
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 46/2023**

Precautionary Measure No. 646-23
Christian Gustavo Zurita Ron *et al.* regarding Ecuador
August 20, 2023
Original: Spanish

I. INTRODUCTION

1. On August 18, 2023, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Ignacio Boulin and Christian Gustavo Zurita Ron (hereinafter “the applicants”), urging it to require that the State of Ecuador (hereinafter “Ecuador” or “the State”) adopt the necessary measures to guarantee the rights of Christian Gustavo Zurita Ron and his campaign team (hereinafter, “the proposed beneficiary” or “the proposed beneficiaries”, as appropriate).¹ According to the request, the proposed beneficiary describes himself as a journalist and presidential candidate of the *Movimiento Construye* party. He is allegedly at risk after replacing Fernando Villavicencio, then presidential candidate of the same party, who was assassinated on August 9, 2023.

2. The IACHR received additional information from the applicants on August 19, 2023.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the information presented shows *prima facie* that the rights to life and integrity of Christian Gustavo Zurita Ron and the identified persons of his campaign team are in a serious and urgent situation. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Ecuador: a) immediately adopt the necessary measures to safeguard the life and personal integrity of Christian Gustavo Zurita Ron and the persons in his campaign team duly identified in this resolution; b) adopt the necessary measures so that Christian Gustavo Zurita Ron can carry out his journalistic activities in exercise of his right to freedom of expression, without being subjected to acts of intimidation, threats, or other acts of violence; c) adopt the necessary measures so that Christian Gustavo Zurita Ron can carry out his activities as member of his political party, without being subjected to acts of intimidation, threats, or other acts of violence; d) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and e) report on the actions

¹ In their request, César Ricaurte Pérez, Maria Amelia Espinosa Cordero, Ignacio Boulin, Lucas Gómez, and Fabiola Cantú were appointed as representatives.

Initially, the following was requested: i) That the National Electoral Council guarantee the rights of participation, and hinder any procedure that attempts against the candidacy, to ensure that he can participate in the presidential elections, in a timely manner, which take place this Sunday, August 20, 2023; ii) That the rights to physical integrity and life be protected, in his dual capacity as an investigative journalist on the structure of public corruption, and now candidate for the Presidency of the Republic due to the threats experienced by him and the campaign he heads; iii) That, additionally, the State of Ecuador be urged to issue urgent protection measures in favor of the members of [his] campaign team, with emphasis on Andrea González Nader, candidate for vice-president, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa.

Subsequently, in their communication of August 19, 2023, it was also requested: i) That Christian Zurita’s security be transferred to the hands of the Armed Forces of Ecuador and no longer remain under the command of the National Police; ii) That international assistance be requested immediately from specialized agencies to prepare a complete risk profile and a comprehensive protection plan for the candidate and journalist; iii) That the risk profiles and security measures be shared with the candidate and persons of his trust, as designated by himself; iv) That it be arranged that, regardless of the results in the elections on Sunday, August 20, the security measures for the journalist and candidate not be withdrawn.

taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure and to avoid their repetition.

II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE APPLICANTS

4. The request is filed on behalf of Christian Gustavo Zurita Ron, journalist and presidential candidate who replaced Fernando Villavicencio, then presidential candidate of the *Movimiento Construye* party, who was assassinated on August 9, 2023. The applicants indicate that the risk that the proposed beneficiary and his campaign team face is a result of denouncing the facts surrounding Mr. Villavicencio's assassination. Mr. Villavicencio was the proposed beneficiary's personal friend and partner in the preparation of the main journalistic investigations on corruption and organized crime that were jointly presented. The proposed beneficiary has taken upon himself to carry out the work previously performed by Mr. Villavicencio. He has assumed the presidential candidacy with the same proposals and denunciations against organized crime and political mafias currently operating in Ecuador.

