
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 63/2023**

Precautionary Measure No. 646-23

Christian Gustavo Zurita Ron, Verónica Alexandra Sarauz Peñaranda *et al.* regarding
Ecuador

October 30, 2023

(Follow-up and Extension)

Original: Spanish

I. SUMMARY

1. On October 30, 2023, pursuant to the provisions of Article 25(5) of its Rules of Procedure, the Inter-American Commission on Human Rights (IACHR) reviewed whether these precautionary measures should remain in force, and, upon assessing the information sent by both parties, decided to continue monitoring the measures granted in favor of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa. In turn, the Commission considered that the life and integrity of Ms. Verónica Alexandra Sarauz Peñaranda and her children, the family of Mr. Fernando Villavicencio, are at risk of irreparable harm, in accordance with Article 25 of the Rules of Procedure. Hence, it decided to extend these precautionary measures in their favor. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided as follows:

- a. To continue monitoring the precautionary measures granted in favor of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa under the terms of Resolution No. 42/2023, along with the provisions of this resolution;
- b. To extend these precautionary measures in favor of Verónica Alexandra Sarauz and her children; and
- c. To continue implementing the appropriate follow-up measures pursuant to Article 25(10) and other provisions of its Rules of Procedure.

2. Moreover, it requests that the State of Ecuador:

- a. Continue to implement the protection measures adopted for the protection of the life and integrity of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa;
- b. Reinforce the measures adopted to protect the rights to life and personal integrity of Verónica Alexandra Sarauz Peñaranda and her children identified in this matter;
- c. Consult and agree upon the measures to be taken with the beneficiaries and their representatives; and
- d. Report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

II. BACKGROUND INFORMATION

3. On August 20, 2023, the IACHR decided to grant precautionary measures in favor of Christian Gustavo Zurita Ron and identified members of his campaign team. According to the request, the proposed beneficiary is a journalist and replaced Fernando Villavicencio, then a presidential candidate of the same

party, who was murdered on August 9, 2023. Pursuant to Article 25 of its Rules of Procedure, the Commission requested 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; and
- 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 repetition¹.

III. INFORMATION PROVIDED DURING THE TIME THESE MEASURES HAVE BEEN IN FORCE

4. During the time the precautionary measures have been in force, the Commission has followed up on the subject matter of these precautionary measures by requesting information from the parties. The State submitted its initial report on September 3, 2023, requested an extension on September 15, and provided additional reports on September 25 and October 12, 2023. For its part, the beneficiaries' representation submitted a report on August 28, 2023, requested an extension on September 12, 2023, and provided additional information on September 25, October 5, 7, 9, and 10, 2023. The Commission forwarded and requested information on September 13, 18 and 27, 2023.

5. Representation is exercised by César Ricaurte and María Fabiola Cantú, of "FUNDAMEDIOS"; as well as by María Amelia Espinosa, Ignacio Boulin, and Lucas Gómez.

A. Information provided by the State

6. In its report of September 3, 2023, the State reported that the National Police (PN) has ordered the following measures:

- Full-time security and protection is provided to citizens Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña and Carlos Eduardo Figueroa Figueroa, in accordance with the provisions of Resolution No. 46/2023 of the IACHR;
- Permanent patrols are carried out in the homes and workplaces of the four beneficiaries;
- The activation of safety buttons in the home and workplace of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa;
- A log is kept for each beneficiary of the measures;
- Meetings have been held with the four beneficiaries of the measures to publicize the procedure for their entry into the Victim and Witness Protection Program of the State Attorney General's

¹ IACHR. [Christian Gustavo Zurita Ron et al. regarding Ecuador Resolution 46/2023 of August 20, 2023.](#)

Office (FGE), to carry out the risk analysis, to give safety talks and publicize the services provided by the PN;

- Meetings have been held with the Preventive Axis of the National Police: Z9-DMQ, Operational Coordination Z9-DMQ, Subcomand of the Z9-DMQ and Intelligence of the Z9-DMQ, in order to coordinate preventive actions with community police units near workplaces and residence of protected persons and verify the total availability of these units in case of an emergency both in the city of Quito where Christian Gustavo Zurita Ron, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa reside and work, and in the city of Guayaquil where Ms. Andrea González Nader has her residence. [...]

7. Additionally, it was reported that the State Attorney General's Office (FGE) is conducting a reserved investigation into the murder of Fernando Villavicencio, reporting multiple proceedings. It was reported that on September 1, 2023, there was an inter-institutional meeting, with different bodies of the Ministry of the Interior (MININT) and the National Police, convened by the Ministry of Women and Human Rights (MMDJH), where the actions taken were presented, they agreed on steps to follow and it was suggested to request the FGE to include the beneficiaries in the system of victims and witnesses, an issue to be analyzed with the beneficiaries.

