

United Nations High Commissioner for Human Rights
Special Procedures of the Commission on Human Rights

Mandate of the Special Representative of the Secretary
General for human rights defenders, established by the
Human Rights Commission

Palais des Nations
CH-1211 Geneva 10

November 17, 2005

His Excellency
Señor Antonio Parra Gil
Minister of Foreign Relations
Quito, Ecuador

Your Excellency,

I have the honor of addressing you in my capacity as the Special Representative of the Secretary General for human rights defenders in conformance with Resolution 2003/64 of the Human Rights Commission.

In this context, I would like to draw the urgent attention of your Government to the serious accusations that I have received in relation to the situation of **Alejandro Ponce Villacís, Ermel Chávez Parra, Pablo Fajardo Mendoza y Luiz Yanza**, defense lawyers (sic) in the case against the oil company Texaco (currently named Chevron) by the Siona, Secoya, Cofán and Waorani indigenous communities. According to the information received:

On October 13, 2005, a man arrived at the house of Ermel Chávez Parra, and on discovering that he [Chávez Parra] was not present, was said to have asked in an insistent manner where he was and where he worked. The individual is said to have identified himself as an intelligence agent of the “Rayo 24” Special Forces Battalion of Lago Agrio, in Sucumbós province, the place the battalion is legally based, and where officials and private security personnel of the oil company are located.

It has also been stated that, on October 14, 2005, Pablo Fajardo Mendoza received an anonymous telephone call in his office, in which the individual is said to have said “that they were carrying out a ‘cleansing’ of politically undesirable elements in the region and that they would know ‘who was working in the office’”. Additionally, on October 28, 2005, important computers and documents related to the case against the oil company were stolen from the offices of Alejandro Ponce

Villacís. Equally, the military intelligence of the Rayo 24 Special Forces Battalion was said to be following the movements and phone calls of Luis Yanza.

It is feared that these threats, acts of harassment and intimidation are related to the lawsuit against the oil company Texaco, which carried out oil exploitation over the last 26 which have affected the above mentioned indigenous communities.

Without reaching any conclusions regarding the facts in advance, I want to draw to the attention of the Government of Your Excellency the fundamental norms enunciated in the Declaration [the UN's Universal Declaration of Human Rights] regarding the rights and duties of individuals, groups and institutions to promote and defend universally recognized fundamental human rights and liberties, and in particular Articles One and Two. These establish, respectively, that all people have a right, individually and collectively, to promote and obtain the protection and realization of fundamental human rights and liberties, nationally and internationally and that it is the essential responsibility and duty of all states to protect, promote and enforce all human rights, taking the necessary measures in order to create the social, economic, political and other conditions as well as the legal guarantees required for every person under their jurisdiction, individually or collectively, to enjoy all of these rights and freedoms in practice.

Additionally, I would like to refer you to Article 12, Paragraphs Two and Three, which stipulate that the state will guarantee the protection, by the relevant authorities, of all people, individually or collectively, against any violence, threat, reprisal or discrimination, regardless of fact, law, pressure or any other arbitrary action resulting from the legitimate exercise of the above mentioned rights in the Declaration. In this respect, all people have the individual and collective right to the effective protection of national laws on reacting against or opposing, by peaceful means, acts or activities, including through omissions, attributable to the state and that cause violations of fundamental human rights and freedoms as well as acts of violence perpetrated by groups or individuals that may affect the enjoyment of those fundamental human rights and freedoms.

I want to urge your government to adopt the measures necessary to protect the rights and freedoms of the persons mentioned and to investigate, try and impose the required sanctions on any person responsible for the alleged violations. I would also like to urge you to take effective measures to avoid any repetition of these incidents.

Taking into account the urgency of the case, I would be grateful to receive from the Government of Your Excellency a reply about the actions undertaken to defend the rights of the persons mentioned above.

It is my responsibility, in accordance with the mandate given to me by the Human Rights Commission and that is supported by the relevant resolution of the General Assembly to try to obtain clarification about the facts brought to our attention. Given my duty to inform the Commission about these cases, I would be very grateful for your cooperation

and your observations regarding the following subjects, provided that they are all applicable to the case in question:

1. Please, indicate if the facts mentioned above are correct.
2. If a complaint has been made, what are the actions taken in response.
3. Please, provide the details as well as the results, should they be available, of the investigations, legal or of any other kind, realized in relation to this case, by which I am referring to both the protective measures for the lawyers mentioned and the investigation and punishment of those responsible for the acts of harassment and intimidation.

I guarantee that the response of your Government to each of these questions will be included in the report that I will present for examination by the Human Rights Commission.

Accept, Your Excellency, the expression of our distinguished consideration.

Hina Jilani
Special Representative to the Secretary General for Human Rights Defenders