5. The request indicates that, after Mr. Villavicencio's death, the *Movimiento Construye* party submitted a consultation to the National Electoral Council (*Consejo Nacional Electoral, CNE*) regarding several concerns related to the electoral process in light of the events that took place. On August 13, 2023, the political party decided that the proposed beneficiary would replace the late candidate Villavicencio in the political campaign. The request questions the fact that the CNE has not allowed the proposed beneficiary to register his candidacy as a replacement of the deceased Fernando Villavicencio within the minimum deadlines given the exceptional electoral process. Reference was also made to obstacles to his candidacy.²

6. It was reported that the proposed beneficiary's candidacy was subject to a challenge filed by the president of the political movement *Revolución Ciudadana RC5*, which reportedly prevented his candidacy from being officialised by the CNE until August 16, 2023. The applicant alleged that the challenge was processed by the CNE in violation of the applicable legislation, given that it treated Mr. Zurita's candidacy as a new candidacy and not as a replacement as foreseen in the Code of Democracy (*Código de la Democracia*). It is alleged that the CNE acted in a politicized manner.

7. It was reported that the political campaign of the *Movimiento Construye* had been receiving serious threats. Days before Villavicencio's assassination, he had publicly denounced that the leader of a local criminal group called *Los Choneros* was linked to Mexico's Sinaloa Cartel. It was reported that he had received death threats against himself and several members of his team. In a public interview, Mr. Villavicencio reportedly stated the following:

“Several militants of my campaign in Manabí have received a visit from emissaries of ‘Alias Fito’, to tell them that if I keep mentioning him and mentioning *Los Choneros*, they will break me [...]. What this does is confirm that our campaign proposal does indeed seriously affect these criminal structures [...].”

8. This death threat was purportedly reported to the Office of the Attorney General. However, they alleged that no reinforced protection measures were adopted in favor of Mr. Villavicencio

² In particular, it is alleged *inter alia*: The CNE reportedly did not allow him to participate in the official presidential debate on August 13, 2023; the vice-president, Andrea González Nader, whose candidacy was previously registered, was allegedly not allowed to participate in the debate either; and the proposed beneficiary's candidacy was reportedly not able to access specific campaign funds, which has prevented him from continuing with the electoral promotion process due to a restriction imposed by the CNE.

or the members of his team. In addition, it is reported that FUNDAMEDIOS, whose executive director is Cesar Ricaurte, one of the proposed beneficiary's representatives, has issued public statements regarding the threats that the proposed beneficiary has received in order to alert the authorities to activate measures to guarantee his rights. They claimed that the context and threats are allegedly public knowledge.

9. The proposed beneficiary allegedly took responsibility for the allegations made by Mr. Villavicencio, as well as the journalistic investigations he had been conducting and planned to present at the official presidential debate. It was reported that Mr. Villavicencio had denounced, before the Office of the Attorney General, that six members of the National Assembly had threatened him. These assembly members, denounced by name and surname, also allegedly threatened to take action and retaliate against the proposed beneficiary. Furthermore, on August 16, 2023, the proposed beneficiary filed a complaint before the Office of the Attorney General against the presidential candidate of the alliance *Por un país sin miedo* due to irregular contracts and acts of corruption within the Municipality of Guayaquil. This fact was reportedly to be denounced by Mr. Villavicencio in the debate organized by the CNE.

10. On August 19, 2023, the applicants, indicated that, as of this date, the proposed beneficiary and his team were receiving direct threats. They referred to a message received on August 19, 2023, by Marlon Puertas from the Villavicencio campaign, which states the following:

"Marlon, good afternoon, you are very close to Cristian Zurita, just as you were with Fernando Villavicencio. I'll give you some information. A few minutes ago, the military intelligence area issued an internal statement, alerting about the firm threats of attacks in the emerald enclosures, Pichincha, Cotopaxi, Manabí, Cuenca, and Guayas due to pressure from the Choneros for the mobilization of Fito. I hope your friend is being taken cared of."