8. In its report of September 25, the State reported that on September 4, 2023, a new inter-institutional meeting was held, where it was indicated that the issue is addressed as a priority by the Deputy Commander General of the National Police, along with other institutions. In turn, they agreed to deliver the results of the risk analyses on September 20, 2023, to the designated person. They also indicated that the "Mechanism for the Prevention and Protection of Journalistic Work" (MPPTP) was requested to carry out specific monitoring of the case of journalist Cristian Zurita and other beneficiaries.

9. In relation to the request for extension in favor of Verónica Sarauz, wife of Fernando Villavicencio, and their children, it was noted that on September 15, 2023, an inter-institutional meeting was held to verify the alleged situation. The PN reported that, after the murder of Mr. Villavicencio, as of August 10, 2023, police protection was provided by officials of the General Directorate of Intelligence (DGI) on a regular basis, extending to all the immediate family members of Mr. Villavicencio, consisting of eight duly identified people, including his parents, siblings, wife, and other people. The State provided a report which shows the integration of the security detail that is responsible for the safety of the eight people, divided into four teams: two groups composed of four people, one by three, and the last by two (name, rank, function, and armament of each member were included).

10. On another note, it was reported that on September 19, 2023, the PN has carried out actions to let Ms. Sarauz know of the procedure to enter the Protection System for Victims, Witnesses, and other Participants in the Criminal Process (SPAVT), but that "the facilities and collaboration have not been obtained from Ms. Verónica Alexandra Sarauz Peñaranda."² It was reported that the preparation of risk level reports was requested from the technical staff of the SPAVT and, depending on the level they show and respecting the principle of voluntariness, they may decide to benefit from the SPAVT.

11. In its report of October 12, 2023, the State clarifies that, according to the Constitution, the National Police is responsible for the protection of persons and not the Armed Forces, as well as that the obligation to protect the State must be exercised by its police institution and it is not possible for it to be in charge of private security. On the other hand, regarding Mr. Zurita's freedom of expression, they reported that the case was registered on September 18, 2023, by the Council for the Development and Promotion of

² The Commission has decided to omit the information in this footnote from the public resolution, as it is contained in a report classified as "reserved and confidential" transferred between the parties.

Information and Communication (CDPIC), Mr. Zurita was contacted on September 19, 2023, “who reported that he is protected and that a monitoring table has been formed with different institutions, which performs a security analysis periodically as evidenced by the monitoring report.” Similarly, on the exercise of its activities as part of the political party it integrates, three activities of the Construye Movement were reported in which beneficiaries participated, which took place on September 5, 17, and 21, 2023. On the other hand, the measures implemented in favor of Ms. Sarauz were reiterated.

B. Information provided by the representation

12. On August 28, 2023, they reported that the number of police officers assigned to Mr. Zurita’s security was increased, but no measures have been taken for the remaining beneficiaries. It was added that they learned that there is a compliance plan prepared by the Deputy Minister of Security, which is pending formalization. They indicated that it includes meetings between authorities, but not with the beneficiaries. In this regard, they express their interest in a conciliation meeting.

13. On September 12, 2023, Ms. Verónica Alexandra Sarauz Peñaranda, wife of Fernando Villavicencio, requested the extension of the precautionary measures in favor of her and her three children: Antonella Nicole Gortaire Sarauz (23 years old), J. E. A. S. (15), and M. F. V. A. (11). Ms. Sarauz indicated that on August 6, 2023, she was in New York with her children, at an event related to the commemoration of Ecuadorian independence, representing her husband’s candidacy. In that context, a woman with the initials I. G. allegedly approached her on August 7, indicating that she had contacts in the United States Intelligence Agency (CIA) and that according to a former CIA agent with the initials L. Y., she had information that her husband would suffer an attack. They allegedly exchanged phones and, indeed, on August 9, 2023, while Ms. Sarauz was traveling to Washington, D.C., Mr. Fernando Villavicencio was killed. The following day, she and her children arrived in Ecuador to attend the funeral.

14. Ms. Sarauz indicated that days later she reviewed her WhatsApp messages and had one from Ms. I. G. that warned her that her life and that of her children was in danger in Ecuador, adding that Mr. L. Y. informed her that he knew that she had until September 5, 2023, to leave the country and that in New York they would receive and house her, asking her to communicate with him. I. G. allegedly alerted her on the alleged involvement of officials, police, and the military in the murder of her husband, suggesting that she abandon the investigation. Then, on September 2, Mr. L.Y. called him and told him, “if you care about your life and that of your children, you should leave the investigation where it is, because your life is not worth the 0.38 cents that a 9mm bullet costs.” The above was reported to the FGE and the MININT on September 6, 2023, as well as to the Head of its Security Capsule; however, their protection has not been reinforced.

