

VICTIM ASSISTANCE

The U.S. Mission in Ecuador understands that being the victim of a crime in a foreign country can be a devastating and traumatic experience, and therefore we have decided to gather relevant information to assist crime victims and their family members.

American Citizen Services (ACS), available in the U.S. Embassy in Quito and the General Consulate in Guayaquil assist American citizens in managing the practical consequences of being crime victims and provide them with information about accessing the local criminal justice system, as well as other resources for crime victims in the United States. ACS also assists American citizens with a list of appropriate medical care, contact family or friends on their behalf and explains how funds can be transferred. ACS can also help American citizens to better understand the criminal justice system in Ecuador, which differs from the system in the United States.

The information included on this handout is for general information purposes only. Questions involving interpretation of Ecuador's legal system and its laws should be addressed to legal counsel, licensed to practice law in Ecuador. The U.S. Mission in Ecuador has a list of available attorneys in all our districts at

<http://photos.state.gov/libraries/quito/153436/ACS/Attorney-list.pdf> and,

<http://photos.state.gov/libraries/guayaquil/231771/PDFs/list%20of%20lawyers%20gyeco%20nsulate%20jan2011L.pdf>

INVESTIGATION AND PROSECUTION

The investigation and prosecution of crimes is solely the responsibility of Ecuador's local authorities. The Federal Bureau of Investigation (FBI) has a Legal Attaché Office (commonly known as *Legat*) at the U.S. Embassy in Bogota, Colombia; which covers the countries of Colombia and Ecuador. *Legats* are smaller sub-offices, available in 75 key cities around the globe, providing coverage for more than 200 countries, territories, and islands. Each office is established through mutual agreement with the host country and is situated in the U.S. embassy or consulate in that nation. For more information please visit <http://www.fbi.gov/contact/legat/legat.htm>

SAFETY AND SECURITY

The U.S. Mission in Ecuador advises caution when traveling to the northern border region of Ecuador, to include areas in the provinces of Sucumbios, Orellana and Carchi, northern Esmeraldas, and southern Esmeraldas, south of Atacames. For more detailed information on Safety and Security please visit the [Embassy's security and safety page](#)

(<http://ecuador.usembassy.gov/security-and-safety/warden-messages.html>), or the [security and safety page of the U.S. Consulate in Guayaquil](http://guayaquil.usconsulate.gov/warden_messages.html) (http://guayaquil.usconsulate.gov/warden_messages.html) for the latest safety and security messages. U.S. citizens may also keep informed of daily happenings by following the local news and police reports.

The Department of State also advises U.S. citizens to carry identification at all times, including proof of U.S. citizenship. Due to increased passport theft in Ecuador, it is recommended to carry a copy of your passport rather than the actual passport document.

Americans traveling abroad should regularly monitor the latest security information and current travel warnings available at the Department of State, Bureau of Consular Affairs' web site <http://travel.state.gov/> as well as the Worldwide Caution, available at http://travel.state.gov/travel/cis_pa_tw/pa/pa_4787.html

Up to date information on safety and security can also be obtained by calling 1-888-407-4747 toll free in the U.S. and Canada or, for callers outside the U.S. and Canada, a regular toll line at 1-202-501-4444. These numbers are available from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday through Friday (except U.S. federal holidays).

The Department of State also urges American citizens to take responsibility for their own personal security while traveling overseas. For general information about appropriate measures travelers can take to protect themselves in an overseas environment, see the Department of State's information on A Safe Trip Abroad , available at http://travel.state.gov/travel/tips/safety/safety_1747.html

CRIME

Crime is a serious problem in Ecuador, and visitors should be alert and cautious. Non-violent crime is common: hundreds of Americans are robbed every year in Ecuador. Violent crime has increased in recent years. Thieves and small gangs armed with guns or knives are sometimes active even in smaller cities such as Otavalo, Manta, and Cuenca. Tourists have been robbed at gunpoint on beaches and along hiking trails, including on the well- populated trail to the summit of Pichincha Volcano in Quito. Incidents of rape have increased, even in well-traveled tourists areas and when the victims traveled in groups for safety. Shootings, kidnappings, and carjackings are still relatively rare, but American citizens have been victimized by those crimes. The Ecuadorian government has increased police patrols in tourist areas, but travelers should remain alert to their surroundings and maintain constant control of personal belongings. For updated country specific information on crime in Ecuador, please visit

http://www.travel.state.gov/travel/cis_pa_tw/cis/cis_1106.html

INFORMATION FOR VICTIMS OF CRIME

The loss or theft abroad of a U.S. passport should be reported immediately to the local police and the nearest U.S. Embassy or Consulate. If you are the victim of a crime while overseas, in addition to reporting to local police, please contact the nearest U.S. Embassy or Consulate for assistance.

In addition, the Embassy/Consulate staff can, for example, help you find appropriate medical care, contact family members or friends and explain how funds could be transferred. Although the investigation and prosecution of the crime is solely the responsibility of local authorities, Consular Officers can help you to understand the local criminal justice process and to find an attorney if needed. Victims of domestic crime may receive assistance from the *Comisaria de la Mujer* at Centro Metropolitano de Equidad y Justicia located at: Av. La Prensa y Luis Tufiño, telephone 593 2 2291 430. For information on other *Comisarias de la Mujer* please visit: <http://www.ministeriodelinterior.gob.ec/dinage/contactenos.html> or http://www.ayuda-t.org.ec/index.php?option=com_instituciones&id=110&view=institucion&swc=1&Itemid=55

The local equivalent to the emergency line in Ecuador is the same as the U.S., dial “911”. The operators typically speak Spanish only. Victims should also call the U.S. Embassy or U.S. Consulate to report the crime and for assistance.