11. On August 19, 2023, the applicants indicated that the State's protection is "completely inadequate", given that it was unable to safeguard Villavicencio's life. It was indicated that attacks and threats are constant. According to the applicants, the National Police of Ecuador established that the risk to the life and integrity of Christian Zurita is at 97%, similar to that of Fernando Villavicencio at the time of his murder.³ However, Christian Zurita's security team reportedly stated that these risk assessments have not been shared with the National Police, nor are they aware of the security measures, apart from the visible ones, have been ordered to safeguard the life and integrity of the candidate.

12. They recalled that Fernando Villavicencio was killed while under the protection of the Ecuadorian State. They also recalled that, on August 1, 2023, Mr. Villavicencio denounced the direct threats he had received in less than 48 hours from the leader of the criminal group called *Los Choneros*, alias Fito, who is held in a penitentiary center, i.e. under the custody of the State. The threats from alias Fito were not only directed towards Villavicencio, but rather against his entire campaign. The request referred to a public and verbatim statement by Mr. Villavicencio:

"On Monday, the presidential candidate told the press that his team received a 'very serious threat' from 'alias Fito', leader of the criminal gang *Los Choneros*, linked to drug trafficking. He pointed out 'that if I keep referring to him and his structure, they will attack me'."

³ They refer to a document issued by the National Police in September 2022, in which it is already established that the risk level for Fernando Villavicencio was at a 92% of experiencing attempts against his life and integrity.

13. Despite this act, according to the applicants, those who were in charge of protecting him acted with manifest negligence. The applicants consider that Fernando Villavicencio was murdered by hired hitmen who fired several precise shots at his head while he was getting into a car and was without any protection whatsoever. The request alleged that his security team had taken refuge from bullets and had failed to protect the then candidate. Christian Zurita's campaign team also reported that it had to close several campaign centers due to threats made on the night of Villavicencio's murder.

14. The applicants referred to the attack against the campaign headquarters located on Leonidas Plaza and Baquerizo Moreno streets in the city of Quito, where the campaign bureau and the candidate usually work. Particularly notorious, according to the applicants, is the presence of alleged criminals on motorcycles at a campaign headquarters in the La Mariscal sector of the city of Quito, which they ordered to shut down. This location and others throughout the country have ceased operations due to the lack of security guarantees. In addition, militants and leaders close to the candidacy have reported targeted and suspicious thefts of backpacks and campaign computers, threatening messages with dead animals outside their homes, etc.

15. Regarding the actions carried out by the CNE, the request reiterates its concerns and indicates that as a consequence of its actions, Christian Zurita was not allowed to participate in the mandatory presidential debate. He was allegedly prevented from advertising his electoral campaign and an illegal process of challenges to his candidacy was opened, which meant that, as of Saturday, August 19, until midnight, his candidacy was not definite. In parallel, a massive campaign has appeared in social networks signaling that, given this situation, any vote in favor of Villavicencio/Zurita would be considered null and void. This has not been categorically denied by the electoral authority.

16. The applicants also indicated that, hours after Mr. Villavicencio's assassination, a "complex operation" was launched against his reputation and political capital, which extends to the current candidate Christian Zurita. They referred to an investigation by the digital magazine Plan V, which traces the origin and propagation of a video with false and altered content. It allegedly appeared the same night of the murder and, in it, the criminal gang *Los Lobos* claimed responsibility for the crime as Fernando Villavicencio had allegedly received money from organized crime and had not fulfilled his promises. The applicant indicated that it is a fake video that was reportedly encouraged by former President Rafael Correa, who also allegedly described the proposed beneficiary as a "CIA informant". These accusations and claims have been extended to Christian Zurita, other journalists, and civil society organizations. They have also been widely disseminated among the former president's supporters, thereby fueling the hate speech against the assassinated candidate and his successor in the presidential race.

17. The applicants consider that the assassination of Fernando Villavicencio is part of a transnational plot of organized crime, involving the participation and complicity of political leaders, of sectors of the Ecuadorian State penetrated by criminal groups. In addition, they think that these threats go beyond in an attempt to affect in a clear, imminent, and serious way journalist Christian Zurita, his successor in the presidential candidacy.