15. Ms. Sarauz referred to a threat received by Mr. Villavicencio in April 2023, which was reported to the FGE indicating that five assembly members threatened his life and that of his family through hitmen. It was reported that they have police protection during the day, but that, at night, she does not have protection at home, in addition to having distrust in the police after the possibility that they were involved in the murder of her husband.

16. It was noted that Ms. Sarauz shares the risk of Christian Zurita and her husband’s investigation team, since she also knows about the investigations that were being carried out, as well as that she has given public interviews about the murder and the people who could be involved, referring to “correísmo” and pointing to a Colombian senator who threatened to disappear her husband.

17. Regarding the *protection measures implemented* in relation to the four beneficiaries, on September 25, 2023, the representation requested that the security of the beneficiaries not be linked to the PN, requesting private security or by the Armed Forces. The foregoing, having “well-founded fears regarding

the participation of the Police in the murder of Fernando Villavicencio”, in addition to the fact that in the journalistic investigations it has been indicated at the command of the Police.

18. It was reported that on September 4, 2023, a meeting was held with the Minister of Government and officials of the Ministries of Interior, Foreign Affairs and Human Mobility, Women and Human Rights, as well as the General Commander of the National Police. The Minister of the Interior indicated that the DGI is in charge of their security, that patrols are carried out in their homes and workplaces, safety buttons were activated on mobile phones and they keep a log for each beneficiary, in addition to having advised them on the SPAVT. They have 43 police officers to protect the four beneficiaries.

19. While recognizing the measures adopted, concern was expressed about the appropriateness of the measures being implemented by the PN, after Villavicencio and Zurita pointed to “senior authorities, former public officials and commanders of the police entity” in their investigations. They add that the fact that the information that the murder of Mr. Villavicencio was ordered from the prisons is worrying, adding that the Anti-Narcotics Unit was already investigating two of the hitmen and “they had indicated a plan to end Fernando and that information was analyzed by the Police, but it was omitted.” It was also pointed out that Mr. Villavicencio’s daughters reported that two days after the murder, a gendarme told them that in five seconds they could be shot in the head.

20. The representation indicated that they have the risk analysis of Zurita, which resulted in “very high” with 92% risk. Therefore, it was decided to leave his personal protection and that of his home in charge of 22 police officers: 10 for his immediate security, eight for tactical support, two from the Order Maintenance Unit, and two from the Motorized Operations Group.

21. It was added that the development of journalistic activities is not guaranteed, as the Mechanism for the Prevention and Protection of Journalistic Work of the CDPIC does not conform. In turn, they referred to the Preliminary Report of the OAS Electoral Observation Mission in Ecuador, where it was noted that the “violence in which the election was held, with candidates wearing bulletproof vests and accompanied by large security deployments, journalists, and observers doing their work in an environment of insecurity and citizens exercising their vote with fear, cannot be normalized.”³ Additionally, they claimed delays in the process of formalizing the candidacy of Mr. Christian Zurita as a replacement for Mr. Fernando Villavicencio. Hence, they consider that the development of their political activities is not being guaranteed. In addition, they included allegations that have been made on social media to discredit the work as a journalist of Christian Zurita. [These allegations] are related to a person named Jean Topic, who stated that in another electoral process the beneficiary requested money in exchange for “political shielding,” unleashing people to insult him on networks, calling him an “extortioner” and other adjectives.

22. Lastly, the representation indicated that an extension request will subsequently be requested for members of the investigation team who worked with Villavicencio, and who currently work in the Permanent Specialized Commission for Control and Political Control of the National Assembly, given that they have information about Villavicencio’s investigations against officials, members of the police, and drug cartels.⁴ It was mentioned that the above would be supported in a future communication.

23. On October 7, 2023, they reported that, on Friday, October 6 at 4:30 p.m., six of the direct defendants in the murder of Fernando Villavicencio were killed in mass and simultaneous events at the

³ EOM-OAS, Preliminary Report of the OAS Electoral Observation Mission in Ecuador, August 22, 2023, p. 17.

⁴ They referred to Wellington Jhon Garcia Mosquera, Martha Cecilia Pozo Indacochea, Cristina Maribel Celorio Solorzano, Héctor Antonio López Cabrera, and María Sol Sevilla Villagómez.

