

XXXI. ECUADOR⁸⁰

SUMMARY OF LEGISLATION OF ECUADOR RELATED TO TERRORISM

(a) Penal Code

Chapter III of the Ecuadorian Penal Code imposes penalties for offences against the internal security of the State and provides that “the very existence of an attempt is punishable” (art. 130).

Article 136 stipulates that “an attack whose purpose is to cause devastation and bloodshed shall be punishable by eight to 12 years’ rigorous imprisonment”. The same article establishes that “conspiracy to carry out such an attack, followed by any act of preparation for it, shall be punishable by four to eight years’ rigorous imprisonment”

Article 138 of the Code provides for a penalty of from one to five years for anyone “who hijacks (...) a warship” or “aircraft”.

In addition, article 147 stipulates that “anyone who promotes, directs or participates in guerrilla organizations, commandos, combat groups or terrorist groups or cells whose purpose is to subvert public order or overthrow, attack or interfere with the normal functioning of the Government shall be punishable by rigorous imprisonment of from four to eight years’ and a fine.

Moreover, chapter IV, article 160, of the Penal Code imposes a penalty of three to six years’ medium-term rigorous imprisonment and a fine for “anyone who, for the purpose of committing offences against the security of persons or property, manufactures, provides, acquires, steals, throws, uses or introduces into the country weapons, munitions or explosives, explosive substances, asphyxiating or toxic materials, or substances used in their preparation”. “If the said acts cause injury to persons, the maximum penalty set forth in the previous paragraph shall be imposed, and if the death of one or more persons results, the penalty shall be 16 to 25 years’ long-term rigorous imprisonment” and a fine.

An additional article (art. 160-A) of the Ecuadorian Penal Code provides that:

“anyone who, individually or collectively, as participants in irregular forces, organizations, gangs, commandos, terrorist groups, guerrillas or similar groups, whether armed or not, and whether claiming patriotic, social, economic, political, religious, revolutionary, retaliatory, proselytizing, racial, local or regional motives, commits offences

⁸⁰ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1327, enclosure) and 22 July 2002 (S/2002/885, enclosure).

against the security of persons or human groups of any type, or against their property, by attacking, damaging or destroying buildings, banks, warehouses, shops, markets or offices; or by raiding or invading homes, living quarters, secondary or primary schools, institutes, hospitals, clinics or convents, or government, military, police or paramilitary installations; or by stealing or confiscating property or assets of any type or amount; or by abducting persons or taking over vehicles, vessels or aircraft for the purposes of demanding ransom, exerting pressure and calling for changes in laws or legally promulgated orders and provisions or demanding that the competent authorities release persons being held or punished for common or political offences; or by occupying, by force, threat or intimidation, public or private premises or services of any nature or type; or by building barricades, barriers, trenches or obstacles for the purpose of confronting the Government to defend his or her intentions, plans, opinions or manifestos; or by attacking, in any way, the community or its property and services, shall be subject to a penalty of from four to eight years' rigorous imprisonment and a fine". "If the said criminal acts cause injury to persons, the maximum penalty set forth in the previous paragraph shall be imposed, and if the death of one or more persons results, the penalty shall be 16 to 25 years' long-term rigorous imprisonment and a fine."

Moreover, Article 147 of the Ecuadorian Penal Code, in book II, title I, chapter II, "Offences against the internal security of the State", imposes penalties of 8 to 12 years ordinary rigorous imprisonment on anyone who promotes or participates in guerrilla organizations, commandos, combat groups or terrorist cells whose purpose is to subvert public order, while obeying instructions from foreign sources and receiving support or economic assistance from abroad; article 151 criminalizes the receipt of money for subversive purposes and establishes a prison sentence of three months to two years, with the proceeds of the confiscation of these assets to be used for national defence.

(b) Other Provisions

In addition, article 13 of the Basic Regulations of the Department of Public Security provides that one of the functions of provincial public security agencies is to "plan and carry out immediate, short-term and future actions to neutralize and prevent the activities of elements and organizations that are carrying out proselytizing activities, especially those involving sabotage, espionage, sedition, subversion and terrorism and other activities that endanger the internal security of the State and the peace and tranquillity of the citizenry"