



Inter-Parliamentary Union

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# Ecuador

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163<sup>rd</sup> session (virtual session, 1 to 13 February 2021)*



Christian Pabel Muñoz López © Alberto Romo/Asamblea Nacional

ECU72 - Juan Cristóbal Lloret Valdivieso  
ECU73 - Christian Pabel Muñoz López  
ECU74 - Gabriela A. Rivadeneira Burbano (Ms.)  
ECU75 - Verónica Margarita Guevara Villacrés (Ms.)  
ECU76 - Eduardo Mauricio Zambrano  
ECU77 - José Franklin Chalá Cruz  
ECU78 - Bairon Leonardo Valle Pinargote  
ECU79 - Franklin Omar Samaniego Maigua  
ECU80 - Diego Oswaldo Garcia Pozo  
ECU81 - Liliana Elizabeth Durán Aguilar (Ms.)  
ECU82 - Esteban Andrés Melo Garzón  
ECU83 - Augusto Xavier Espinosa Andrade  
ECU84 - Carlos Eloy Viteri Gualinga  
ECU85 - Yofre Martin Poma Herrera  
ECU86 - Doris Josefina Soliz Carrión (Ms.)  
ECU88 - María Soledad Buendía Herdoiza (Ms.)  
ECU90 - Luis Fernando Molina

## Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Violation of freedom of opinion and expression

## Case ECU-COLL-02

**Ecuador:** Parliament affiliated to the IPU

**Victims:** Seventeen opposition members of parliament, five of which are women

**Qualified complainant(s):** Section I.(1)(a) and (b) of the [Committee Procedure](#) (Annex I)

**Submission of complaints:** September 2018 and October 2019

**Recent IPU decision(s):** - - -

**IPU Mission(s):** - - -

**Recent Committee hearings:** Hearing with the Legal Adviser of the National Assembly (January 2020); working meeting between the IPU Secretariat and the Secretariat for International Relations of the National Assembly (January 2021)

### Recent follow up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (December 2020)
- Communication from the complainants: November 2018  
Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (January 2021)
- Communication addressed to the complainants: January 2021

## A. Summary of the case

According to the complainants, shortly before a controversial parliamentary debate on 14 June 2018, 13 of the above-mentioned parliamentarians (ECU-72 to ECU-84), all closely allied with former President Correa, were prevented from entering the National Assembly and physically assaulted by members of the national police.

Mr. Poma Herrera, Ms. Soliz Carrión, Ms. Rivadeneira Burbano, Ms. Buendía Herdoiza, Mr. Viteri Gualinga, Mr. Molina and Mr. Muñoz López (all titular members of the National Assembly of Ecuador, with the exception of Mr. Molina who is an alternate member of parliament) belong to the Citizen Revolution Movement (*Movimiento Revolución Ciudadana*, hereinafter MRC), a political movement in Ecuador formed by supporters of former President Correa. In early January 2018, they decided to distance themselves from the ruling PAIS Alliance (*Alianza PAIS*) party, led by President Lenin Moreno, over continuous disagreement with the new direction of the party after he took office in 2017.

According to the complainants, in response to their criticism of the current President of the Republic, the seven above-mentioned parliamentarians have been subject to intimidation and slurs on their honour and integrity. The situation reportedly worsened with the outburst of public protest in Ecuador in early October 2019, which came in response to the announcement and application of austerity measures. During the protests, the MRC asked for President Moreno's resignation. President Moreno in turn accused his predecessor and his supporters of being responsible for the chaos and violence that engulfed the country during the protests. In the course of one of the demonstrations, Mr. Poma was arrested. On 8 November 2019, the National Court of Justice convicted and sentenced him and four other individuals to a prison term of one year and four months for being accomplices in the commission of the offence of paralysing public service. On 2 April 2020, Mr. Poma was released after benefiting from a conditional suspension of sentence, which was granted by the Supreme Court of Ecuador. He regained his seat in parliament on 23 March 2020. According to official information provided by the National Assembly, Mr. Poma is currently exercising his duties and powers as a parliamentarian and actively participating in the work of the National Assembly.

According to the complainants, in the face of continued and increased harassment during the protests, Ms. Soliz, Ms. Rivadeneira, Ms. Buendía, Mr. Viteri and Mr. Molina went to the Mexican Embassy in Quito on 12 and 14 October 2019 seeking protection. On 9 January 2020, the Mexican authorities granted them asylum. With the cooperation of the Ecuadorian authorities, they were allowed to take a plane to Mexico that same day. The parliamentary authorities underscore that the parliamentarians left without there being any legal action pending against them.

## B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for their letters and continued cooperation;
2. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1 (a) and (b) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
3. *Notes* that the complaint concerned incumbent titular and alternate members of parliament at the time of the initial facts;
4. *Notes* that the original complaint concerned allegations of ill-treatment and other acts of violence, threats, acts of intimidation, arbitrary arrest and detention and violation of freedom of opinion and expression, allegations that fall within the Committee's mandate;
5. *Notes* that, with regard to the alleged events of 14 June 2018, the complainants have not provided additional information, in spite of repeated requests; *considers* that available information, as transmitted by the complainants, has not allowed the Committee to state with certainty that the fundamental rights of the members of parliament concerned were at risk of being, or have been, violated; *declares*, therefore, this part of the complaint to be inadmissible; *recalls*, however, that the Committee may reserve the right to re-examine a case in the light of

new elements subsequently provided by the complainants;

6. *Considers* that, with regard to the situation of Mr. Poma Herrera, Ms. Soliz Carrión, Ms. Rivadeneira Burbano, Ms. Buendía Herdoiza, Mr. Viteri Gualinga, and Mr. Muñoz López, the complaint is admissible under the provisions of section IV of the Procedure for the examination and treatment of complaints; and *declares itself* competent to examine the case, it being understood that the complainants will provide further documentation to substantiate their claims;
7. *Considers* that, with regard to the situation of Mr. Molina, additional information is still needed to establish beyond doubt the nature, content and how he carried out the functions he had allegedly exercised as an alternate member of parliament at the time of the alleged facts;
8. *Decides*, therefore, to continue examining the cases of Mr. Poma Herrera, Ms. Soliz Carrión, Ms. Rivadeneira Burbano, Ms. Buendía Herdoiza, Mr. Viteri Gualinga, and Mr. Muñoz López and to defer the consideration of the admissibility of the individual situation of Mr Molina until sufficient and timely information is provided by the parties;
9. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information.