Guayas N-1 Deprivation of Liberty Center, ward 7. On the same day, the identity of the six people, all of Colombian nationality, was confirmed by the prison system. It was reported that it is known from information from the PN that the center is controlled by Los Choneros, whose leader threatened Villavicencio and other people linked to his campaign, in addition to expressing concern that these people have been transferred to the most violent prison in the country. They also indicated that the Prosecutor's Office opened an investigation because the transfer of these people to safer centers was ordered, but the prison authorities prevented it. They also indicated that on October 7, the murdered people were scheduled to testify before the Prosecutor's Office.

24. At the same time, they warned that the Prosecutor's Office has been asked to investigate 25 cell phones of friends, relatives and the journalistic team of Fernando Villavicencio in the main corruption investigations carried out. The representation questions that this approach is privileged instead of investigating the people that Villavicencio directly and formally accused of wanting to assassinate him.

25. On the request for extension, on October 9, 2023, the representation indicated that, although the State refers to providing protection to Veronica Sarauz since August 10, 2023, it does not explain what it consists of. They reported that she has five police officers who move with her when she has to leave home; they arrive at her home at 9:00 a.m. and take her in an unarmoured police vehicle to work or to her children's school. They added that they do not stay at home, but move her, leave her at home and then leave. They indicated that she has no protection at night, despite the fact that the MININT reportedly told her by phone that they would order a patrol car to be sent at night, as well as that her security capsule also requested it.

26. For her part, it was indicated that it is false that she has not collaborated with the protection system, indicating that she has provided all the required information and that, on September 28, she attended the interview with the protection system. Notwithstanding, Ms. Sarauz considered that the SPAVT is deficient and sometimes consist of phone calls or assignment of a police officer to take in her car.

27. Additionally, they provide information about an incident reported by the head of her protection detail. On September 21, 2023, while the head of her protection detail was waiting for Ms. Sarauz outside the MININT on September 21, 2023, an army major on passive duty contacted her to mention "a possible new alert around the alleged threat in the coming days to the life of Ms. Veronica Sarauz", in relation to messages she received previously. Consequently, they requested an armored vehicle as well as more trained personnel, and the designation of a permanent patrol car outside her home.⁵ It was pointed out that these measures have not been adopted and that, on the contrary, "high authorities want to sanction the Head of my security detail for making the report and informing the Ministry of Security."

28. In this regard, they reported that on September 27, 2023, the car that Ms. Sarauz was supposed to be in was moving and a motorcycle driven by a Venezuelan citizen carrying a firearm rammed the car and blocked its path. It was indicated that fortunately the beneficiary was not in the vehicle⁶ and that the person was arrested, but that the police publicly reported that it was not an attack but an "isolated procedure."⁷

⁵ In accordance with an annex consisting of news of the incident, sent on September 22, 2022, to the Ministry of the Interior by who would be the head of the security detail (name omitted in this resolution).

⁶ The information in this footnote is omitted from the public resolution for security reasons.

⁷ Twitter. Policía Ecuador. [@Policiaecuador. Tweet of September 27, 2023, at 6:35 p.m.](#)

29. Ms. Sarauz considers that the murder of the six defendants on October 6, 2023, aggravates their risk situation, considering that she was at the head of the private accusation filed before the Criminal Judicial Unit of Iñaquito, Quito. She added that one more person was hanged in the Inca prison in Quito.

30. On October 10, 2023, a letter was received from the beneficiary Ramón Antonio López Cobeña,⁸ who indicated that his risk analysis resulted in “high”, due to “the activities exercised as members of the campaign team” of Fernando Villavicencio, as well as for having been “friends, colleague, doctor and private lawyer.”

31. In addition, it was noted that on October 3, the FGE ordered the delivery of cell phones with the respective chip of multiple people, including Christian Zurita, Carlos Eduardo Figueroa, Martha Cecilia Pozo Indacochea, Héctor Antonio López Cabrera, Ramón Antonio López Cobeña, Cristina Maribel Celorio Solorzano, María Sol Sevilla Villagómez. On October 5, they allegedly handed over the phones, along with a letter warning of the risks involved, highlighting the following: a) Mr. Héctor Antonio López Cabrera was a senior advisor to Villavicencio when he was a legislator and received sensitive information from the journalistic and legislative work; b) Martha Cecilia Pozo Indacochea, Cristina Maribel Celorio Solorzano, María Sol Sevilla Villagómez, and Cesar David Gonzaga Acaiturri Villa were part of the legislative team and then were close collaborators of the presidential campaign; and c) Narly Osorio Ávila and Geovanna Alexandra Montalvo Méndez were part of the campaign team. They invoked Article 20 of the Constitution of Ecuador that recognizes and guarantees the professional secrecy and confidentiality of the source of professionals who receive information for their activity and the non-disclosure of the source. They indicated that Christian Zurita practices as a journalist, Carlos Figueroa as a physician, and Ramón Antonio López as a lawyer, and therefore the information received warrants total reservation. Despite this request, on October 5 the FGE ratified the provision of delivery of their mobile devices, and therefore they had to comply with the measure.

