

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on the human rights of migrants

Ref.: AL USA 13/2026

(Please use this reference in your reply)

27 May 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to education; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on the human rights of migrants, pursuant to Human Rights Council resolutions 58/14, 54/14, 53/7, 53/4, 53/12, 59/12 and 61/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning military support provided by the United States Southern Command in Ecuador in the context of efforts to combat "narcoterrorism", in circumstances where the precise nature, scope, and legal basis of the U.S. military activities involved have not been publicly clarified.

According to the information received:

On 3 March 2026, the U.S. Southern Command announced that "Ecuadorian and U.S. military forces launched operations against Designated Terrorist Organizations in Ecuador" to "combat the scourge of narco-terrorism".¹ A day earlier, the U.S. General heading the Southern Command met with Ecuador's President in Quito, reaffirming the U.S.' commitment to supporting Ecuador "to confront narco-terrorism". On 7 March 2026, US Southern Command referred to U.S. support for Ecuador's "lethal kinetic operations" against terrorist groups in Ecuador, releasing videos of U.S. aircraft and personnel participating in the operation, as well as of explosive attacks on property.²

The U.S. has not explained the nature of its military activities in Ecuador, including whether U.S. forces are themselves using lethal force, are authorized to use lethal force, or are assisting Ecuadorian forces to use lethal force, including through sharing of intelligence, aircraft, or munitions; or whether they are limited to training and advisory roles. In Special Procedures communication ECU 4/2024, allegations were raised concerning violations of international human rights law in Ecuadorian military operations in March 2026, particularly in the community of San Martín near the Colombian border, involving the use

¹ <https://www.southcom.mil/News/PressReleases/Article/4420523/ecuadorian-and-us-military-forces-launch-operations-against-narco-terrorists/>.

² <https://x.com/southcom/status/2030056869624955036>.

of potentially lethal force, destruction of property, arbitrary detention and enforced disappearance, and torture.

The U.S. had designated the Ecuadorian organized crime groups Los Lobos and Los Choneros as Foreign Terrorist Organizations and Specially Designated Global Terrorists on 4 September 2025.³ The U.S. Treasury had earlier imposed sanctions on the groups on 6 June 2024.

Ecuador's Executive Decree No. 111, signed on 9 January 2024, recognises the existence of an "internal armed conflict" in the country (article 1) and incorporates it (under article 2) as an additional cause for a state of emergency declared by Decree No. 110 of 8 January 2004. Decree No. 111 orders the mobilisation and intervention of the Armed Forces and the National Police throughout the territory to confront transnational organised crime, terrorist organisations and belligerent non-state actors (article 3). It also identifies 22 organised crime groups as "terrorist organisations and non-state belligerent actors", the list of which may be updated by the Public Security and State Council (article 4). Finally, it provides for the Armed Forces to carry out military operations within the framework of international humanitarian law and with respect for human rights, in order to neutralise the designated groups (article 5).

Ecuador's Executive Decree No. 730, published in the Official Gazette on 4 May 2023, had earlier authorised the Armed Forces to carry out military operations throughout all or part of the national territory to confront and counter terrorist individuals and organisations, ordering the Joint Command to immediately initiate actions to suppress the "terrorist threat with all means at its disposal", in coordination with the National Police (articles 1 and 2).

In a series of decisions in 2024 and 2026,⁴ the Constitutional Court of Ecuador indicated that there does not exist a non-international armed conflict under international humanitarian law, since serious criminal violence is not the same as intense military hostilities; and the various criteria evidencing organization are not met (such as command structure, territorial control, uniforms, military camps, communication and negotiating authority). Moreover, it found that the 22 groups listed are not acting in concert so as to enable the aggregation of their conduct for the purposes of assessing intensity and organization.

While we do not prejudge the accuracy of these allegations, we highlight that, depending on their nature, the U.S. military operations in Ecuador may raise concerns in relation to respect for the right to life under article 6, 7, 9, 16, read alone and in conjunction with article 2.3 of the International Covenant on Civil and Political Rights, ratified by the U.S. on 8 June 1992.