Please see our information on: [Help for American Victims of Crime overseas](http://travel.state.gov/travel/tips/emergencies/victims_crime_overseas/victims_crime_overseas_1748.html) (http://travel.state.gov/travel/tips/emergencies/victims_crime_overseas/victims_crime_overseas_1748.html), including possible victim compensation programs in the United States.

I. GENERAL VICTIM ASSISTANCE WITHIN THE CRIMINAL JUSTICE PROCESS & THE COMMUNITY

CRIMINAL PENALTIES

While in a foreign country, a U.S. citizen is subject to that country's laws and regulations, which sometimes differ significantly from those in the United States and may not afford the protections available to the individual under U.S. law. Persons violating Ecuadorian laws, even unknowingly, may be expelled, arrested or imprisoned. Penalties for possession, use, or trafficking in illegal drugs in Ecuador are severe, and convicted offenders can expect long jail sentences and heavy fines.

Please also note that engaging in sexual conduct with children or using or disseminating child pornography in a foreign country is a crime, prosecutable in the United States. Please visit [Criminal Penalties](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1467.html) (http://travel.state.gov/travel/cis_pa_tw/cis/cis_1467.html) for more detailed information.

Victims of crime in Ecuador are entitled to the following rights under the host country's laws:

- Filing charges against the perpetrator/s.
- Participating in all stages of the judicial process.
- Appearing in trial if he/she has filed charges against the perpetrator/s.
- It is mandatory that the Prosecutor shares and discloses all evidence that has been collected during the investigation with the victim (commonly referred as "plaintiff" or in Spanish "denunciante" or "demandante")
- The victim is also entitled to request the Public Prosecutor to practice more procedural acts that he/she considers as necessary, in order to verify the existence of crime and the responsibility of the accused.

Under Ecuadorian laws, witnesses have the right to receive protection from the National Office of the Prosecutor ("Fiscalía General de la Nación") in order to ensure their personal integrity, appearance at trial and faithfulness of testimony.

II. REPORTING CRIMES

IN CASE OF EMERGENCY

Dial "911" for immediate assistance. Victims of domestic violence or sexual assault should call "101" or go to the nearest Commissioner's office on Women and Family Issues (known as "*Comisarias de la Mujer y de la Familia*"), for more information, available only in Spanish, please visit

http://www.ministeriodelinterior.gob.ec/dinage/ley_contra_la_violencia_a_la_mujer_y_a_la_familia.html

For information on locations of "Comisarias de la Mujer" please visit: <http://www.ministeriodelinterior.gob.ec/dinage/contactenos.html> ; and, .

You can file a report at any Judicial Unit for major and minor offenses called "Unidad Judicial de delitos y contravenciones flagrantes" located at Av. Patria y Av 9 de Octubre, Edf Eteco 2.

In case of other crimes unrelated to domestic violence, victims need to file a report, commonly known as "Denuncia" at the Office of the Public Prosecutor ("Fiscalía"). To find the closer office to your location please go to:

<http://maps.google.es/maps/ms?msa=0&msid=210959199341834706188.0004b208dffed7ff477d&ie=UTF8&t=m&vpsrc=6&ll=-1.966167,-78.804932&spn=8.775309,6.580811&z=7&source=embed> . For more information on when to file a report at the "Fiscalia", available only in Spanish, please visit: <http://www.fiscalia.gob.ec/index.php/denuncias.html>

The requirement of submitting a report is omitted only in case of sexual related crimes or domestic violence. In those types of cases, victims are authorized to directly go to a Unit of the Public Prosecutor (known as “Unidad de Depuración de Denuncias) and explain the circumstances of the abuse. The Unit will then issue orders pertaining urgent procedural acts (series of acts considered as relevant in order to ensure justice, such as the issuance of an arrest warrant).

When filing a report it is not indispensable to present an Ecuadorian or foreign I.D. According to the information provided by Ecuador’s Office of the Public Prosecutor, the presence of the victim is sufficient when filing a crime report. It is also not necessary to have an attorney at the time of filing, and the report may be given verbally or in writing. In addition, there is no fee for filing a report.

Property must be justified and pre-existence of stolen property by presenting receipts or other evidence which would show the acquisition or ownership in crimes against property.

III. INVESTIGATIONS AND STAGES OF A CRIMINAL CASE

A. PRELIMINARY INVESTIGATIVE STAGE:

Under Ecuadorian laws, in the first stage of a criminal investigation (commonly known as “*Indagación Previa*”) Prosecutors are obliged to investigate all facts presumably constituting a criminal act or offense. There are two stages of investigation in a criminal case, the first one is considered of a *preliminary nature*, known as “Indagación Previa”, and according to the current criminal procedure code, this preliminary investigative phase, which is carried by the Public Prosecutor, can last up to one year. Its purpose is the collection of evidence surrounding the perpetrated criminal offense.

Once the preliminary investigative phase is over, the process begins its *formal investigation*, which is the second stage of the investigation. This stage won’t exceed ninety days.

The main objectives of the formal investigation stage, carried by the Public Prosecutor and Ecuador’s Judicial Police, are two:

- i. Proving the existence of the offense;
- ii. Identifying the perpetrator/s.

Information on Ecuador’s National Office of the Public Prosecutor (“Fiscalia General del Estado”),

Address: Av. Eloy Alfaro 32-250 y República
Telephone: (02) 290 3031/ 2559 958/59
Website: www.fiscalia.gob.ec

B. PROSECUTOR'S EXAMINING:

The Public Prosecutor (commonly known as the “Fiscal”) initiates this second stage of the criminal investigation (usually referred as “Instrucción Fiscal”) when he/she considers that there are sufficient grounds to hold a person as liable for perpetrating an offense or crime.

