

amnesty international

ECUADOR

TORTURE IN MILITARY BARRACKS AND INSTITUTES

DECEMBER 1990

SUMMARY

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Amnesty International has received reports of former members of the army claiming to have been subjected to torture inside military institutions.

Ecuadorean legislation forbids the use of torture and the government has ratified international treaties that oppose its use, including the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. This Convention states that each state party is to prevent torture and make it a punishable offence.

The country's legislation provides that members of the armed forces be tried in special tribunals for all but common crimes. In practice this means that separate police or military courts exercise exclusive jurisdiction over the investigation and trial of military or police personnel in cases involving torture or death in custody.

In all three cases included in this paper, denouncements have been presented to the relevant authorities, but to the knowledge of Amnesty International none of them have been fully and independently investigated and nobody has been brought to trial in connection with these allegations.

This summarises a 4 page document, (AI Index:AMR 28/06/90), issued by Amnesty International in November 1990. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
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ECUADOR: TORTURE IN MILITARY BARRACKS AND INSTITUTES

Amnesty International has received reports of torture and other cruel, inhuman and degrading treatment, of armed forces personnel being held within military institutions.

In some of the reports received by Amnesty International, victims stated that superior officers, such as captains or lieutenants were present in interrogations which involved torture.

The mother of a detainee is reported to have been harassed by the military in retaliation for denouncing the treatment to which her son was subjected to.

The government of Ecuador has ratified international treaties that prohibit the use of torture. It ratified in 1969 the International Covenant on Civil and Political Rights and in 1988 the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). Ecuador also ratified the American Convention on Human Rights, which entered into force in 1978. Article 19 of the Ecuadorean Constitution prohibits the use of "torture and any inhuman or degrading procedure".

Impunity

In its Article 131, the Ecuadorean Constitution, states that members of the armed forces are to be tried in special tribunals for all but common crimes. In practice, separate police or military courts exercise exclusive jurisdiction over military or police personnel in cases involving torture and death in custody. To Amnesty International's knowledge there are no cases of ill-treatment or torture in which members of the armed forces were brought to justice.

Ecuadorean human rights organizations believe convictions are rarely secured for the crime of torture because of the system whereby military officers accused of torture are dealt with by police or military rather than ordinary tribunals. The

Comisión Ecuménica de Derechos Humanos, (CEDHU), the Ecumenical Commission for Human Rights, has presented documented cases, sometimes including the name of the alleged perpetrator, to the Tribunal de Garantías Constitucionales¹, the Tribunal of Constitutional Guarantees and to the Ministry of Defence or the Interior (Ministro de Gobierno y Policía), as appropriate, requesting investigation of the case and sanctioning of the responsible agent. Some replies received from the Ministry of Defence denied that the torture took place. On occasions, however, replies indicate that an investigation will be initiated. CEDHU claimed that no torture cases presented to the authorities by them or by relatives have resulted in convictions.

Alleged Torture Cases

Marco Antonio ESPIN LOPEZ

Marco Antonio Espín was a 26 year old soldier of the Batallón de Transmisiones de Rumiñahui, the Communications Battalion of Rumiñahui, in Quito. In a testimony to Amnesty International, he and some other fellow soldiers were accused of smoking marihuana. On 20 February 1990 he reported to Military Intelligence, as requested, and was then taken to a room where he was asked about his smoking and selling of marihuana. When he denied the charges he was kicked on the back. He claims that some ten conscripts entered the room and stated that they had seen him smoking marihuana. As he refused to accept the charges, he was ordered to undress and was then beaten.

He claimed to have then been driven blindfolded out of town to the Fuerte Militar de Atahualpa, the Atahualpa Military Fort, where he was forced to walk along in a squatting position, holding his hands round his neck. He was taken to a cell where he and a fellow soldier were ordered to undress and asked if they had smoked marihuana. As they denied it both men had water thrown over them and had electricity applied to their necks, backs and genitals. Marco Antonio Espín lost consciousness and woke up when another bucket of water was thrown over him. He stated that he and his fellow soldier were both forced to apply electricity to each other's genitals.

Marco Antonio Espín said he asked to see a medical doctor, a request that was denied until 25 days after the torture had taken place. He also claimed that during the first six days of interrogation, a captain warned him not to go to the Tribunal of Constitutional Guarantees or human rights organizations.

¹The Tribunal de Garantías Constitucionales is a special organization appointed by Congress whose main purpose is to ensure adherence to the Constitution.

After the sixth' day he was told that if he wished to be released, he must cooperate and suggested that he admit to having smoked marihuana. He decided to follow this advise.

He continued in the army for a fortnight after being released from detention and was then dismissed for irregular behaviour.

The mother of Marco Antonio Espín, Mrs Alicia López de Espín denounced the treatment her son received during his incommunicado detention. On a number of occasions after his release she was harassed, threatened and insulted in the street and shops by people she identified as members of the military.

Héctor Roberto MANOTOA

Twenty year old Héctor Roberto Manotoa was a conscript at the Eloy Alfaro Military School in Quito. On 17 March 1990 he and some fellow conscripts were interrogated with regards to the alleged theft of a tape recorder.

According to reports all of them were kicked by a lieutenant and were then forced to get inside a water tank to which were introduced wires that produced electrical discharges. During the night Roberto Manotoa was reported to have been forced to stand in a bent-over position while another lieutenant beat him with a hose.

Héctor Manotoa was admitted for seven days to a military hospital to recover from the injuries he sustained.

Ecuadorean Ecumenical Human Rights Commission asked for a diligencia médico-legal a forensic examination, ordered by a judge. However, in order to issue their report, the experts carrying out the investigation required Roberto Manotoa's medical record from the military hospital. This document was apparently denied to them.

Guido Israel HOYOS

According to reports, on 23 May 1989, a group of soldiers violently entered the home in Quito of Guido Israel Hoyos, a 23 year old soldier. Without showing a warrant they detained him. The arrest involved kicks and beatings. A few days earlier, Guido Israel Hoyos had reportedly deserted the army.

His parents were told that Guido Hoyos had been taken to the Brigada Militar Grupo de Apoyo Logístico 25, the 25th Logistic Support Unit of the Military Brigade. However, when they went to ask for him at the brigade, they were told that he was not there. They received the same reply at the Ministry of Defence. For 36 days his whereabouts remained unknown.

On 27 June Guido Hoyo's parents went to the Penal Court of Pichincha where they met their son. Reports indicate that

during those 36 days he had been locked in a metal container that was placed under the sun and that he had been subjected to beatings.

Guido Hoyos was accused of providing qualified information to subversive groups, stealing two shot guns and of desertion.

During his interrogation he reportedly admitted everything that the interrogators asked him and signed the statements in order to be taken out of the container. However, at his trial, he denied his previous admissions claiming they were extracted under torture.

The process against Guido Hoyos in the military tribunal, included an agent's report dated 27 May 1989 which stated: "he was subjected to strong physical and psychological pressure which resulted in his admitting the charges being put against him".