



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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19 December 2005

### ECU100775.E

Ecuador: whether authorities provide effective law enforcement and prosecution of criminals, especially with respect to crimes committed against civilians by guerrillas and paramilitaries from Colombia; the identity and location of state protection institutions; and to whom and where civilians can seek redress for police abuse or negligence (2003 - 2005)

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Information on whether authorities provide effective law enforcement and prosecution of criminals, especially with respect to crimes committed against civilians by guerrillas and paramilitaries from Colombia was scarce among the sources consulted by the Research Directorate.

#### State action against armed groups' activities

Sources indicated that the Ecuadorian army increased its presence at the border following a June 2005 incursion into Colombian territory by the Fuerzas Armadas Revolucionarias de Colombia (FARC) (AFP 26 June 2005; FSD Sept. 2005). According to Colombian authorities, the FARC used a camp in Ecuador to launch an attack in the southern Colombian region of Putumayo in which 22 soldiers were killed (AFP 12 July 2005; *La Hora* 23 Sept. 2005). A cocaine production facility was destroyed (ibid.) in this FARC camp the largest ever found in Ecuador (Europa Press 23 Sept. 2005).

Subsequently, the authorities augmented their surveillance in the town of Lago Agrio as well as around the San Miguel international bridge (AFP 26 June 2005). According to *Latin America Weekly Report*, 7,000 soldiers patrol the border zone with Colombia (21 Mar. 2005); the Security and Democracy Foundation (Fundación Seguridad y Democracia, FSD) states that 10,000 Ecuadorian forces personnel patrol the border area (Sept. 2005).

As well, the FSD believes that the use of security forces in solving internal security problems diverts their attention from border control and opens the door to armed groups' and criminal organizations' activities in Ecuador (Sept. 2005).

According to *Country Reports 2004* victims of kidnappings and extortion in Ecuador "often attributed to Colombian armed gangs" do not report them "for fear of retribution" (28 Feb. 2005, Sec. 1.b). For this reason, estimates concerning these types of crimes cannot be considered reliable; eleven kidnappings were registered by the police in November 2004 (*Country Reports 2004* 28 Feb. 2005, Sec. 1.b).

According to the Ecuadorian press, a Colombian paramilitary group operates in the cities of Lago Agrio, Shushufindi and Puerto El Carmen in the province of Sucumbios, allegedly selectively killing Colombians living in this region of Ecuador (Fundación Seguridad y Democracia Sept. 2005). The Sucumbios judicial police stated that between three and five killings occur on a weekly basis and that this paramilitary group plays a significant part in them (ibid.).

The FARC control a few municipalities on the Ecuadorian side of the border and, according to local populations, they impose curfews and manage conflicts (ICG 16 June 2005; *El Tiempo* 20 May 2005). An information network helps the FARC follow the Ecuadorian army movements (ibid.).

There are frequent assassinations in the province of Sucumbios; in October 2005, two Ecuadorian peasants linked to the FARC were killed (*La Hora* 11 Oct. 2005).

In January 2004, police arrested Ricardo Palmera, a FARC leader known under the war name Simon Trinidad (AFP 4 Jan. 2004; Reuter 3 Jan. 2004). Palmera was then extradited to Colombia (AFP 4 Jan. 2004). According to the International Crisis Group (ICG), before arresting Palmera, the Ecuadorian government of Lucio Gutiérrez "had turned a blind eye" on the use of Ecuadorian territory by the FARC (16 June 2005, 15). Sources mention a possible agreement between former president Lucio Gutierrez and the FARC under which the former would have promised not to attack the FARC (ibid.; AFP 10 Mar. 2005; ibid. 12 July 2005).

However, in February 2005, Ecuadorian authorities arrested 10 FARC members in a clandestine clinic (AP 24 Feb. 2005). Seven of them were extradited to Colombia in March 2005 (AFP 12 July 2005). Between January 2004 and July 2005, Ecuador extradited a total of 11 FARC members to Colombia (ibid.).

In September 2005, two FARC members were intercepted, among which was Marcial Campaña, in charge of finances of the FARC Front 48 (AFP 23 Sept. 2005; Xinhua 24 Sept. 2005). Both FARC members were extradited to Colombia (AFP 23 Sept. 2005).

According to the *National Post*, the frontier zone receives little protection from police forces, and Canadian employees of a petroleum exploitation company are potential targets of kidnappings orchestrated by criminalized Colombian groups or the FARC (28 July 2004). The article provides two examples of kidnappings that occurred in 1999 and 2001 and added that 250 kidnappings took place in Ecuador in 2003 compared with 3,000 in Colombia (*National Post* 28 July 2004).

In May 2004, Ecuadorian authorities discovered a truckload of FARC uniforms which were made in a northern neighbourhood of Quito (AFP 20 May 2004). Security forces also intercepted Ecuadorian citizens who were involved in the arms trade with the FARC (*La Hora* 2 Oct. 2005).

### **State protection institutions and police abuse**

Access to a more recent version of the Website of the Ombudsman (Defensoría del Pueblo) than the one consulted for ECU41530.E of 28 May 2003 was impossible. This response provided a list of the Defensoría's offices in Ecuador. Concerning this institution, *Country Reports 2004* mentioned that "some observers criticized its lack of independence in practice" (28 Feb. 2005, Sec. 4).

Security forces personnel have had to face prosecution and prison sentences in some cases for human rights violations, however, most of the time no prosecution or sentences are imposed on human rights abusers (*Country Reports 2004* 28 Feb. 2005, Sec. 1.d, Intro).

Amnesty International stated that the police courts keep claiming authority in cases where police officers are involved, even though "[p]olice courts are neither independent nor impartial and are a cause of impunity" (25 May 2005; see also *Country Reports 2004* 28 Feb. 2005, Sec. 1.d).

In some municipalities, cases against police officers are referred to police courts by a "police internal affairs office" (*Country Reports 2004* 28 Feb. 2005, Sec. 1).

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.

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#### Additional Sources Consulted

**Oral sources:** Attempts to reach the Ministerio de Gobierno y Policía and a sociologist from the Universidad andina Simón Bolívar were unsuccessful.

**Internet sites, including:** Colombia Week, Comisión Ecuménica de Derechos Humanos (CEDHU), Ecoi.net, Ministerio de Gobierno y Policía del Ecuador, Ministerio Público del Ecuador, Resource Center of the Americas, Washington Office on Latin America (WOLA).

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