18. The proposed beneficiary allegedly has police protection, while the rest of the proposed beneficiaries do not. These measures are reportedly insufficient and "unreliable". They indicated that they may be arbitrarily modified without any coordination with the candidate's team. The request indicates that they reportedly do not trust police protection, as they believe there is "an unknown degree of involvement" of those who killed Fernando Villavicencio. Reference was made to statements made by an

Assembly candidate for the *Construye* movement, indicating that “when we reviewed the videos of the rally, the assassins were inside, two meters away from each of us.”

19. The request indicates that if it is considered that, at the time of Fernando Villavicencio’s assassination, he had a 97% risk of undergoing attempts against his integrity and life and that, despite this fact, those in charge of guarding him loosened security measures before his murder, it is urgent and necessary that the security plans of the candidate and journalist Christian Zurita be known and agreed upon with his inner circle and campaign. The request indicated that they have repeatedly requested, as have the candidate’s security team, that the candidate’s risk profile be provided. They indicated that, at the moment, they have only received a risk profile of Fernando Villavicencio dating from September 2022, when he was still a member of the Assembly, and in which a risk of 92% was already established. The applicants indicated that, based on statements from the Police, it is known that the risk Christian Zurita faces is also 97%. They indicated that they allegedly have no direct information about this profiling.

20. The applicants indicated that the lack of action and silence of the Office of the Attorney General and the National Police have been extremely significant. According to press reports, the Prosecutor’s Office refrained from charging two of the alleged hitmen accused of the murder of Fernando Villavicencio, and they have been subsequently acquitted. It has been explicitly stated that they do not trust State security forces and that it has been accused of having several members directly involved in the murder of candidate Fernando Villavicencio. Most of the threats which they have previously received had been reported by both Fernando Villavicencio and Christian Zurita. Many of the attacks on party headquarters have been reported and police reports have been issued.

21. It was indicated that the Police and the electoral authority have indicated that this Sunday’s elections are high risk. The applicants indicate that they have repeatedly requested to be provided with the documentation supporting this statement and the precise risks that the candidates could face. In the last few hours, shootings have been reported near two presidential candidates, and there have been reports of an attack against the mayor of La Libertad, a town on the Ecuadorian coast.

22. Lastly, in a communication received on the night of August 19, 2023, it was reported that the Jalisco Cartel had just issued a new threat. On Christian Zurita’s *Tiktok* account, in response to a post featuring Villavicencio’s mother, the address @cjng2810, identified as “CARTEL JALISCO 303N.G.” allegedly threatened them with the sentence “Cristian is scared”. The user @dantemartinez5125, a follower of the aforementioned JALISCO CARTEL account, allegedly posted a photo with an altar which is the distinctive sign of the members of the cartel. According to the applicants, these sinister “altars” are the rituals with which the hitmen invoke their malice before committing the act. It was emphasized that they reportedly carry out this ritual it everywhere, including the prisons. They considered these actions are typical of the modus operandi of Mexican cartels prior to carrying out their murders.

III. CONTEXT APPLICABLE TO THIS REQUEST FOR PRECAUTIONARY MEASURES

23. In recent years, the IACHR and its Special Rapporteurship for Freedom of Expression (SRFoE) have observed with concern the exacerbation of social tensions in Ecuador,⁴ the deterioration of citizen security

⁴ IACHR, Press Release. Concerned About Escalating Social Tension in Ecuador, IACHR and Its Special Rapporteurship for Freedom of Expression Call for Urgent, Inclusive, and Effective Dialogue. June 24, 2022 IACHR, Press Release. IACHR Condemns Serious Violence in Ecuador. November 11, 2022. IACHR, Annual report of the Inter-American Commission on Human Rights, 2022. Chapter IV.A. Approved on April 1, 2023, para. 337.

with serious acts of violence related to organized crime in the country and the prison system,⁵ and the increase in political violence in the country.⁶