Under article 3 common to the Geneva Conventions and Additional Protocol II, the existence of a non-international armed conflict is not triggered by a subjective

³ https://www.state.gov/releases/office-of-the-spokesperson/2025/09/terrorist-designations-of-los-choneros-and-los-lobos?utm_source=chatgpt.com.

⁴ Judgments I-24-EE/24 of 22 February 2024; 2-24-EE/24 of 1 August 2024; 5-24-EE/24 of 9 May 2024; 6-24-EE/24 of 13 June 2024 and 7-24-EE/24 of 1 August 2024.

declaration of a Government, but requires the cumulative existence of two objective elements: (i) a level of intensity of armed violence that exceeds internal disturbances or sporadic acts; and (ii) a degree of organisation of the non-State armed group sufficient to conduct sustained operations.⁵ As Ecuador's Constitutional Court has confirmed, no armed conflict exists in Ecuador due to the absence of intense bilateral military hostilities and sufficiently organized armed groups.

In the absence of an armed conflict, there is no authority under international law for Ecuadorian authorities, or other parties potentially involved in such as the U.S., to apply international humanitarian law rules on the conduct of hostilities, including the use of force ("shoot to kill") against alleged "fighters" based on their status as members of purported armed groups. Rather, international human rights law continues to exclusively govern law enforcement action against organized crime groups.

We recall that States must respect the right to life not only in their territory but also whenever their military activities have a direct and reasonably foreseeable impact on the right to life of individuals outside their territory (general comment No. 36, paras. 22 and 63). The use of potentially lethal force by State agents is only permitted, as an "extreme measure" and as a last resort, where it is strictly necessary and proportionate in personal self-defence or defence of others, in order to protect life or prevent serious injury from an imminent threat (general comment No. 36, para. 12). We refer to the Annex to this letter for further details.

We emphasize that under international law, the U.S. must not only refrain from directly violating the right to life, but must also refrain from aiding or assisting another State to violate the right to life.⁶ This precludes, for example, U.S. assistance such as logistical support, intelligence, or weapons to Ecuadorian military operations where the U.S. knows it would contribute to Ecuador's violations of the right to life.

Finally, we reiterate our concerns previously expressed to the U.S. and Ecuador about the listing of organized crime group as terrorist organizations (see ECU 2/2026).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

⁵ *Prosecutor v Tadić*, International Criminal Tribunal for the former Yugoslavia (ICTY), IT-94-1-AR72, Appeal Chamber Decision (Interlocutory Appeal on Jurisdiction) (2 October 1995), para. 70; ICRC, *Commentary on Common Article 3*, 2016/2020; Inter-American Court of Human Rights, *Santo Domingo v. Colombia*, 2012; *Las Dos Erres v. Guatemala*, 2009; and IACHR, *Citizen Security and Human Rights*, 2009.

⁶ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts 2001, article 16.

2. Please indicate whether the U.S. accepts that there does not exist a non-international armed conflict in Ecuador and that accordingly the rules of humanitarian law, including on military targeting, do not apply.
3. Please indicate whether the U.S. accepts that the U.S.' international human rights law obligations to respect the right to life and security of person and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment apply to its military activities in Ecuador.
4. Please explain the nature of U.S. military activities in Ecuador, and confirm that U.S. personnel are not authorized to "shoot to kill" and instead will only exercise potentially lethal force in personal self-defence or defence others in line with international human rights law on the right to life.
5. Please indicate any measures taken by your Excellency's Government to ensure that any involvement of U.S. military personnel in Ecuador fully complies with international human rights law, and that they are neither authorized nor permitted to support or assist Ecuadorian authorities in actions that could result in violations of the right to life.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please note that a related communication has been sent to the Government of Ecuador. A copy of this communication has also been sent to the Government of Colombia.

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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Gehad Madi
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to take this opportunity to draw the attention of your Excellency's Government to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

Right to life

Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and customary international law prohibit the arbitrary deprivation of life. Extrajudicial killings are universally understood as a violation of the right to life. The right to life is a *jus cogens* norm that cannot be derogated from, even in armed conflict or public emergency (Human Rights Committee, general comment No. 36, para. 12).