32. In this regard, they requested the extension in favor of Héctor Antonio López Cabrera, Martha Cecilia Pozo Indacochea, Cristina Maribel Celorio Solorzano, María Sol Sevilla Villagómez, Cesar David Gonzaga Acaiturri Villa, Narly Osorio Ávila, and Geovanna Alexandra Montalvo Méndez.

33. Additionally, it was recalled that, on January 14, 2022, Mr. Villavicencio was threatened by a Colombian senator, on the occasion of a report called “Sucre Case Audit Process,” which was reported to the Ministry of Government. It was added that on August 25, 2022, a person circumvented the security of the National Assembly and appeared in the office where Villavicencio worked with his team: Héctor Antonio López Cabrera, Cristina Celorio Solorzano, Martha Cecilia Pozo Indacochea, and Cesar Gonzaga Acaiturri-Villa, indicating that they received death threats from who was allegedly a member of “Los Ñetas,” who was arrested and taken to the FGE, and then immediately released. This person also had a notebook that had information about places that were used for organized crime and money from illicit activities. In addition, on April 17, 2023, Mr. Villavicencio filed a complaint against five assembly members for allegedly planning an attack against him.

34. They also referred to the murder of seven of the persons prosecuted for the murder of Villavicencio at the time of the closing of the prosecutorial investigation, where statements were to be taken to obtain clues on the masterminds of the crime. They indicated that this generated fear in Héctor Antonio López Cabrera and María Sol Sevilla Villagómez, who assumed the legal defense of two daughters of Villavicencio. It was added that on October 9, 2023, one of the alleged hitmen gave advance testimony in Gesell’s chamber before the judge of criminal guarantees of Quito. They indicated that, according to

⁸ Also signed by the lawyer Héctor Antonio López Cabrera and, in turn, ratifying the accredited representation in the matter.

information from the FGE, in the said diligence, the witness “narrated the preparations and amounts offered by the masterminds. In addition, he pointed to those who allegedly gave the order to commit the crime. Given this fact and other elements collected during the prosecutorial investigation, they will start the investigation to determine the masterminds of the crime.”

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

35. 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.

36. 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.⁹ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.¹⁰ 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.¹¹ 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 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.¹² In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

⁹ 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.

¹⁰ 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. [Case 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].

¹¹ 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].

¹² See in this regard: I/A Court [Asunto del Internado Judicial Capital El Rodeo I y El Rodeo II](#)H.R. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Asunto Diarios “El Nacional” y “Así es la Noticia”](#) Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

- 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.

37. 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.¹³ Similarly, 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 herein relates exclusively to the elements established in Article 25 of the IACHR Rules of Procedure, which can be resolved without making any determinations on the merits that are relevant to a case.

38. 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.

39. 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. For this reason, it will take into account in the assessment of the alleged facts the context of Ecuador that the Commission has been monitoring in recent years, which was also assessed at the time of the granting of these precautionary measures.

40. In this regard, the Commission is aware that, in accordance with Article 25(5) of its Rules of Procedure, it is appropriate to review Resolution 42/2023 of August 20, 2023, by means of which precautionary measures were granted to Christian Gustavo Zurita Ron and his campaign team. Moreover, the Commission notes that, since the letter of September 12, 2023, the extension of the said precautionary measures has been requested in favor of Verónica Alexandra Sarauz Peñaranda and her children, who was the wife of Fernando Villavicencio, a request that has been forwarded to the State and their observations have been received. Finally, the Commission notes that by communication of September 25, 2023, it was indicated that an extension would be soon requested in favor of five people, which has not been formalized (see *supra* para. 22), as well as that on October 10, 2023, through Mr. Ramón Antonio López Cobeña and Mr. Héctor Antonio López Cobeña, the extension was requested in favor of seven people.

41. On the last point, the Commission considers that at this time it does not have sufficient elements to make a determination on the request for extension of precautionary measures in favor of the identified collaborators of Fernando Villavicencio, in addition to the fact that the said information has not been forwarded to the State in accordance with Article 25(5) of the Rules of Procedure. In this regard, the Commission notes that between the five persons indicated in the communication of September 25 and the

¹³ In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum amount 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 the children and adolescents deprived of their 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.

seven referred to on October 10, four are the same and the others are different. In this regard, the Commission considers it relevant that the representation should provide detailed information in relation to what is indicated in paragraphs 3, 4 and 6 of Article 25 of the Rules of Procedure of the IACHR.

