Housing rights – forced evictions
According to local NGOs, several forced evictions were carried out and police used force unlawfully on several occasions.

Amnesty International visits/reports
Amnesty International delegates visited the Dominican Republic in November/December.

- Dominican Republic: Submission to the UN Human Rights Committee (AMR 27/001/2012)
- Dominican Republic: Open letter from Amnesty International to Dominican presidential candidates for the May 2012 elections (AMR 27/005/2012)
- Towards a successful reform? Proposals for an organic law to help bring about comprehensive reform of the National Police in the Dominican Republic (AMR 27/016/2012)

ECUADOR

REPUBLIC OF ECUADOR
Head of state and government: Rafael Vicente Correa Delgado

Indigenous and community leaders faced spurious criminal charges aimed at restricting their freedom of assembly. The rights of Indigenous Peoples to consultation and to free, prior and informed consent were not fulfilled.

Background
Mass demonstrations and blockades led by Indigenous organizations took place against government proposals on the use of natural resources and to demand the right to consultation.

In August, Ecuador granted diplomatic asylum to Wikileaks founder Julian Assange. At the end of the year, he remained in the Ecuadorian embassy in the UK where he had sought asylum after the UK Supreme Court dismissed his appeal against extradition to Sweden to answer allegations of sexual assault. Ecuador granted him diplomatic asylum on the basis that, if extradited to Sweden, he could be extradited to the USA where he could face an unfair trial, cruel, inhuman and degrading treatment, life imprisonment and the death penalty.

In October, an Ecuadorian court issued an order that froze approximately US$200 million of the assets of the oil company Chevron in Ecuador in order to implement an earlier ruling awarding US$18.2 billion to Amazon Indigenous communities for environmental damage. Earlier that month, Chevron had lost an appeal before the US Supreme Court to stop the plaintiffs from trying to collect the damages awarded. In November, a judge in Argentina embargoed Chevron’s assets in that country to carry out the Ecuadorian court’s ruling.

In September, Ecuador accepted most recommendations made under the UN Universal Periodic Review. These included ensuring the right to peaceful assembly and protest of community activists and Indigenous leaders; undertaking a review of existing and proposed legislation relating to freedom of expression; and decriminalizing defamation. However, it rejected a recommendation to ensure the right of Indigenous Peoples to free, prior and informed consent.

Freedom of association
Indigenous and campesino leaders were subjected to unfounded charges of terrorism, sabotage and homicide; criminal prosecutions; arbitrary arrests; and strict bail conditions in an attempt to discourage them from voicing their opposition to government laws and policies. In most cases, judges dismissed the charges as baseless. However, by the end of the year, three Indigenous and campesino leaders were still involved in court proceedings and subject to bail restrictions and three others were convicted and given short prison sentences.

- In August, Carlos Pérez, leader of the Communal Water Systems of Azuay; Federico Guzmán, President of the Victoria del Portete Parish Council; and Efraín Arpi, leader of the Tarqui Parish, were given reduced sentences of eight days’ imprisonment for blocking a road during a protest in Azuay province against proposed legislation. The men claimed the legislation would affect their community’s access to water and was not adequately consulted. Federico Guzmán and Efraín Arpi had stated that they did not directly participate in the protest. Carlos Pérez admitted that he did, but that traffic had been allowed to flow every 30 minutes and emergency vehicles were allowed to pass. By the end of the year a warrant for their arrest had not yet been issued.
Indigenous Peoples’ rights
In July the Inter-American Court of Human Rights confirmed that Ecuador had not consulted the Sarayaku Indigenous community in Pastaza province regarding an oil project to be carried out in their territory. It ordered the state to remove or inactivate explosives buried on Sarayaku territory; consult the Sarayaku regarding future development projects that might affect them; and take steps to make the right to consultation a reality for all Indigenous Peoples, among other measures.

In November bids for oil exploration in the Amazon region went out to public tender amid concerns that Indigenous communities that might be affected had not been consulted.

In a report published in August, the CERD Committee raised concerns at the absence of a regulated and systematic process for consultation with Indigenous Peoples on issues that affect them, including the extraction of natural resources.

Freedom of expression
There were concerns that laws dealing with the crime of insult were being used against journalists in violation of the right to freedom of expression and could deter other critics of government authorities from speaking out.

In February, the National Court confirmed a sentence of three years’ imprisonment and US$40 million in damages against three owners of El Universo and a journalist working for the newspaper. They had been convicted of slander for an editorial in which they described the President as a “dictator” and accused him of giving the order to open fire on a hospital during the police protests of September 2010. The President later granted a pardon to all four men.

Amnesty International visits/reports
“So that no one can demand anything”: Criminalizing the right to protest in Ecuador? (AMR 28/002/2012)