The alleged perpetrator/s may be arrested, for example in cases of flagrant crimes, for 24 hours before formal charges are filed by the prosecution. In this stage the Public Prosecutor issues a resolution, which contains the description of the facts of the case, personal data concerning the alleged perpetrator/s, grounds that sustain the indictment (facts and points of law), date of when the prosecutor’s examining began and date of when the charges were brought.

The Public Prosecutor then notifies the Judge. Once the Judge receives the resolution from the Office of the Prosecutor he/she notifies the Offender (known as “Imputado”); Victim (known as “Ofendido”); and the Public Defender’s Office (known as “Defensoría Pública”).

The Public Prosecutor makes available to the Defendant, Plaintiff and Office of the Public Defender all evidence regarding the criminal investigation. The Prosecutor next receives the version of the alleged offender, and, in accordance with Article 217 of the current Ecuadorian Criminal Code, if presumptions emerge regarding the participation of other parties in the crime; they will also be included in the investigation.

The Offender may present to the Public Prosecutor evidence of his alleged innocence. The Prosecutor may also need to obtain authorization from the Judge if forensic examinations and gathering of other evidence require it.

This stage lasts 90 days, and it cannot be extended. If the Public Prosecutor does not declare it as “concluded”, the Judge declares as completed. All forensic examinations and gathering of evidence after these 90 days are dismissed and lack any value at an Ecuadorian court.

The Public Prosecutor after that issues a report within six days after the completion of the criminal investigation. If the Prosecutor fails to comply, he may be sanctioned with removal from office.

In case the Public Prosecutor concludes that there is sufficient evidence to indict the alleged perpetrator/s, he issues a charging document, in which he requests to the Judge to begin the trial stage. On the other hand, the Public Prosecutor issues a report abstaining himself from accusing in case he does not find any merit in the investigation. In both

cases, charging document or report of abstention, the Public Prosecutor then transfers the case file to the competent Ecuadorian judge.

In cases concerning a public offense or crime (usually referred as “delitos de acción pública”), at the end of the Prosecutor’s criminal investigation, even if the Public Prosecutor did not present indicting charges a crime victim under Ecuadorian laws is authorized to press charges (known as “Acusación Particular”).

A crime victim may file charges within six months from the day the wrong was perpetrated in cases considered as of a private nature (usually referred as “delitos de acción privada”),

C. CASE SUSPENSION:

Usually referred in Ecuador as “Sobreseimiento”, it is basically the suspension of the progression of a criminal lawsuit. Under Ecuadorian laws, it may either be temporary or definite.

In case the suspension of the criminal lawsuit is temporary (known as “Sobreseimiento Provisional”) the Court will ask for the rectification of certain acts, such as the pressing of formal charges by the victim.

When there is not sufficient proof to connect the alleged offender/s to the crime the suspension of the case is definite in nature.

D. PRETRIAL STAGE: Pressing charges or dismissal of case:

Under Ecuadorian laws, it is commonly referred as the Intermediary stage (“Etapa Intermedia”). Its purpose is to assess evidence gathered on the investigation stage in order for the Public Prosecutor to formally present charges against the alleged perpetrator; or, dismiss the case, when there is not sufficient evidence that the accused perpetrated the crime or offense. This stage lasts up to 31 days. Then, the trial stage begins (“Llamamiento a Juicio”).

E. TRIAL STAGE:

The trial stage in Ecuador is when the Court decides to begin trial since it considers that there are sufficient and severe presumptions that the alleged perpetrator/s committed the offense or crime.

Trials under Ecuadorian laws may last from a couple of months to a year; it depends on the type of crime that was perpetrated. The main objective of the trial stage, under Ecuador's criminal laws, is to prove the degree or extent of responsibility of the perpetrators or aggressors involved. A trial cannot be held if the Public Prosecutor abstains himself from accusing the alleged offenders.

A trial in Ecuador is different than one in the United States. It begins with a notification to the victim and offender, in writing and sent to their respective attorneys. At the actual hearing of the trial, the first act is the opening arguments of the Public Prosecutor, then a testimony of the victim is given, which then is followed by a cross examination of the Criminal Panel of Judges and other parties, including the attorneys hired by both plaintiff and defendant, if applicable.

It is necessary to note that in criminal proceedings in Ecuador, the victim is entitled to be represented by a Public Prosecutor but also may consider hiring his own independent attorney, if an attorney is hired, the role of the Prosecutor diminishes, but not until the trial stage begins, because the Public Prosecutor's indictment is mandatory to begin trial, as referred above.

After the testimony of the victim and cross examination, a testimony by the offender is required, afterwards forensic evidence, if applicable, is presented in Court. The Public Defender or Attorney representing the Offender presents his arguments and remarks to the Panel of Judges. Witnesses in favor of the offender give their testimony at the hearing and other forensic evidence is also presented.

Then the Public Prosecutor introduces his arguments/ remarks, which manifest whether the offender is the author or acted as an accomplice in the perpetration of the crime or offense. The Public Prosecutor in his remarks also asks for the punishment he deems fits the type of the crime that was committed. Next, a request is made to the Court to punish the offender with a specific sanction but also demands compensatory damages, if applicable.

Last, the offender through his attorney, hired independently or given by the office of the public defender, will respond to the allegations made by the plaintiff's side. The right to reply is always admitted, but the defender always concludes in accordance to the principle of due process. The President of the Criminal Judges Panel at that time declares the hearing as completed.