24. Recently, the Commission condemned the serious acts of violence registered in the context of Ecuador's general elections, which represent an attack on democracy itself and the rule of law. The situation is exacerbated in cities with a greater presence of these groups, with an impact on the rights of the population in general, and especially on journalists and justice operators.⁷ The Commission recalls that the State has the duty to adopt effective measures to guarantee the necessary conditions for the exercise of political rights, which includes preventing attacks against a person's life due to his or her political activity, with a differentiated perspective of gender and ethnic-racial origin.⁸

25. SRFoE was also informed of a series of reports of attacks on the press in Ecuador, including the murder of journalists, death threats, attacks, and stigmatizing remarks by public officials and leaders. Consequently, SRFoE once again urged the State of Ecuador to strengthen efforts to prevent violence against journalists and press workers.⁹

26. Regarding the acts of violence that occurred in different penitentiary centers in Ecuador during 2021, the IACHR was informed that these are not isolated acts, but rather occur in this broader context of struggle for control and power, both inside and outside the penitentiary centers. The IACHR received information on the degree of extreme violence used by members of the *Los Choneros* gang, who used explosives in the Guayas prison and killed all the people being held there – with the exception of three individuals who were taken hostage in November 2021. According to the information received, the bodies recovered by the authorities were in very poor condition due to the extreme violence to which they were subjected. Some of them were dismembered or mutilated; and the bodies and anatomical pieces were piled up and set on fire.¹⁰ The Commission met with Jose Macias Villamar - alias "Fito" - who prison authorities identified as the leader of the *Los Choneros* gang and who was perceived to exercise significant internal control in the prison.¹¹

27. Following the assassination of candidate Villavicencio and the armed attack against the Mayor of La Libertad, Francisco Tamariz, the IACHR called on the State to protect candidates, public officials, and all those participating in the electoral process in Ecuador.¹² Regarding the murder of presidential candidate Fernando Villavicencio in Ecuador, the United Nations High Commissioner for Human Rights, Volker Türk, also urged the authorities to strengthen protection measures for political candidates, public officials, and journalists. In addition, he called upon to protect the life and personal integrity of individuals

⁵ IACHR, Press Release. [IACHR Concerned About Further Serious Violence in Ecuadorian Prisons](#), November 17, 2021.

⁶ IACHR. Press Release. [Ecuador: IACHR Condemns Political Violence and Warns of Attacks on Democracy](#), August 11, 2023.

⁷ IACHR. Press Release. [Ecuador: IACHR Condemns Political Violence and Warns of Attacks on Democracy](#), August 11, 2023.

⁸ IACHR. Press Release. [Ecuador: IACHR Condemns Political Violence and Warns of Attacks on Democracy](#), August 11, 2023.

⁹ SRFoE, IACHR. [Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2022](#), Approved by the Inter-American Commission on Human Rights on March 6, 2023, para. 514. SRFoE. Press release: [The SRFOE condemns the murder of journalist Gerardo Delgado Olmedo in Ecuador and urges the authorities to redouble their efforts to curb violence against journalists](#), August 24, 2022.

¹⁰ IACHR, [Report on Persons Deprived of Liberty in Ecuador](#): Approved on February 21, 2022. OEA/Ser.L/V/II, para. 41.

¹¹ IACHR, [Report on Persons Deprived of Liberty in Ecuador](#): Approved on February 21, 2022. OEA/Ser.L/V/II, para. 67.

¹² Twitter IACHR. #Ecuador: #IACHR expresses concern over reports of an armed attack against the Mayor of La Libertad, Francisco Tamariz, which occurs within the framework of high political violence in different cities. It urges the State to investigate, prevent this violence and protect candidates, public officials and those who participate in the electoral process. #HumanRight. August 19, 2023. Available at <https://twitter.com/CIDH/status/1692963140802085264?t=818c8akLI6S06AOwNzDm8Q&s=19>
#Ecuador: #IACHR reiterates its call to hold peaceful elections, to respect the results as an expression of popular sovereignty and to protect the life and integrity of candidates, with strict adherence to democracy and #HumanRights. August 18, 2023. Available at <https://twitter.com/CIDH/status/1692597342782759318?t=VtqPQPKWNIYtjpoFmIDRcw&s=19>

in accordance with international human rights standards, in order to avoid a repetition of such a tragic crime.¹³

