

# 5 things you should know about criminal detention in ECUADOR in 2023

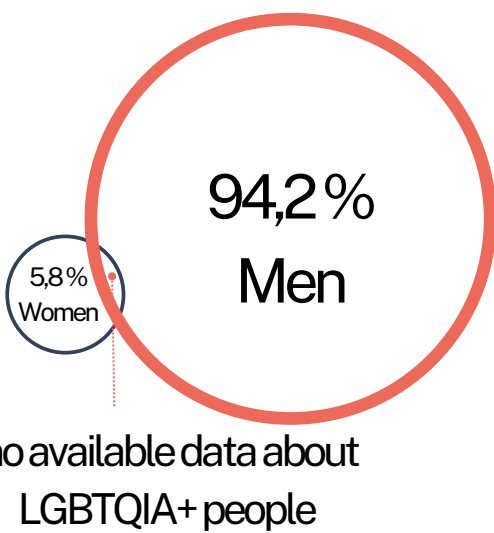
## 1 Prison system

Dirección Nacional de Rehabilitación Social

- Prison administration
- It follows policy instructions of Ministry of Justice, Human Rights and Religion

SNAI: National Prison Management System

- Founded in 2018
- National Service of Attention to Adults Deprived of Liberty



## 2 Prison population

- Total of 31 260 detainees in 52 prisons
- 171 detainees/100 000 people of the national population
- Overcrowding rate 112,5%
- Women represent 5,8% of the total prison population
- The majority is male and young (18-29)

## 3 Factors of the prisons crisis

- Weakening of the Institutional Framework
- Incarceration and Drug Policy
- Overcrowding
- Creation of Mega Prisons
- Exclusive use of Pre-trial detention
- Legal and Administrative obstacles
- Poor prison conditions

Result: violence between groups for control of the prisons & incapacity of government security forces to intervene (complicit in weapon and drug trafficking)



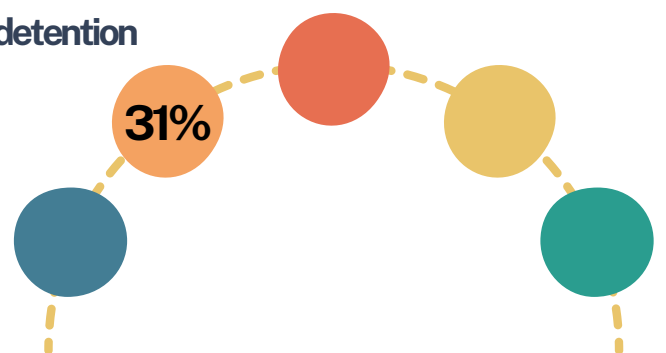
## 4 Prison Observatory

- Founded in March 2023
- Aim: develop a multifactor explanation on the prison crisis
- Responds to the violence of prison environments and amplifies the voices that might humanize those who are - or have been - incarcerated
- Generates reliable data in collaboration with inmates and their families, using indicators of human rights violations, prison violence that will supplement official statistics and administrative records

## 5 Pre-trial detention

In relation to criminal process, 31% of detainees are on pre-trial detention

Pre-trial detention



# TORTURE AND DEATH IN CUSTODY

*Gustavo Washington Hidalgo*

*30 March 2022*

## FACTS

- Gustavo Hidalgo was detained by police officers during a public party, allegedly for being drunk and according to witnesses he was the victim of beatings and violence
- Mistreatment of Gustavo during the transfer to the police station
- Gustavo was detained in a dungeon and subsequently executed that same night
- According to the autopsy, Gustavo had died from physical injuries → The aggressions suffered by the victim met the three constituent elements of torture

## Commission

- On 30 March 2022, the IACHR submitted the case of Gustavo before the Inter-American Court of Human Rights (IACtHR), concerning the torture and extrajudicial execution of Gustavo and the lack of due diligence in the investigation of the facts
- Ecuador violated the rights of Gustavo → Commission recommended Ecuador to:
  - Adopt measures of material and non-material reparation for the victim's next of kin
  - Provide the physical and mental health care measures necessary for the rehabilitation of Gustavo's next of kin
  - Reopen the criminal investigation within a reasonable time in order to clarify facts, identify possible responsibilities and impose the corresponding sanctions
  - Provide non-repetition mechanisms; training for prosecutors and judicial agents

## Ecuador

- Ecuador violated Gustavo's right to life, integrity and judicial protection
- Ecuador did not provide any explanation to establish that the use of force was legitimate in light of necessity and proportionality
- Ecuador did not provide a satisfactory explanation for the death in custody of the victim
- Ecuador failed to comply with the obligations contained in the Inter-American Convention to Prevent and Punish Torture for the lack of Investigation (articles 1, 6 and 8)



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