The Secretary of the Court, after the completion of the hearing, drafts a Court's statement (known as "Acta del Juicio"), which will contain general information of the judicial criminal process, such as when and where it began, how the trial took place, including the names of the justices, parties, witnesses, experts, translators, etc. It also contains the petitions and decisions produced in the course of the trial and the final conclusions of the parties. The statement is signed by the Secretary of the Court.

F. SENTENCING:

Once the hearing is declared as completed and the statement is drafted and signed by the Secretary of the Court, the Criminal Judges' Panel asks the public to leave. The Panel then deliberates based on what occurred during the criminal investigation and process, and according to the evidence presented at the hearing. After the Court's deliberation, the Panel of Judges issues a ruling, but it is allowed to suspend its deliberation until the next business day. The Panel is formed by three judges, and in order to reach an agreement on the ruling, either by acquitting or convicting, the vote of two judges is required. A sentence most favorable to the accused applies when there is a disagreement among the panel of judges regarding the type of offense or crime committed; the definition of liability; or, in the determination of what constitutes proper punishment.

In practice, the parties involved in a criminal action do not learn about the Court's hearing up to three days after the ruling is issued, due to the principle of publicity.

G. APPEALS:

There are basically two moments when an appeal can be presented. The first one can be accessible at the preliminary investigate stage. In accordance with Article 172 of the Ecuadorian Criminal Procedural Code, the indicted or the Prosecutor may appeal the order of temporary arrest (known as "Orden de Prisión Preventiva") imposed or denied by a Judge when an erroneous evaluation of the evidence presented by the parties is made.

The second type of appeal that may be presented at Court after the ruling issued by the Panel of Judges, concerns the actual imposed sentence and/or punishment.

Appeals in Ecuador are learned and revolved by a Superior Court. The judicial division that the appeal is assigned to, will rule over the merits of the evidence presented within five days from the time the appeal is filed. If the appeal is won, the Superior Court issues a fine to the lower court, which first learned of the case. Other sanctions may be imposed to the Judges who first learned of the case, depending on the hierarchy of their Court, including removal from office.

Lastly, and in cases where compensation is also sought, the Prosecutor, Victim or Convicted may appeal the judicial resolution, if they consider that the amount imposed does not correspond to the procedural circumstances of the case. The appeal may only determine whether to remand the case to the trial court, which first learned of the case.

IV. ARRESTS

Under Ecuadorian laws, an arrest warrant may be requested in order to ensure the investigation of a crime that concerns public interest or offense. The Judge will order the arrest on the basis of a request made by the prosecutor or plaintiff's attorney.

An arrest may be ordered only if there are,

- Presumptions of liability; and,
- A warrant.

The law requires the authorities to issue specific written arrest orders within 24 hours of detention, even in cases in which a suspect is caught committing a crime (referred as "Flagrant Crimes"). Ecuadorian authorities must charge the suspect with a specific criminal offense within 48 hours of the arrest.

All detained persons may challenge the legality of their detention by petition within 48 hours of their arrest, but in practice few such petitions are brought forward. The senior elected official (usually the mayor) of the locality in which the suspect is held reviews any such petitions. Regardless of the legality of a detention, a prisoner may be released only by court order. In some cases, detainees who are unaware of this, or who do not have the funds to hire a lawyer, may remain in prison for an extended period of time before being released. Bail under Ecuadorian laws is prohibited in cases of narcotics and other major offenses.

Arrested individuals have all rights related to due process, such as the right to be presumed innocent, right to an attorney, equality of opportunity for litigants, impartiality of judges, etc. At the time of the arrest, individuals are read their rights, such as the right to remain silent and right to an attorney, in case they cannot afford an attorney, one is appointed to them.

All measures regarding arrests and/or temporary detentions will be adopted in a public hearing, in which the judge will rule over the request made by the Public Prosecutor. On this hearing requests made by the accused concerning a substitution for such measure or offer of bail is also heard and resolved by the Judge.

At all stages of the criminal process and investigation, custodial measures shall be taken exceptionally, and proceed in cases where other measures are inadequate to prevent evasion of justice.

In case of sexual offenses or injuries from domestic violence perpetrated against women, children and adolescents, in addition to the protective measures adopted by the office of the public prosecutor, the Ecuadorian Judge from the Division of Criminal Guarantees prohibits the indicted from any access to the victim/s.

In accordance to Ecuador's latest criminal statutory reforms, the substitution of temporary detention for another measure is prohibited in cases of sexual crimes, homicides, and other crimes considered as severe.

For US citizens incarcerated in Ecuador, the US has no jurisdiction to decide matters conducted in Ecuador concerning judicial matters; however there are international agreements as the Council of Europe Convention on the Transfer of Sentenced Persons and Inter-American Convention on Serving Criminal Sentences Abroad allowing the possibility of a prisoner transfer from Ecuador to the US, where the prisoner will serve the remainder of the sentence.

Prisoners must meet all financial obligations to the sentencing state (Ecuador) before transport. Other treaties prohibit the transfer of certain types of offenses such as immigration, military and political offenses. Finally, the offense committed abroad must also be an offense in the United States. This requirement, called dual criminality, may vary depending on the treaty. Dual criminality exists for the vast majority of offenses.

A prisoner who is interested in transferring should contact the Office of Defender Services of the Administrative Office of the U.S. Courts to obtain advice as to whether a transfer would be an appropriate option for the prisoner. Some prisoners decide not to apply for transfer after consulting with a federal public defender (FPD) and learning that they will spend less time in custody if they remain in the foreign country than if they transfer to the United States and have their sentence administered according to United States sentencing provisions. If the prisoner has questions concerning how his sentence will be administered in the United States, he should write to:

Office of Defender Services
Administrative Office of U.S. Courts
1 Columbus Circle, NE, Suite 4-200
Washington, D.C. 20544
ATTN: Prisoner Transfer Treaty Matters

Other factors that affect whether a prisoner may be transferred are: seriousness of crime, family situation, criminal history, whether the prisoner will remain in the US after transfer or return to Ecuador, etc.

