in 2023, the country was facing an unprecedented crisis at the beginning of 2024, suggesting that the new year does not augur a more optimistic outlook.

In the first days of January 2024, Ecuador was shaken by a series of violent attacks and riots. On January 9th, in particular, Guayaquil experienced a wave of attacks perpetrated by organisations considered to be terrorist organisations. There were reports of kidnappings of TC Televisión workers by a group of hooded men and attacks on other institutions, including the University of Guayaquil.

In addition, the country was affected by a security crisis in its prisons. The escape of criminal gang leader Adolfo Macías, alias "Fito", leader of Los Choneros, was reported, which provoked a series of reactions from the government. President Daniel Noboa declared the country in internal armed conflict and ordered the Armed Forces to carry out military operations to neutralise these groups, declaring a state of emergency for 60 days, including a curfew and the presence of the military in the streets and prisons.

This escalation of violence and the government's response highlight the continuing challenges facing Ecuador in terms of security and human rights. The current situation indicates that 2024 will be a critical year for the country and will require detailed follow-up for a forthcoming report documenting and analysing this year's events in the context of human rights in Ecuador.

To reverse this critical situation in Ecuador, decisive action is required both at the level of the Ecuadorian state and by the international community, including countries and organisations with significant influence in the region. It is imperative that effective strategies and resources are put in place to ad-

dress this crisis in a comprehensive manner. Considering Ecuador's central position in Latin America, its stability is crucial not only for its citizens, but also for regional stability.

The possibility of Ecuador becoming a failed state, dominated by organised crime, poses the risk of a domino effect throughout the region. The interdependence and mutual influences between Ecuador and its neighbouring countries mean that its collapse would have serious consequences not only nationally, but also regionally. These consequences could manifest themselves in terms of economic, migration, security, as well as increased drug trafficking and corruption.

It is therefore essential that the international community take an active role in supporting Ecuador at this crossroads. The engagement of international actors in promoting democracy, respecting human rights, and strengthening Ecuador's institutions is key to preventing the escalation of the crisis and ensuring a stable and prosperous future for the region.