42. However, in relation to the other two points, the Commission will continue with the analysis in the following order: **i.** On whether the precautionary measures ordered should remain in force; and, **ii.** In relation to the extension request in favor of Verónica Alexandra Sarauz Peñaranda and her children. Lastly, the Commission presents its decision in the matter:

i. On whether the precautionary measures should remain in force

43. The Commission notes, in principle, that since the granting of the precautionary measures, the State has implemented protection measures in favor of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa. These have consisted of personal security, patrols in their homes and workplaces, SPATV has been made available to them and has been coordinated with the nearby police units to maintain police availability in case of emergency (*supra* para. 6). In particular, it should be noted that after the risk analysis carried out on Mr. Zurita, it was indicated that he has a security detail made up of up to 22 police officers (*supra* para. 20), as well as 43 for the total of the four beneficiaries (*supra* para. 18). The IACHR considers that the immediate implementation of these protection measures has been a key factor for the beneficiaries to have been able to continue exercising their journalistic and political activities in a safe manner and in protection of their rights to life and personal integrity.

44. At the same time, the IACHR notes the ongoing risk. This is increased in the face of the progress in the investigation into the murder of Fernando Villavicencio, a situation that is evidenced especially with the murder of six people who were in state custody because of the said criminal process on October 6 in the Guayas I prison, as well as an additional hanging in the Inca prison (*supra* para. 23, 29, and 34). Taking into consideration the role of the beneficiaries in the follow-up of the investigations carried out by Fernando Villavicencio and the interest in advancing the criminal process, and in light of the events that occurred, the Commission considers that the risk against them persists.

45. Additionally, the IACHR highlights what was indicated when granting the precautionary measures on messages sent on August 19, 2023, that allegedly indicate that there are messages of “firm threats of attacks” related to the criminal gang “Los Choneros.”¹⁴ In light of the foregoing, the allegations are highlighted in the sense that the said group purportedly controls the prison where the murders of six people occurred on October 6. This stresses the possibility that they continue to be a relevant risk factor.

46. In this regard, the Commission is aware that even the domestic authorities have considered the ongoing risk due to proximity to Mr. Villavicencio, as indicated in the risk analysis of Mr. Ramón Antonio López Cobeña (*supra* para. 30). In turn, the IACHR notes that no information has been received on recent threatening events against the beneficiaries and considers it necessary to keep the relevant domestic authorities updated on the risk that each beneficiary is facing, as well as on the suitability and effectiveness of the measures implemented in their favor so that these issues can be addressed in the consultation meetings that take place. At the same time, it is essential to keep the IACHR updated within the framework of this procedure on whether the risk persists.

47. The Commission notes that the representation has claimed that given that the Mechanism for the Prevention and Protection of Journalistic Work of the CDPIC is not constituted, journalistic activities are

¹⁴ IACHR. Christian Gustavo Zurita Ron et al. regarding Ecuador. Resolution 46/2023 of August 20, 2023, para. 38.

not guaranteed (*supra* para. 21). In this regard, the State reported that on September 18, 2023, the case of beneficiary Christian Zurita was registered with the CDPIC for follow-up, an agency that reported having contacted the beneficiary on September 19, who reported on the measures adopted for his protection (*supra* para. 11). With regard to the aforementioned Mechanism for the Prevention and Protection of Journalistic Work in Ecuador, the IACHR recalls that, in 2019, its Special Rapporteurship for Freedom of Expression recommended that the State “establish a policy for the protection of journalists and ensure that its content conforms to international standards.”¹⁵ In the instant matter, given that the Commission does not have assessment elements on the additional protection actions that may be adopted as part of the aforementioned Mechanism in favor of the beneficiaries, it is attentive to the additional information that the parties may provide in this regard. Public information available shows that the regulation of the Organic Law of Communication was signed in August 2023, which would make the operation of the Mechanism for the Protection of Journalists viable¹⁶.