More information about the International Prisoner Transfer Program is available at: <http://www.justice.gov/criminal/oeo/iptu/transfer.html>

V. ATTORNEYS

Upon entry into Ecuador, all Americans become subject to Ecuador's local laws and regulations. Should an American become involved in a situation that may lead to criminal charges or a legal dispute, the Consular Sections in both the U.S. Embassy in Quito and the General Consulate in Guayaquil provide a list of local attorneys who have indicated their willingness to provide legal assistance. Neither Consular Sections can provide legal counsel or pay for legal expenses. Consular staff will, however, do whatever possible to protect your legitimate interests and insure you are not discriminated against under local law.

For information on attorneys available in Ecuador please visit:

<http://photos.state.gov/libraries/quito/153436/ACS/Attorney-list.pdf> and,

<http://photos.state.gov/libraries/guayaquil/231771/PDFs/list%20of%20lawyers%20gyeconsubate%20jan2011L.pdf>

VI. VICTIM COMPENSATION PROGRAMS IN THE U.S.

VICTIM ASSISTANCE:

If you are the victim of a crime while overseas you may benefit from specialized resources for crime victims available in the U.S. Throughout the United States thousands of local crime victim assistance programs offer help to victims of violent crime and most will help residents of their community who have been the victim of a crime in another country. These include rape crisis counseling programs, shelter and counseling programs for battered women, support groups and bereavement counseling for family members of homicide victims, diagnostic and treatment programs for child abuse victims, assistance for victims of drunk driving crashes, and others.

VICTIM COMPENSATION:

All states operate crime victim compensation programs and nearly half of them offer benefits to their residents who are victims of violent crime overseas. These state compensation programs provide financial assistance to eligible victims for reimbursement of expenses such as medical treatment, counseling, funeral costs, lost income or loss of support, and others. Generally victim compensation programs require the victim to report the crime to law enforcement and they usually request a copy of the police report.

Information on victim compensations programs in the US are available at the following links:

- Information about national and local resources for victims and family members of victims of drunk driving crashes is available at the web site of Mothers Against Drunk Driving (MADD): <http://www.madd.org>
- Contact information for non-emergency victim assistance services in communities throughout the U.S. is available at the web site of the U.S. Department of Justice Office for Victims of Crime: <http://ovc.ncjrs.org/findvictimservices/>
- Information for crime victims on the impact of crime, safety planning, legal rights and civil legal remedies, and options for assistance and referrals to local programs is also available from the National Crime Victim Center:

<http://www.victimsofcrime.org/> The National Center's Connect Directory provides a fast and easy way to locate crime victim assistance in a wide variety of jurisdictions throughout the country: <http://www.victimsofcrime.org/help-for-crime-victims/find-local-assistance---connect-directory>

- Information and referral to victim assistance programs is available from the National Organization for Victim Assistance (NOVA). Phone number 800-879-6682 (800-TRY-NOVA). From 9am- 5pm Eastern Time, Monday-Friday. More information is also available on the Internet at <http://www.try-nova.org>
- Information about victim assistance programs in approximately 20 countries is available at the web site of Victim Assistance On-line at <http://www.vaonline.org>
- The Office for Victims of Crime (OVC) offers crime victim compensation programs across the United States to victims of violence. Information on these programs and how they work can be found at: <http://ovc.ncjrs.gov/topic.aspx?topicid=7>
- Information about each state's crime victim compensation program and how to apply for compensation is available on the Internet at the web site of the National Association of Crime Victim Compensation Boards, <http://www.nacvcb.org>
- The toll-free 24 hours a day /7 days a week hotline for sexual assault crisis counseling and referrals in the United States is 1-800-656-HOPE. It is operated by a non-profit organization, RAINN (Rape, Abuse and Incest National Network). Web site: www.rainn.org
For any questions or concerns you can write to: info@rainn.org

For more information please visit:

http://www.travel.state.gov/travel/tips/emergencies/emergencies_1212.html

Victims of crime in Ecuador have a real hard time in finding compensation programs in the country of Ecuador. There are some initiatives and programs regarding witness protection programs and victims of sexual exploitation. For more information on these types of programs please consult with the Nation's Public Prosecutor's Office, www.fiscalia.gob.ec

VII. REGISTRATION AT THE DEPARTMENT OF STATE

Travel registration is a free service provided by the U.S. Government to U.S. citizens who are traveling to, or living in, a foreign country. Registration allows you to record information about your upcoming trip abroad that the Department of State can use to assist you in case of an emergency. Americans residing abroad can also get routine information from the nearest U.S. embassy or consulate. For more detailed information please visit: <https://step.state.gov/step/>

VIII. SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE

In case of injury or sexual offenses, the victim can go to District Attorney's Office – Flagrant Crime Unit “Unidad de Delitos Flagrantes”, which is open 24 hours to withdraw the order for a legal medical examination (FREE), which must be performed within 12 hours the perpetration of the crime. The Office of the Public Prosecutor must immediately issue an order for the analysis in case of drunkenness or drug abuse by the victim or the aggressor's. Please keep in mind that after 24 hours, any substance is eliminated by the body.

The Office of the Public Prosecutor also advises that in case of a sexual crime the victim should not bathe and clothes should be handed to the state medical examiner, regardless of the condition the clothes are in. Keep clothes in paper bags in the event that they cannot be handed immediately to the examiner.