28. The Electoral Observation Mission (EOM) of the Organization of American States (OAS) condemned the murder of the presidential candidate, Fernando Villavicencio, and urged all candidates to strengthen their security measures. In addition, they requested that the authorities provide the necessary support to guarantee the integrity of the participants in the electoral process. Candidate security is fundamental in maintaining trust in the democratic system and ensuring that the voices of all citizens can be heard freely and without fear.¹⁴

IV. ANALYSIS ON THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

29. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

30. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.¹⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.¹⁶ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.¹⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet*

¹³ OHCHR, [Comment by UN Human Rights Chief Volker Türk on killing of presidential candidate Fernando Villavicencio in Ecuador](#). August 10, 2023.

¹⁴ OAS, MoE, [Statement of the OAS Electoral Observation Mission on the Assassination of Ecuadorian Presidential Candidate Fernando Villavicencio](#). August 9, 2023. Reference: C-043/23

¹⁵ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16 [only in Spanish].

¹⁶ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

¹⁷ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

utile) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.¹⁸ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

31. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.¹⁹ Furthermore, the Commission emphasizes that the mechanism of precautionary measures is not called upon to determine the possible responsibility of a State, but that the analysis that followed relates exclusively to the elements established in Article 25 of the IACHR Rules of Procedure, which can be resolved without addressing determinations on the merits that are relevant to a case.

32. Insofar as the inadequate application of certain Ecuadorian domestic regulations has been questioned, the Commission understands that the nature of these allegations requires an assessment of the merits that exceeds the scope of this proceeding. These allegations may be analyzed in the light of the American Convention and the applicable standards in the framework of an eventual petition, if the prerequisites are fulfilled. However, the Commission recalls that it has urged the authorities and society in general to guarantee peaceful elections and to respect the results as the highest expression of popular sovereignty, with strict adherence to representative democracy and human rights.²⁰

33. Considering the provisions of Article 25.6 of the Commission’s Rules of Procedure, which indicates that the Commission “shall take into account” the context of the request, it now proceeds to analyze compliance with the procedural requirements. Therefore, in the assessment, it will take into account the alleged facts the context of Ecuador that the Commission has been monitoring in recent years.

34. When analyzing the requirement of seriousness, the Commission considers that it has been met. In reaching this determination, the Commission understands, firstly, that the proposed beneficiary is an investigative journalist and is currently replacing Mr. Villavicencio, his friend and colleague, as a presidential candidate for the *Movimiento Construye* party in Ecuador. Following the

¹⁸ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

¹⁹ In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. I/A Court H.R., Matter of Children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

²⁰ IACHR. Press Release. [Ecuador: IACHR Condemns Political Violence and Warns of Attacks on Democracy](#). August 11, 2023.

assassination of Mr. Villavicencio, the request alleges that the proposed beneficiary reportedly took his colleague's "denouncing role", and that he allegedly continues to act with the same positions and denounce organized crime in the country, as well as participate in the country's political scene.

35. Secondly, the Commission emphasizes that, according to the request, the murder of Mr. Villavicencio is linked to the denunciations he had made against organized crime, as a result of which he had been the target of threats, mainly attributed to the leader of the criminal gang *Los Choneros*, known by the alias "Fito". According to the request, these threats were not limited exclusively to Mr. Villavicencio, but rather included his entire campaign team, which reportedly includes the proposed beneficiary as his current successor in office.

36. Thirdly, the Commission recalls that, after its visit to the country in 2021, it was able to verify that *Los Choneros* are a highly dangerous criminal gang with extreme levels of violence in their actions. It also observed the control exercised by their leader, alias "Fito", inside the penitentiary where he was held. According to the request, this criminal gang is allegedly linked to Mexico's Sinaloa cartel. Consequently, the Commission is particularly concerned that the threats allegedly originate from this criminal group. They reportedly succeeded in materializing these threats in Mr. Villavicencio's assassination a few days after making them.

