

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Thursday, October 2, 2014

Minister of Justice

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To the Minister of Justice and the Public Prosecutor:

Re: Denial of Fair Trial Rights

I am writing on behalf of Lawyers' Rights Watch Canada to urge you to take immediate steps to:

1. **Guarantee a fair trial** to the 53 protestors detained on September 18, 2014 in or around the Instituto Nacional Mejia secondary school in Quito - and, in particular, guarantee them reasonable time to prepare a defence;
2. **Protect the human rights in pre-trial detention** of these 53 individuals and, in particular, protect their right to be free from torture and/or physical or psychological abuse and ensure that they have regular access to counsel, medical care and family visits while in custody;
3. **Order an immediate investigation** into allegations that these detainees were tortured and/or physically or psychologically abused while in police custody and ensure that charges are laid against any government actors suspected of committing those acts.

I am advised by Amnesty International that these 53 individuals were arrested, along with at least 50 others, in a series of protests between September 17 and 20, 2014. The protests were initiated by the Unitary Workers Front (Frente Unitario de Trabajadores) on September 17, 2014 and joined by various other groups, including students protesting an

increase in the cost of public transit. There have been reports of excessive use of police force during these protests.

I am also advised by Amnesty International that counsel for these 53 detainees filed a *habeus corpus* application on September 25, 2014 alleging torture and other physical and psychological abuse while in police custody. Medical evidence indicated that at least 30 detainees had bruising and other injuries caused by a blunt instrument. Yet, the application was denied and the authorities do not appear to be investigating the matter. Rather, authorities have publicly rejected all allegations of torture.

Lastly, I am advised by Amnesty International that these 53 individuals are set to stand trial today, October 2, 2014, just two weeks after their arrest. They were charged with damage to property under a new system intended to speed up judicial proceedings. Defence counsel will apply to adjourn the trial on the basis that counsel has not had adequate time to prepare.

Failure to allow and ensure reasonable time to prepare a defence constitutes an abrogation of the right to a fair trial guaranteed by the *International Covenant on Civil and Political Rights*, Article 14.

We request your immediate attention to these urgent matters.

Yours truly,



Isabel Stramwasser
Lawyers' Rights Watch Canada

cc:

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