Once a victim has access to a hospital in Ecuador, physicians and nurses are required to inform the police of the rape. When police arrives at hospital or health center, they take information from victim to file a report and will escort the victim when medically sound to either three locations to file a complaint called “denuncia”:

- District Attorney's Office

- Commissioner’s Office for women and domestic issues (Comisaria de la Mujer y la Familia) or
- The Judicial Police.

After “denuncia” is filed at the District Attorney’s Office – Flagrant Crime Unit “Unidad de Delitos Flagrantes”, victims will receive an order for a gynecological legal exam (Reconocimiento médico ginecológico legal) to be performed at the Judicial Police Criminalist Lab (open 24 hours). It is the SOP of the Office of the District Attorney to create an exam request before any examination takes place (i.e. They do not want victims to visit the Criminalist Lab without their consent).

SERVICES OF DISTRICT ATTORNEY’S OFFICE (FISCALIA GENERAL DEL ESTADO) FOR RAPE VICTIMS

Services for rape victims in the city of Quito are available at the District Attorney’s Office (Fiscalia Especializada en violencia sexual e intrafamiliar) located at Av. Juan Leon Mera and Vicente Ramón Roca at Quito (Phone: 02-290-5053). Their facilities include:

- Microscopic camera with ability to view tissue damage, with primary goal of medical evidence not medical treatment.
- If specimen is taken by legal medicine expert at Prosecutor’s office, it may be held by the office until formal investigation is filed, then sent to the lab.
- Hours for examinations: Monday through Friday, from 8 a.m. to 4:30 p.m. For actual crimes (delitos flagrantes) you can go to the Flagrant Crime Unit Office – Unidad de Delitos Flagrantes. They are open 24 hours every day.
- Information on available services for rape victims in other provinces may be consulted at the provincial offices of the public prosecutors.

Please find below a list of Provincial Prosecutors’ Offices

Fiscalias Provinciales			
Fiscalia / Province	City	Address	Phones
Fiscalía de Tungurahua	Ambato	Calle Lalama y Av. Cevallos	03-2826-945 / 03-2420-281
Fiscalía de Cañar	Azogues	Bolívar s/n y 3 de Noviembre	07-2240-895 / 07-2248-530
Fiscalía Los Ríos	Babahoyo	Eloy Alfaro y 10 de Agosto Ventanas	05-2735-142/ 05-2734-999/ 05-2736-985
Fiscalía del Azuay	Cuenca	Edificio Centro Simón Bolívar y Presidente Borrero, esq	07-2844-282/ 07-2846-628 / 07-2838-538

Fiscalía de Esmeraldas	Esmeraldas	Manuela Cañizares entre Malecón y Bolívar	06-2726-886 / 06-2726-885
Fiscalía de Bolívar	Guaranda	Calle Cándido Rada y 9 de Abril	03-2980-619 / 03-2985-666 / 03-2984953
Fiscalía del Guayas	Guayaquil	Pedro Carbo 634 y Aguirre - Edificio Fénix	04-2232-260/ 04-232-1220/ 04-232-0685
Fiscalía de Imbabura	Ibarra	Calle Luis Vargas Torres y Luis Gómez Jurado N 3-19. Sector: "Hospital San Vicente de Paúl"	062-602-260 / 062-602-259
Fiscalía Santa Elena	La Libertad	Av. Tercera y Calle 23	04-2785-071
Fiscalía de Cotopaxi	Latacunga	Calle Antonio Vela 331 y Gral. Maldonado.	03-2800-878 / 03-2806-306 / 03-2800-793
Fiscalía de Loja	Loja	Sucre 09-46 y Miguel Riofrío	07-2580-204 / 07-2574-119
Fiscalía Morona Santiago	Macas	Juan de la Cruz y Suasti	07-2702475 / 072702526 / 07-2704225
Fiscalí El Oro	Machala	Rocafuerte entre 9 de Mayo y Guayas	07-2961-566 / 07-2961-033 / 07-2936-295
Fiscalía de Manabí	Manta	Calle 4 de Noviembre entre Calle J10 y J11	05-2928-616
Fiscalía de Sucumbíos	Nueva Loja	Calle Manabí entre 10 de agosto y Venezuela	06-2835-179 / 06-2831-983
Fiscalía de Manabí	Portoviejo	Calle Sucre entre Francisco Pacheco y 18 de Octubre Edf. La Previsora	05- 2633-452 / 05-2635-459 / 05-2654-606
Fiscalía de Galápagos	Puerto Baquerizo Moreno	José Vallejo y Alsacio Northia	05-2520-195
Fiscalía de Pastaza	Puyo	Calle 9 de Octubre y Atahualpa	032 886 476 / 032 889 388 / 032 889 383
Fiscalía de Pastaza	Puyo	Calle 9 de Octubre y Atahualpa	032 886 476 / 032 889 388
Fiscalía de Chimborazo	Riobamba	Av. Miguel Angel León 23-35 y José Veloz (esquina)	03-2954-870 / 03-2953-633 / 03-2942-977
Fiscalía Santo Domingo de los Tsáchilas	Santo Domingo	Av. Quito 1242 entre Pallatanga y Río Chimbo	02-2760-338 / 02-2742-175 / 02-2760-338
Fiscalía del Napo	Tena	Rubén Lerzón y Erwin Enríquez Barrio Eloy Alfaro	06-2846-184 / 06-2846-474 / 06-2846-258
Fiscalía del Carchi	Tulcan	Calle Guayaquil entre Cuenca y Av. Manabí	062 960 931 / 062 961 091
Fiscalía de Zamora Chinchipe	Zamora	12 de Febrero y Jorge Mosquera	07-2605-115 / 07-2608-172

SERVICES OF JUDICIAL POLICE CRIMINALIST LAB FOR RAPE VICTIMS:

Office has trained, legal medicine physicians offering medical and psychological examinations (psych exams ordered separately from medical exams).