Jurisdictionally, States must respect the right to life not only in their territory, foreign territory under their control, or wherever they have custody of a person abroad, but also whenever their military activities have a direct and reasonably foreseeable impact on the right to life of individuals outside their territory (general comment No. 36, paras. 22 and 63). This includes on the high seas and in foreign territory (including foreign territorial seas) that is not otherwise under the States's control (as through occupation or lease).

Under international human rights law, the use of potentially lethal force by State agents is only permitted where it is strictly necessary and proportionate in personal self-defence or defence of others. It is an "extreme measure that should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat" (general comment No. 36, para. 12). It must be strictly necessary in view of the threat posed by the attacker; it must represent a method of last resort after other alternatives have been exhausted or deemed inadequate; the amount of force applied cannot exceed the amount strictly needed for responding to the threat; the force applied must be carefully directed, only against the attacker; and the threat responded to must involve imminent death or serious injury (para. 12).

The use of force should also comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Law enforcement must "give a clear warning of their intent to use firearms" unless doing so would unduly place the officer or another person at risk (basic principles, para. 10).

A State must investigate alleged violations of the right to life and, where appropriate, prosecute the perpetrators (general comment No. 36, para. 27). These steps are elements of the obligation to provide an effective remedy for violations of the right to life to victims and their families under articles 6(1) and 2(3) of the ICCPR. Investigations and prosecutions should be undertaken in accordance with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of

justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (general comment No. 36, para. 27).

Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent (general comment No. 36, para. 28). They should address the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates (ibid, para. 27). Immunities and amnesties provided to perpetrators of intentional killings and to their superiors, and comparable measures leading to de facto or de jure impunity, are, as a rule, incompatible with the duty to respect and ensure the right to life, and to provide victims with an effective remedy (ibid, para. 27).

Where a violation of the right to life is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction (ibid, para. 28). States must also take steps to prevent the occurrence of similar violations in the future.

Enforced disappearance

We reiterate that the practice of States resorting to the deprivation of liberty of individuals and refusing to acknowledge it or to disclose the fate and whereabouts of the person, for any reason or duration and in any context, constitutes an enforced disappearance, in violation of a *jus cogens* norm of international human rights law. Likewise, in their joint statement on so-called short-term enforced disappearances⁷, the Working Group and the Committee on Enforced Disappearances clarified that there is no element of duration in the definition of enforced disappearance under international human rights law and that, therefore, the obligations incumbent upon States under the relevant instruments are the same regardless of the duration of the enforced disappearance.

The United Nations Declaration on the Protection of All Persons from Enforced Disappearance⁸, in its articles 9, 10 and 12, sets out the following rights: the right to a prompt and effective judicial remedy as a means of determining the whereabouts of persons deprived of their liberty; access by competent national authorities to all places of detention; the right to be held in officially recognized places of detention and to be brought promptly before a judicial authority after apprehension; the right for family members, legal counsel, or any other person with a legitimate interest to be promptly provided with accurate information on the detention of the person and the place or places where they are held; and the obligation to maintain in every place of detention an up-to-date official register of all persons deprived of liberty. Article 19 stipulates that victims or their relatives have the right to obtain reparation, including adequate compensation.

Finally, in its study on standards and public policies for an effective investigation of enforced disappearances⁹, the Working Group reiterated that investigations into enforced disappearances must be carried out until the fate of the disappeared has been clarified and that this must be done within a reasonable time

⁷ [CED/C/11.](#)

⁸ [A/RES/47/133.](#)

⁹ [A/HRC/45/13/Add.3.](#)

(paragraph 61). The study also details the different investigative skills required to properly investigate the crime of enforced disappearance, which differ from those for other crimes usually associated with it (paragraph 68).

Respect for human rights while countering terrorism

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.¹⁰ Counter-terrorism measures must conform to fundamental requirements of legality, legitimate aim, necessity, proportionality, and non-discrimination.

¹⁰ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.