48. On another note, the representation has alleged in different writings that the delivery of their cell phones represents a risk against the beneficiaries and their sources, considering the activities they carry out and taking into consideration professional secrecy and the non-disclosure of sources (*supra* para. 31). The Commission recalls that a determination on the actions of the Prosecutor’s Office in the framework of the investigation would demand a merits analysis on the compatibility of these actions with the American Convention and other applicable instruments, at the same time that the telephones have already been delivered to the Prosecutor’s Office. On this point, the Commission recalls that every social communicator has the right “to reserve their sources of information, notes, and personal and professional files”¹⁷ and is aware that the Inter-American Court of Human Rights has stressed that confidentiality of journalistic sources is “[...] essential for the work of journalists and for the role they play in informing society about matters of public interest.”¹⁸

49. Regarding the political activities allegedly carried out by the beneficiaries, the Commission notes that allegations have been reiterated prior to the granting of the precautionary measures and that they were related to the formalization of the candidacy of Mr. Zurita, in place of Mr. Villavicencio after his murder. In this regard, the IACHR recalls that a pronouncement on such allegations is not appropriate insofar as they require a ruling on the merits regarding access to political rights in accordance with Article 23 of the American Convention, in addition to the fact that it is noted that the first-round election in which Mr. Zurita effectively participated as a candidate has already been held. On the other hand, the IACHR reiterates the importance of the protection provided by the State so that Mr. Zurita could carry out his political activities safely. At the same time, the information provided by the State is emphasized in the sense that even after the election, the beneficiaries have been able to carry out political activities in the Construye Movement, highlighting those of September 5, 17, and 21, 2023 (*supra* para. 11).

50. In this regard, the Commission recognizes the importance of the measures implemented by the State and, considering the background and progress in the investigations and criminal proceedings, in light of the situations that have been reported, deems that the risk persists and decides to continue with the monitoring of these precautionary measures. At the same time, the Commission stresses the importance of representation reporting on situations presenting a risk and on the adequacy and

¹⁵ IACHR. Special Report on the Situation of Freedom of Expression in Cuba. June 2019, para. 76.b.

¹⁶ General Secretariat of Communication of the Presidency. The regulation to the communication law makes possible the operation of the Mechanism for the Protection of Journalists. August 23, 2023.

¹⁷ IACHR. American Declaration of the Rights and Duties of Man. Adopted by the IACHR at its 108th ordinary session held from October 2 to 20, 2000, October 20, 2000. Principle 8.

¹⁸ I/A Court H.R. Case of Moya Chacón et al. v. Costa Rica. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 23, 2022. Series C No. 451, para. 70.

effectiveness of the measures implemented to the State in the consultation meetings that take place, as well as to the IACHR.

ii. The request for extension in favor of Veronica Alexandra Sarauz and her children.

51. To the extent that the representatives have requested the “extension” of these precautionary measures, the Commission recalls that one of the requirements is that the alleged facts have a “factual connection” with the events that called for the initial adoption of the precautionary measures.¹⁹ In this regard, the Commission stresses that the precautionary measures were granted on August 20, 2023, in favor of Christian Gustavo Zurita Ron and identified members of his campaign team, considering his role as a journalist and replacement of Fernando Villavicencio in the candidacy for the Presidency, taking into account the risk posed by assuming the said role after the murder of the then presidential candidate. Thus, the Commission considers that the proposed beneficiaries, being members of Mr. Villavicencio’s immediate family, share the following elements with the initial beneficiaries:

- i. They had a direct relationship with Mr. Fernando Villavicencio;
- ii. They have had a visible role behind the denunciation after the murder of the then candidate;
- iii. They have an interest in the progress of the investigations into the murder; and
- iv. They have information from his journalistic investigations.

52. Considering the foregoing, the Commission finds that this request for extension of precautionary measures in favor of Verónica Alexandra Sarauz Peñaranda and her children has a factual connection with the measures granted on August 20, 2023, and therefore it is appropriate to analyze it through a request for extension of the precautionary measures No. 646-23.

53. Now analyzing the procedural requirements, the Commission considers that the requirement of *seriousness* is met. For such a determination, the IACHR takes into account several elements.

54. First, the Commission highlights the role of Ms. Veronica Sarauz after the murder of her husband, who has made public complaints about the facts, referring to political groups and threats previously received by her husband (*supra* para. 16).

55. Second, and in relation to the foregoing, Ms. Sarauz has a direct interest in the investigations, seeking truth and justice for the murder of her husband, having even indicated that she was at the forefront of the private accusation filed before the Criminal Judicial Unit of Iñaquito, Quito, at the time of the murder of six people in the prison of Guayas I on October 6, 2023. As previously indicated (*supra* para. 44), the above represents a risk that is increased as investigations progress. The Commission notes as a relevant element the statements that were allegedly taken on October 9, 2023, in which it was indicated that alleged masterminds were indicated (*supra* para. 34). In addition, it reiterates what was indicated at the time of granting the precautionary measures in relation to the control exercised by “Los Choneros” and its leader alias “Fito,” from where certain threats allegedly came.²⁰ In this regard, the information received that the six people killed on October 6 were in the center under his control is relevant.