37. As a fourth matter, the Commission observes that, according to the request, after Mr. Villavicencio's assassination, the threats and attacks against the campaign of the *Movimiento Construye* party reportedly continued. In this regard, the request refers to an attack on the campaign headquarters, the presence of criminals on motorcycles at a campaign headquarters, selective and mysterious robberies, threatening messages, etc. In some cases, these situations reportedly led to the headquarters ceasing operations and shutting down.

38. A fifth matter to be considered by this Commission is the continuity of death threats against the proposed beneficiary within the current context. Of particular concern are the messages sent on August 19, 2023, indicating that there are strong "threats of attacks" related to the criminal gang *Los Choneros*. In addition, they reported a death threat that could be related to the Jalisco Cartel and to the pattern of hired assassination in Ecuador. These messages in the current context the country is experiencing add to the situation of special seriousness which is analyzed herein. They also reflect the continued risk elements considering that, according to the request, the message is allegedly part of the typical "modus operandi" of Mexican cartels before perpetrating murders.

39. As a sixth aspect to consider, based on the information provided by the applicants, the Commission highlights that the proposed beneficiary has police protection. However, it was indicated that this protection detail could be modified without first coordinating with the proposed beneficiary's team. In addition, his protection plan was classified as "deficient" despite the fact that the proposed beneficiary faces similar risk to that of Mr. Villavicencio prior to his murder. In addition to the above, the Commission notes that, according to the request, the analyses regarding the proposed beneficiary have not been shared with them, despite having been requested. In addition, they do not have information on the security details, apart from the visible ones, which have been ordered in his favor. It is also noted that they expressed their concern regarding the trustworthiness of police protection and the possibilities of penetration by assailants, considering the situation the time of Mr. Villavicencio's murder. In addition, the applicants have requested that the proposed beneficiary's security plans are known and agreed upon with his inner circle and campaign.

40. The Commission considers that, in light of the information available, inasmuch as Mr. Villavicencio already presented a high level of risk while he was an member of the Assembly, it is reasonable to understand that the risk that the proposed beneficiary faces is not limited to his candidacy for the presidency, but is also related the journalistic work he carries out, as well as the actions of denouncing issues of public interest for the country. In this sense, the protection details put in place must take these considerations into account, even after the electoral period.

41. The Commission understands that the investigations into the facts surrounding Mr. Villavicencio continue. According to public information, it is observed that support was requested from the FBI (Federal Bureau of Investigation).²¹ According to the Office of the Attorney General of Ecuador, a suspect, who was injured during the crossing of bullets with security personnel, was apprehended and transferred while badly wounded to the Flagrancy Unit,²² where he subsequently died. The Office of the Attorney General also reported that charges were filed on August 11, 2023, against six people for the murder,²³ and they are reportedly complying with a preventive detention measure.²⁴ The Commission acknowledges the investigations carried out to clarify the responsibilities in the murder of Mr. Villavicencio. However, and despite their existence and the actions taken, the Commission understands that, based on the available information analyzed, the risk that the proposed beneficiary faces continues to date.

42. Lastly, as a final relevant aspect when assessing the seriousness of the situation, the Commission takes into account that the proposed beneficiary is in a specific situation posing a risk, given that he is a journalist who has decided to participate in the country's political life. According to the information available, the Commission understands that the proposed beneficiary has carried out extensive research on corruption and organized crime in the country. Based on this journalistic work, he allegedly took up complaints that had been made by Mr. Villavicencio days before his murder. The Commission observes with concern the intimidating effect that this situation could have on other journalists who, in exercising their right to freedom of expression, have been able to obtain information of public interest, which they have been publicly denouncing to Ecuadorian society.

43. In view of the foregoing, taking into account the specific characteristics of the matter at hand, and in light of the *prima facie* assessment criteria of the precautionary measures mechanism, the Commission considers that the rights of Christian Gustavo Zurita Ron are at serious risk. Moreover, the Commission considers that those identified as part of its campaign team are also at risk, given their current proximity to the proposed beneficiary who may be subject to reprisals, and given that it has been alleged that they lack security detail.

