

November 5th, 2020

Mr. JÜRGEN STOCK

Secretary General - Interpol

Lyon, Francia

His Excellence:

With the highest respect to the proposed purposes of the International Criminal Police Organization - Interpol, contained in its Statute, which are mainly ruled by the respect of human rights, it is our wish to bring to your knowledge the worry share by those who sign this letter, about some Latin American governments intention to use the international institution in order to persecute political opponents. In this context, the international community has witnessed the way that the government of Ecuador has extended a new petition – the third one – to circulate a red notice against the economist Rafael Correa Delgado, former President of the Republic of Ecuador, which is illegitimate, unfair and judicially inadmissible, for the reasons we further explain:

In the last three years it has become evident that the actual State of Ecuador has made its main purpose, through different powers and institutions, to persecute its former President Rafael Correa.

This persecution, which has a clear political character due to ideological differences, has now gone to the judiciary field and it has materialized in doubtfully legal and legitimate procedures, such as case No. 17721-2019-00029G, best known as the "Bribery Case". This case in particular has been questioned by its systematic violations to the right to defense against the prosecuted parties, including economist Rafael Correa, which have included the limitation of the practice of evidentiary support, the use of trickery by the prosecution and the judges, which have had the purpose to anguish the technical defense and to impede the exercise of due contradiction of the evidence in front of the prosecution, among others. The biggest violation to the rights of those in trial was that the tribunal, in lack of sufficient evidence to support the case theory brought up by the prosecution, changed such theory and sentenced the economist Rafael Correa for having irradiated

“psychic influence” to his subordinates so they would commit the alleged felony. This shift in the case theory has not been correctly motivated by those who decide the case.

The objective of this persecution against economist Rafael Correa and the establishment of a judiciary process filled with defects was to impede that he could be a candidate to any popular election position in the election that will take place in February 2021 in the Republic of Ecuador. This can be easily proven by the synchrony of the criminal procedures and the election calendar, which would forbid the participation of Rafael Correa, if there were to be a sentence against him before September 18 of 2000, and that is what happened. Even though it was an unprecedented criminal case in Ecuador, due to its complexity and the number of prosecuted people, both its instances and an extraordinary plea were resolved in, an also unprecedented, brief period of time. In the same line, the sentence reading and the appeal, the judges of the National Court had to subpoena the parties to be present during such procedures, even though Ecuador was going to the harshest moment of the Covid-19 pandemic during those months and the reports were showing the highest numbers of infected people and the highest death rate in the region. This presented a risk to the health and life of lawyers, public workers and the prosecuted. On the other hand, the appeal, which would normally take years to resolve, was decided in a record time of sixteen days, which is actually the fastest a decision of such nature has been decided in the history of the country. While that happened, the Ecuadorian electoral power forbids the political part near to the former President to participate in the forthcoming election. This showed the coordination between institutions to impede any participation of his in the election process.

From a legal stand point, article 82 of the Internal Guidelines of INTERPOL, establishes that the red notice works as a mechanism of preventive detention; however, the Statute of the institution restricts the circulation of red notices when emitted due to political or religious reasons, which is why such petitions must be examined with the most care both legally and regarding its background before being emitted.

In accordance. Article 3 of the previously mentioned Statute, establishes in a peremptory way that “is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character.” In the light of the narrated events, the case of Rafael Correa has the clear purpose to impede his international mobility and to avoid, at any cost, the exercise of his civil rights in Ecuador.

In conclusion, since the political persecution case is clear, the petition for a red notice from the Government of Ecuador has the evident intention to violate to an international level and also in Ecuador the political rights of former President Correa. In the light of article 82 of the Internal Guidelines of INTERPOL and article 3 of its Constitutive Statute, ordinal f) about the neutrality of the organization under such special cases, the former presidents who sign this letter reiterate, with all due respect, our petition for the request of a red notice in the case of former President Rafael Correa to be denied, in order to preserve his human rights.

Sincerely,

Cristina Fernández de Kirchner

Vicepresident and
Former President of Argentina

Ernesto Samper Pizano

Former President of Colombia and
Former Secretary General of Unasur

Dilma Rousseff

Former President of Brasil

Luiz Inácio Lula da Silva

Former President of Brasil

José -Pepe Mujica Cordano

Former President of Uruguay

Tabaré Vázquez Rosas

Former President of Uruguay

Evo Morales Ayma

Former President of Bolivia

Manuel Zelaya Rosales

Former President of Honduras

Leonel Fernández Reyna

Former President of the Dominican
Republic

Martín Torrijos Espino

Former President of Panama

Fernando Lugo Méndez

Former President of Paraguay

Salvador Sánchez Cerén

Former President of El Salvador