In rare cases, the Criminalist Lab will accept victims without the request from the Public Prosecutor, for example in early hours of the day. Examinations are free of cost to the victim.

All hospitals in Ecuador are required to notify the police of the sexual abuse perpetrated against any victim, and depending on the time of the incident, may go directly to the District Attorney's Office – Flagrant Crime Unit or to the Judicial Police Criminalist Lab.

Shelters/programs for battered women: There are a couple of nongovernmental organizations which provide assistance for battered women, for more detailed information please visit <http://victimasportal.org/Paises/Ecuador.html>

Trauma counseling: In Ecuador there are a couple of organizations which provide psychological support, shelter, and health care to women suffering from violence and their children, for more information please visit:

<http://victimasportal.org/Paises/Ecuador.html>

Other useful sites include,

U.S. National Sexual Assault Hotline: <http://www.rainn.org/>

General Information on Domestic Violence: www.abusedwomen.org/resources.html

IX. SPECIAL INFORMATION FOR CASES OF CHILD ABUSE:

The Ecuadorian National Council for Children and Adolescents known as “Consejo Nacional de la Niñez y Adolescencia” - CNNA is responsible for the protection of children in Ecuador. This council also works closely with other Ecuadorian agencies in outreach, investigation, early intervention, statutory protection, and casework.

For further information on child welfare available in Ecuador please visit: <http://www.cнна.gob.ec>

X. SPECIAL INFORMATION FOR INTERNATIONAL PARENTAL ABDUCTION

The Office of Children's Issues at the State Department assists in cases of international parental child abduction. They place the highest priority on the welfare of children who have been victimized in such cases. They are prepared to assist you as you pursue recovery of abducted children.

Outgoing Cases: Abductions from the United States Responding to an International Parental Child Abduction:

The Office of Children's Issues is prepared to assist parents as they pursue recovery of their abducted children. They are assigned a specific case officer who can assist them with opening a case with their local law enforcement, searching, understanding the legal process, and in other ways. For more information please visit:

http://travel.state.gov/abduction/solutions/solutions_3848.html

Incoming Cases: Abductions to the United States:

The [Office of Children's Issues](#) also handles incoming Hague child abduction cases – that is, abductions of children to the United States from countries that are [partners](#) under the [1980 Hague Convention on the Civil Aspects of International Child Abduction](#). The Office of Children's Issues assists parents whose child has been taken to the United States from a Hague Convention country in violation of their parental rights. They offer many services that you might find valuable during this difficult time. For more information please visit:

http://travel.state.gov/abduction/incoming/incoming_4173.html

Parental child abduction is not considered a criminal offense under the laws of Ecuador. However, international restitution is recognized by Ecuador through its membership to the Hague Convention. Ecuador has been a party to the Hague Abduction Convention since April 1, 1992. Ecuador's Central Authority for Hague petitions is the Ecuadorian National Council for Children and Adolescents known as "Consejo Nacional de la Niñez y Adolescencia": <http://www.cnaa.gob.ec/index.php/transparencia/servicios.html>

A Hague petition concerning international parental child abduction under Ecuadorian law begins with the presentation of the formal request, which must be completed by the left-behind parent. Proof of habitual residence must also be submitted (such as certificates from schools, doctors' letters, etc.) in order to begin the restitution process. In addition, photos of the retaining parent and of the child in dispute may be presented. Ecuador's Central Authority also requests documentation of the left-behind parent's physical custody or visitation rights. Once the request is received, the Ecuadorian National Council for Children and Adolescents, CNNA, sends the file to the Specialized Police Unit for crimes against minors – DINAPEN - with the objective to locate the whereabouts of the missing child or adolescent. After the search is completed, and if the result is positive, an approach is made by the Ecuadorian Central Authority in order to

determine if a voluntary settlement may be reached. Judicial proceedings begin if the voluntary return is not possible. Hague cases usually take about six months. However, the preliminary stage to begin judicial proceedings is not certain. Therefore, there are delays of court hearings during the reporting period.

Useful internet sites include,

National Center for Missing and Exploited Children (NCMEC): It is a private, nonprofit organization created in 1984. The mission of the organization is to serve as the nation's resource on the issues of missing and sexually exploited children. The organization provides information and resources to law enforcement, parents, children including child victims as well as other professionals. For more information please visit, http://www.missingkids.com/missingkids/servlet/PublicHomeServlet?LanguageCountry=en_US or call 1-800-THE-LOST (1-800-843-5678).

Interpol is the world's largest international police organization with 190 member countries. If your child was taken from an INTERPOL member country, consult with law enforcement authorities in the country from which the child was taken to ask for their assistance to seek an INTERPOL Notice. Law enforcement authorities in the country from which the child was taken can also help you determine if the parent that took your child to the United States has violated your country's laws. Additionally, you may wish, in addition, to contact law enforcement authorities in the U.S. state where your child is located and ask whether they can help. For more information please visit, <http://www.interpol.int/>

Attorneys: Consult with an attorney in the country from which the child was taken to determine what civil remedies are available, as well as an attorney in the United States. If you know the location of your child in the United States, contacting an attorney in that U.S. state can be very helpful. For more information on how to obtain legal aid in the United States and abroad please visit: http://www.travel.state.gov/abduction/attorneysjudges/attorneysjudges_4306.html

XI. SPECIAL INFORMATION FOR CASES OF HOMICIDE

Host countries are responsible for the investigation of the death if it is the result of homicide, suicide or accidental death. There may also be a role for U.S. law enforcement, particularly in deaths involving acts of terrorism or transportation safety. For more information please contact ACS at the U.S. Embassy in Quito or the General Consulate in Guayaquil.