44. Regarding the requirement of urgency, the Commission considers that it has been met given the ongoing death threats against the proposed beneficiary under the same pattern of threats faced

²¹ Message from President Guillermo Lasso on platform X [previously known as Twitter] of August 10, 2023. Available at <https://twitter.com/LassoGuillermo/status/1689698931326713857?s=20> See also: CNN. FBI Commission that will assist in the murder investigation of Fernando Villavicencio is already in Ecuador, reports the Ecuadorian Government, August 13, 2023; and DW. The FBI arrives in Ecuador to investigate Villavicencio's case, August 13, 2023.

²² Messages on platform X of the State Attorney General's Office dated August 9, 2023. Available at <https://twitter.com/FiscaliaEcuador/status/1689449925535322112>

²³ FGE. Prosecutor's Office prosecutes six people for the murder of presidential candidate. FGE PRESS RELEASE No. 780-DC-2023. August 11, 2023.

²⁴ Communication from the State Attorney General's Office dated August 19, 2023. Available at <https://twitter.com/FiscaliaEcuador/status/1692946963585507611?s=20>. See also: FRANCE 24. Ecuador: Pre-trial detention issued against six suspects in the murder of Villavicencio, August 11, 2023.

by Mr. Villavicencio, who was his friend, fellow investigative journalist, and former presidential candidate of the same political party he currently leads. The foregoing, added to the questions raised regarding the protection detail he reportedly has in his favor, in addition to the possibility that it could be altered without prior coordination, allows this Commission to understand the imminent possibility of the risk materializing in the current context of the country. In this regard, the Commission notes that, in light of the information available in the context in which they are inserted, the risks faced by the proposed beneficiary, along with his campaign team, have not been mitigated to date and require immediate action by the State authorities.

45. Regarding the requirement of irreparable harm, the Commission finds that it is met, given that the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

46. The Commission recalls that in accordance with Article 25.5 of its Rules of Procedure “prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay.” In the matter at hand, the Commission does not consider it necessary to request additional information, in view of the fact that, given the circumstances described and the context monitored by the Commission, the alleged risk is reportedly imminent. In addition, the applicants have presented information according to which the State has knowledge of the alleged situation under the current context, given that it has already materialized to the detriment of Mr. Villavicencio, who the proposed beneficiary is currently succeeding.

V. BENEFICIARIES

47. The IACHR considers as beneficiaries of this measure (1) Christian Gustavo Zurita Ron, who is duly identified in this resolution. In addition, it considers its campaign team as beneficiaries: (2) Andrea González Nader, candidate for vice-president, (3) Ramón Antonio López Cobeña, and (4) Carlos Eduardo Figueroa Figueroa.

VI. DECISION

48. In view of the aforementioned background, the IACHR considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that the State of Ecuador:

- a) immediately adopt the necessary measures to safeguard the life and personal integrity of Christian Gustavo Zurita Ron and the persons in his campaign team duly identified in this resolution;
- b) adopt the necessary measures so that Christian Gustavo Zurita Ron can carry out his journalistic activities in exercise of his right to freedom of expression, without being subjected to acts of intimidation, threats, or other acts of violence;
- c) adopt the necessary measures so that Christian Gustavo Zurita Ron can carry out his activities as member of his political party, without being subjected to acts of intimidation, threats, or other acts of violence;
- d) consult and agree upon the measures to be implemented with the beneficiaries and their representatives;

e) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure and to avoid their repetition.

49. The Commission also requests that Ecuador kindly inform the Commission, within a period of 15 days from the date of this communication, on the adoption of the measures agreed upon and to periodically update this information.

50. The Commission emphasizes that, pursuant to Article 25(8) of the Rules of Procedure of the Commission, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

51. In accordance with Article 25.5 of the Rules of Procedure, the Commission shall review the decision taken as soon as possible or, at the latest, during its next period of sessions, taking into account the information provided by the parties.

52. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Ecuador and the applicants.

53. Approved on August 20, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary