



The criminalization of social protest in Ecuador

Andrés Quishpe*

Photo: larepublica.ec

Summary: Human rights violations and the criminalization of social protest are two main issues under the government of Rafael Correa. This article maps the erosion of social rights and how specific social sectors have been targeted.

Key words: Ecuadorian government, youth, criminalization and social struggle

Introduction

The government of Rafael Correa is the longest-running in the history of the Republic of Ecuador. This government was elected as a result of the social discontent with previous neoliberal governments. However, ten years have passed and the reality is very different; Correa's credibility has fallen systematically over the past few years. The 69% credibility rating that he held in 2014 (considered a record) fell to 25.3% in June 2016. This

1. President of the High School Student Federation of Ecuador (FESE) and the Revolutionary Youth Association of Ecuador (JRE) or (JRE)



Photo: defense of the students of the Mejia College. La Republica Journal

means that 75 out of every 100 Ecuadorians do not trust the president's word.

Correa has formally, and on more than one occasion, recognized "a slight loss of support," holding the Decentralized Autonomous Governments (GADs) responsible. He has said that the people responsible for this situation are his opponents from the social and popular organizations. Furthermore, Correa insists that the media has tried to discredit his government. This absurd discourse collapses under its own weight because the real causes of his lack of credibility are the government's anti-popular political practices, arrogance and the authoritarianism and corruption that are embedded at all levels. The people of Ecuador have seen and condemned what those linked to Correa's government and government officials themselves have gotten involved in. There is also persecution of those who think or act differently from the government's political project. In the last seven years, the attacks have mainly targeted popular and leftist organizations, in particular these organizations' leaders, with the objective of weakening, discrediting and, if possible, getting rid of them.

Authoritarianism and repression

The authoritarian nature of the Correa government has been clearly seen during different popular mobilizations and other activities. Social and human rights organizations have denounced more than 700 cases of

repression and criminalization. Below are some of the most important cases:

Dayuma

In November 2007, only a few months after Correa's election, the inhabitants of Dayuma, situated in the province of Orellana (on the eastern part of the Ecuadorian coast), decided to close down the main access road to their community. The blockade aimed at bringing attention to the need to invest in basic services for the community, such as access to drinking water, electricity and sewage. The government responded by sending a military operation along with the declaration of a "serious internal disturbance", arresting about 25 people who were then prosecuted under charges of terrorism and sabotage. As a result of the government response, Guadalupe Llori became the first woman jailed and accused of sabotage. Llori spent ten months in prison.

Criminalization of the National Indigenous Confederation of Ecuador (CONAIE) and the National Teachers Union of Ecuador (UNE)

Early in 2009 the Ecuadorian National Assembly approved the Mining Law without circulating the proposal or inviting the participation of civil society. The Water Law, which regulates this essential liquid, went through a similar process without consultation with indigenous peoples or any other sector of civil society. In the case of

education, a punitive and unconstitutional evaluation process was imposed on teachers. Schools were militarized, and repression and persecution against teachers followed. On September 29 2009, during a protest organized by the National Teachers Union of Ecuador (UNE) and the National Indigenous Confederation of Ecuador (CONAIE) in the province of Morona Santiago, Shuar bilingual teacher Bosco Wisuma died from a shot from a pellet gun. This case started a legal process against several of the indigenous leaders affiliated with the Interprovincial Federation of the Shuar People - a CONAIE member. The government accused them of being responsible for the teacher's killing. Two years later, on February 1 2011, leaders of the Shuar Federation, Pepe Acacho, Pedro Mashiant and Fidel Kamiras, were detained under charges of terrorism, sabotage and responsibility for the September 2009 protest where Wisuma was killed. CONAIE and UNE are two of the organizations most persecuted and criminalized by the government.

Edison Cosios and the repression of secondary students

The General Unified Baccalaureate (BGU) was one of the education reforms that was highly criticized and generated a lot of discontent among the education community because it was a makeshift proposal without consultation. The Federation of Secondary Students (FESE) carried out different actions throughout the country, demanding information, consultation and dialogue. Instead students received intense repression. On September 15 2011, seventeen-year-old Edison Cosios, a grade twelve student at the National Institute Mejia, was injured by a tear gas bomb when police invaded the high school facility. He later went into a coma.

High school students and university students, along with their organizations FESE and the Federation of University Students of Ecuador (FEUE), have organized different mobilizations that resulted in 600 high school students being detained between the years 2009 and 2015. The Lawyers Association of the Province of Pichincha stated that high school students have been

doubly sanctioned by the Ecuadorian justice system. They were detained and jailed, most of them were beaten and they were forced to pay between \$100 to \$500 dollars in exchange for their freedom. The police argued that the students damaged private and public property. Later all of them were removed from their respective high schools. In August 2013, President Correa said "the kid who goes out to protest is the kid who loses his place at school" (*chico que sale a protestar, chico que pierde su lugar*). In other words, the government has curtailed freedom of expression and is playing with the human and constitutional right to education. This situation especially affected secondary students from Mejia, Montufar and Central Tecnico school districts in Quito.

Operation Red Sun (10 from Luluncoto)

On March 3 2012 a police operation shocked people in the Luluncoto neighbourhood of Quito. A special police unit known as the GIR raided an apartment where ten young professionals were meeting to talk about the country's political situation, the communal concept of 'living well' and their participation in national protests, including national demonstrations to be held from March 8 to 22, 2012 where people would demand access to clean water, life and dignity. These young professionals were charged for using pamphlet bombs in Quito, Cuenca and Guayaquil in December 2011 during the visit of Colombian President Juan Santos. They were detained and beaten, their human and constitutional rights ignored. The so called "evidence" found by the authorities included: cellphones, laptops, 25 dollars, backpacks, make-up, notebooks and a Che booklet. These professionals are: Abigail Eras, Fadia Tapia (who was pregnant at the time), Cristina Campana, Roys Gomez, Pablo Castro, Cesar Zambrano, Santiago Gallegos, Victor Hugo Vinuesa, Hector Javier Estupinan and Luis Marcelo Merchan. During the legal process, their families were also subject to persecution.

For society, this case symbolized the persecution of young people for exercising their rights to organize and to self-expression. The use of a tee shirt with Che's face or a USB as evidence of terrorism became proof of

how the judicial system was being used against these young people. This case came to the attention of international human rights organizations who demanded the immediate release of and reparations for these victims of repression.

Seven union leaders from Cotopaxi

On April 17 2012, a court in the province of Cotopaxi sentenced several leaders to one year in prison for their involvement in the September 30 2010 uprising known as 30-S. The official version is that it was an attempted coup d'état. Among them are Hernan Yanez, Rector of the University of Cotopaxi (UTC), Edwin Lasluisa, National Secretary of FEUE, Xavier Cajilema who was an alderman and head of the Popular Democratic Movement (a political party whose legal status was cancelled illegally), Paul Jacome and Richard Artieda who were framed as the “perpetrators” and Silvia Bravo (another teacher at the UTC) and Carlos Alban who were sentenced for their roles as accomplices and for

covering up. The sentencing was carried out under pressure from the government, even though witnesses' testimonies contradicted the government charges, including the testimony of Colonel Edmundo Moncayo who said that many popular marches were carried out without any disturbance. Most of the incidents during the 30-S happened in the city of Quito.

How Correísmo sees the role of social organizations

Under the Correa government, the social sectors have not been seen as a central force for change. Over his 10 years in government, Correa has mobilized social organizations loyal to his policies five times: to reject demands for autonomy by the Guayaquil oligarchy; to show the strength of those who voted for the approval of the new Constitution (2008); to confront the teachers movement who opposed the government's antidemocratic system of evaluation; to be present when the president began his second presidential term; and to do battle with UNE and CONAIE, especially in



2009. However, the government has never mobilized or called upon social organizations to challenge the business elite that rejects any changes to labor conditions, or to question the businessmen controlling the corrupt banks. The banking sector has received most of the benefits under Correa who keeps denouncing destabilizing attempts from the right, but the fact is that his government suppresses social, environmental and democratic organizations. In 2016, the government carried out a legal process against the environmental organization Accion Ecologica (Ecological Action) to take away its right to exist. While the government has close ties with bankers and the industrial sector, it has a tense relation with teachers, universities, indigenous movements and trade union leaders and is continually trying to weaken them.

What happened to the government that called itself a “citizen’s revolution”?

Two factors - social class and the political ideology that guides it. The government of Rafael Correa represents a faction of the Ecuadorian bourgeoisie, guided by a right-wing social democratic conception that promotes a ‘developmentalist’ and reformist project with populist overtones. It is obvious that he has used state power and structures to prosecute social protest. Through its majority in the National Assembly, laws have been passed that contravene the Constitution. The Correa government used, for the first time in the history of the so-called democratic governments, the Criminal Code that was elaborated during the military dictatorship. This code, which was reformed in 2014, deepens repression against social organizations and activists. It represents, in its essence, a perverse legal body contrary to the Constitution and human rights, especially impacting rights related to free organization, participation and opinion.

The government also approved the Code of Citizen Security Organizations, reformed the Public Security Law and approved the Communication Law which persecute all who think and act differently from the Government’s own project.

The position of social organizations

Despite this adverse scenario, social organizations in Ecuador are still active and in a process of revitalization; the divisive attempts of the government in some cases have been defeated and in others neutralized. The main popular and social organizations are currently facing a strong political-electoral struggle, in which, together with several democratic and leftist parties, they are competing for the presidency of Ecuador with the first four places of a total of eight candidates, as well as for several seats for the Legislative Assembly. Translator’s -it (Note: Lenin Moreno of Rafael Correa’s PAIS party was elected president in the spring of 2017.)

One element to highlight is the capacity that many social organizations have to denounce what is happening, including several cases at the international level. At its meeting held on July 11 2016, approximately 42 observations were made by the UN Human Rights Committee regarding requests submitted by different sectors of Ecuador. Thirty of these are on areas of concern: criminalization of protest, freedom of association, freedom of expression, violence against women, voluntary termination of pregnancy, discrimination and violence against LGBTI groups, judicial independence and the rights of indigenous peoples.

In terms of criminalization of social protest, the UN Human Rights Committee regretted that the Ecuadorian State has not provided information on the more than 700 cases of social activists accused of crimes such as sabotage and terrorism or the excessive use of force by members of the police and the army during protests. The Committee requested the Ecuadorian State to guarantee the right to peaceful assembly, to prevent and eliminate excessive use of force by law enforcement and to investigate and punish such cases.

On the other hand, it is important to remember that Article 98 of the Ecuadorian Constitution enshrines the right to resistance, a right that workers and peoples of our country are exercising as an instrument to demand their rights when policies adversely affect them. However, their right to resist has been violated by the Correa regime. Various human rights reports

What happened to the government that called itself a “**citizen’s revolution**”?

from Amnesty International, the Ombudsman’ Office, etc. have established that there has been an increase in the criminalization of social protest and the violation of constitutional and human rights.

Under these conditions, it is the youth sector and its organizations that, having suffered repression, division and persecution, are today visibly taking up the struggle and losing their fear in the process. The recovery of their strength is linked to the resurgence of many popular organizations. Only from there it will be possible to stop the violation of our rights and pave the way to new conditions favorable to the struggle for social justice.

Bibliographical references:

Law Association of Pichincha (2015). The Pinchincha Lawyers Association denounced before the International Court of Human Rights, human rights violations and the Judicial system lack of independence. <http://www.colabpi.pro.ec/index.php/23-el-colegio/noticias/841-colegio-de-abogados-de-pichincha-denuncio-ante-la-cidh-violaciones-de-derechos-humanos-y-falta-de-independencia-de-la-funcion-judicial>

El Comercio (The Commerce newspaper)(2016), Organizations denounce almost 700 casos of ‘criminalization of the social protest’ in a period of nine years. <http://www.elcomercio.com/actualidad/organizaciones-denuncian-criminalizacion-protستا-correismo.html>

La Hora (newspapers) (2016), Organizations speak about 700 cases of ‘criminalization’ <http://lahora.com.ec/index.php/noticias/show/1101905182#.VummmIJ-ul0>

United Nations Organisation. Human Rights Committee. Final Observations. Sixth period report of Ecuador ». Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F6&Lang=en

Toapanta, Mayra (2016). Memoria de la Resistencia [Memory of Resistance]. Periódico Opción. 201. <http://periodicpcion.tk/>