56. As a third point, the Commission pays special attention to the messages that Ms. Sarauz allegedly received at different times. In principle, the people who have contacted her reportedly warned her on August 7, 2023, of the preparation of an attack against her husband, two days before it actually

¹⁹ I/A Court H.R. *Case of Fernández Ortega et al. v. Mexico. Provisional Measures*. Order of the Inter-American Court on Human Rights of November 23, 2010. Considerandum 11.

²⁰ IACHR. *Christian Gustavo Zurita Ron et al. regarding Ecuador. Resolution 46/2023 of August 20, 2023*, paras. 36 and 38.

materialized. Subsequently, the same people reportedly warned her that her active role in the investigations could bring consequences, suggesting that she stop promoting them and, instead, leave the country for her protection. More recently, on September 21, 2023, a person close to the Army allegedly informed the head of Ms. Sarauz's security detail of "a threat in the coming days to the life of Ms. Veronica Sarauz." The Commission emphasizes the constant warning of possible events against Veronica Sarauz, which have been brought to the attention of the competent authorities.

57. Fourthly, in connection with the previous point, there is the event of September 27 in which a person on a motorcycle, who was carrying a weapon, rammed the vehicle in which Ms. Sarauz was to travel. The IACHR considers that these events are serious, regardless of the labeling as an "isolated" event by the police, and must be evaluated in light of the context in which they take place and what was previously assessed by this Commission at the time of granting these precautionary measures.

58. As a fifth point, in light of all the above, the Commission highlights the implementation of a security detail in favor of the beneficiary and other people close to Fernando Villavicencio since August 10, 2023, the day after the murder, which is composed of police officers. At the same time, the Commission observes the allegations about the suitability and effectiveness of the security detail presented, pointing out that she does not have security at night, that the number of officers is not sufficient and they do not stay with her all the time, as well as that it has been requested directly by the head of her security detail to reinforce the mechanism. In this regard, it is essential that the parties can agree on these aspects to strengthen the protection of Ms. Sarauz.

59. As a sixth point, the provision of the SPAVT for Ms. Sarauz's consideration is positively noted and, although there are divergent positions on this point, the Commission emphasizes that on September 28 it was finally possible to carry out the respective interview in order to be able to move towards the risk analysis.

60. In view of the foregoing, considering the context and circumstances of the facts, the nature of the information received, and the events that have taken place, in light of the *prima facie* standard of review of the precautionary measures mechanism, the Commission considers that the rights of Verónica Alexandra Sarauz Peñaranda are at serious risk. Furthermore, the Commission considers that her children are also at risk, as they are members of her and Mr. Fernando Villavicencio's immediate family.

61. Regarding the requirement of *urgency*, the Commission considers that it has been met, in view of the ongoing warnings and the facts observed, in light of the relationship with Fernando Villavicencio as his wife, and given the role of complaint and interest in the investigations that she has taken. The foregoing, considering the development of the investigations and added to the questions presented before the protection detail that she reportedly has, allows this Commission to understand the imminent possibility that the risk materializes 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.

62. As it pertains to the requirement of *irreparable harm*, the Commission finds it met, given that the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

63. Given the fulfillment of the requirements of seriousness, urgency, and irreparable harm, the Commission deems it appropriate to extend these precautionary measures in favor of Verónica Alexandra

Sarauz Peñaranda and her children. Antonella Nicole Gortaire Sarauz (23 years old), J. E. A. S. (15), and M. F. V. A. (11).

V. DECISION

64. In view of the aforementioned background, the IACHR considers that the risk continues in relation to Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa, and therefore decides **to continue monitoring the** measures granted. Similarly, the Commission considers that the situation of Ms. Verónica Alexandra Sarauz Peñaranda and her children meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure, and therefore it decides to **extend** these precautionary measures in their favor.

65. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission decided as follows:

- a. To continue monitoring the precautionary measures granted in favor of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa under the terms of Resolution No. 42/2023, along with the provisions of this resolution;
- b. To extend these precautionary measures in favor of Verónica Alexandra Sarauz and her children; and
- c. To continue implementing the appropriate follow-up measures pursuant to Article 25(10) and other provisions of its Rules of Procedure.

66. Moreover, it requests that the State of Ecuador

- a. Continue to implement the protection measures adopted for the protection of the life and integrity of Christian Gustavo Zurita Ron, Andrea González Nader, Ramón Antonio López Cobeña, and Carlos Eduardo Figueroa Figueroa;
- b. Reinforce the measures adopted to protect the rights to life and personal integrity of Verónica Alexandra Sarauz Peñaranda and her children identified in this matter;
- c. Consult and agree upon the measures to be taken with the beneficiaries and their representatives; and
- d. Report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent them from reoccurring.

67. 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.

68. 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.

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

70. Approved on October 30, 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; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary