



RESPONSES TO INFORMATION REQUESTS (RIRs)

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27 October 2005

ECU100605.E

Ecuador: Police response and protection offered to someone threatened by an employer; protection offered to someone who is threatened by a government employee (2005)
Research Directorate, Immigration and Refugee Board, Ottawa

Information on police response and protection offered to someone threatened by an employer or protection offered to someone who is threatened by a government employee was scarce among the sources consulted by the Research Directorate.

In 18 October 2005 written correspondence to the Research Directorate, the executive director of the Ecuadorian Ecumenical Commission for Human Rights (*Comisión Ecumenica de Derechos Humanos, CEDHU*), affiliated with the Fédération internationale des droits de l'homme (FIDH), provided the following information :

In a case where police authorities observe that a worker is threatened by his or her employer, the worker is removed from his or her workplace and advised to lodge a complaint at the Public Ministry (Ministerio Público). The Ministerio Público is the government body named in article 219 of the Ecuadorian Constitution as being responsible for providing protection to persons who receive threats. Police authorities can intervene only when they witness an illicit act. Regarding the case of threats made to an employee, police will direct the threatened person to the Ministerio Público, given that police need a mandate to intervene. The victim can also present the police with a "help certificate" (*boleta de auxilio*) issued by the authorities. Police forces will provide protection only if the Ministerio Público orders it.

By law, within the Ministerio Público, a protection department exists which [translation] "has the obligation to decide which kind of protection is offered [to a potential victim]," and which can order the police to provide protection.

In the case of a person threatened by a government employee, the same rules apply: in order to investigate a complaint the police need authorization from the Ministerio Público.

The CEDHU executive director also noted cases including those of Elias López and Luis Shinin in which it had appealed to the Inter-American Commission on Human Rights asking for protection measures [translation] "when people were threatened by state employees or when existing evidence pointed to the involvement of state employees in persecutions." According to CEDHU, the Ecuadorian police provided protection to the families, lawyers and witnesses in the disappearance cases of Elías López and Luis Shinin.

According to Amnesty International, on 6 November 2000, Elias Elint López Pita was arrested at a police check point and was taken into custody (2 Aug. 2001; *Country Reports 2001* 4 Mar. 2002, Sec. 1b). While in custody, López reportedly told Luis Alberto Shinin Laso, who at the time was also in police custody, that he had been "beaten up" by police officers (ibid.; AI 2 Aug. 2001). Following the discussion between the two men, López reportedly "disappeared" and in August 2001, López's whereabouts were unknown (ibid.). On 7 November 2000, Shinin reportedly told a prosecutor about the events of López's arrest and was later released (ibid.). One week later, Shinin was allegedly kidnapped, shot and thrown over a cliff (ibid.; *Country Reports 2001* 4 Mar. 2002, Sec. 1b). Though he survived, he was reportedly kidnapped from hospital and had not been seen by 2 August 2001 (ibid.; AI 2 Aug. 2001).

On 9 April 2001, Amnesty International had released an urgent action appeal in relation to the involvement of police officers in the two disappearances and subsequent threats to witnesses and families.

A bus driver, who had witnessed the arrest of Elias López, had expressed his concern for his safety since he had stated that he was willing to testify in the case (AI 9 Apr. 2001). A police officer claimed to have been threatened by his colleagues investigating the disappearances, and two other police officers "fear[ed] possible reprisals" because they were planning to testify against the officers accused in the case (ibid.).

Amnesty International reported in its 2002 annual report that in June and July of 2001 the mother of Elias López and her lawyer had "received threats" that promised "the same consequences [her son had suffered] if they continued with judicial proceedings against the police officers charged with the 'disappearances'."

According to *Country Reports on Human Rights Practices for 2004*, by the end of 2004, four police officers had been found guilty of the 2001 killing of Elias Elint López and three police officers had been found guilty of the killing of Luis Alberto Shinin Laso (28 Feb. 2005, Sec. 1b). A Supreme Court decision on the appeals of all police officers charged was pending at the end of 2004 (*Country Reports 2004*, 28 Feb 2005, Sec. 1b).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 2002. "Ecuador." *Amnesty International Report 2002*.

<<http://www.web.amnesty.org/web/ar2002.nsf/amr/Ecuador?Open>> [Accessed 27 Oct. 2005]

_____. 2 August 2001. "Ecuador: Fear for Safety/Death Threats." (AI Index: AMR 28/020/2001)

<<http://web.amnesty.org/library/Index/ENGAMR280202001?open&of=ENG-ECU>> [Accessed 27 Oct. 2005]

_____. 9 April 2001. "Ecuador: Torture and "disappearance" of Elías Elint López and Luis Alberto Shinin Laso." (AI Index: AMR 28/008/2001). <<http://web.amnesty.org/library/print/ENGAMR280082001>> [Accessed 25 Oct. 2005]

Comisión Ecuánica de Derechos Humanos (CEDHU). 18 October 2005. Written correspondence sent by the executive director.

Country Reports 2004. 28 February 2005. "Ecuador." United States Department of State. Washington, DC.

<<http://www.state.gov/g/drl/rls/hrrpt/2004/41759.htm>> [Accessed 27 Oct. 2005]

Country Reports 2001. 4 March 2002. "Ecuador." United States Department of State. Washington, DC.

<<http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8356.htm>> [Accessed 27 Oct. 2005]

Additional Sources Consulted

Oral sources: The Ministerio de Gobernación y Policía did not provide information within the time constraints of this Response. Attempts to reach the Defensoría del Pueblo del Ecuador were unsuccessful.

Internet sites, including: Comisión Ecuánica de Derechos Humanos (CEDHU), *Country Reports 2004*, Defensoría del Pueblo del Ecuador, *Diario Hoy* (Quito), *Factiva*, *La Hora* (Quito), Human Rights Watch, Ministerio de Gobernación y Policía del Ecuador, Ministerio Público del Ecuador.

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