Consular Affairs and Overseas Citizen Services Crime Victim Assistance Specialists also coordinate with the U.S. Department of Justice Office for Victims of Crime and the FBI.

In the case of a homicide in Ecuador, an autopsy is always mandatory since the Forensic Doctor is required by law to determine the cause of death.

There are three types of homicides in Ecuador. The first one is “unintentional homicide.” Unintentional homicide is defined by Ecuadorian laws as one “perpetrated due to the lack of foresight or precaution, but without intention of harm”. For this type of homicide, the perpetrator/s shall be punished by imprisonment term ranging between three months to two years.

The second type is “manslaughter” (homicidio). Under Ecuadorian laws, it is defined as a crime “committed with intent to cause death, but without any of the circumstances detailed under the crime of murder.” A person convicted on manslaughter charges is liable to an imprisonment term ranging between eight and twelve years.

The third type “murder” (asesinato) is when the crime involves premeditation, promise of remuneration, etc. A person convicted on murder charges is subject to an imprisonment term between twelve and twenty five years.

SUPPORT ORGANIZATIONS FOR FAMILIES

In the United States there are several support organizations for families in homicide cases,

- a) Office for Victims of Crime: <http://www.ojp.usdoj.gov/ovc/help/>
- b) Compassionate Friends provides highly personal comfort, hope, and support to every family experiencing the death of a son or a daughter, a brother or a sister, or a grandchild, and helps others better assist the grieving family: www.compassionatefriends.org
- c) The National Organization of Parents of Murdered Children, www.pomc.com
- d) AARP Grief and Loss (American Association of Retired Persons), www.aarp.org

In Ecuador there are no support organizations for families in homicide cases.

XII. INFORMATION FOR OTHER TYPES OF CRIMES OR OFFENSES

PASSPORT MISPLACEMENT OR THEFT

For passport misplacements please call 1-877-487-2778 (if in the United States) or contact the contact nearest embassy or consulate in foreign country.

Useful Internet Sites

- http://travel.state.gov/passport/lost/lost_848.html#report
- <http://ecuador.usembassy.gov/passports/lost-or-stolen-passports.html>
- <http://guayaquil.usconsulate.gov/passports.html>

OTHER CRIMES AND OFFENSES

Please note that Public Prosecutors in Ecuador are not responsible for the following,

- a) The charging of debts arising from bills of exchange, promissory notes and checks serving as collateral. (In this type of dispute, a civil action needs to be initiated and the competent authority is an Ecuadorian Civil Judge.)
- b) The collection of back rent or lease terminations. (It corresponds to Ecuadorian Judges and Courts specialized in tenancy disputes, commonly known as “Juez de Inquilinato”).
- c) Recovery of children taken by one of their parents; or, alimony disputes. (Judges and Courts specialized in children issues are the only competent authority in these types of matters, commonly known as “Juez de la Niñez y Adolescencia”).
- d) Recovery of animals. (These disputes are resolved by the City’s Intendant, commonly known as “Intendente”).
- e) Issuance of restraining orders (emitted only by the City’s Intendant, National Commissioner’s offices- “Comisarios Nacionales” and Commissioner’s Office for Women and Family’s issues- Comisarias de la Mujer y la Familia-).
- f) Elaboration of mutual respect agreements, these types of “agreements” are common in Ecuador in cases of domestic violence. (Only drafted and issued by the City’s Intendant, National Commissioner’s offices- “Comisarios Nacionales” and Commissioner’s Office for Women and Family’s issues-Comisarias de la Mujer y la Familia-).
- g) Insurance recovery processes (these types of claims in Ecuador are directly addressed by the Insurance Company, although intermediaries known as Insurance Brokers are also involved).
- h) Reports or affidavits regarding stolen or lost documents of any kind. (National Commissioner’s offices only, for information on locations available in Quito please visit our Embassy’s website at [Lost or Stolen Passports](http://ecuador.usembassy.gov/passports/lost-or-stolen-passports.html) or <http://ecuador.usembassy.gov/passports/lost-or-stolen-passports.html>).
- i) Complaints regarding damaged property. (Criminal Courts directly receive these types of complaints without the intervention of a Public Prosecutor, generally referred in Ecuador as a “Fiscal”).

RESOURCES FOR IDENTITY THEFT & FRAUD VICTIMS

Please read the State Department’s information on Identity Theft and Fraud at http://travel.state.gov/travel/cis_pa_tw/cis/cis_4522.html

According to the latest reforms on Ecuador’s criminal laws, fraud is a crime that must be prosecuted by the Office of the Public Prosecutor since it is considered as a crime of public interest.

USEFUL INTERNET SITES

http://travel.state.gov/travel/tips/emergencies/emergencies_1212.html

ANNEX

HOSPITAL INFORMATION AVAILABLE FOR QUITO

Hospital information for Quito, Ecuador		
Hospital	Phones +593 2	Address
Baca Ortiz - Pediatrico	2552 554 2547 186	Av. Colón y 6 de Diciembre
Carlos Andrade Marín	2564939 2560904	Av. 10 de Agosto y Bogotá
Clinica de la Mujer	2458000 2458372	Av. Amazonas 39216 y Gaspar de Villarroel
Del Sur Enrique Garcés	2660252 2654039	Av. Enrique Garcés
Dermatológico Gonzalo Gonzáles	2544640 2552549	Pablo Guevara E17-41 y Antonio Sierra (Vicentina baja)
Eugenio Espejo	2230212 2507919	Av. Colombia
General de las Fuerzas Armadas	2565616 2521334	Av. Queseras del Medio y Colombia
Gineco Obstétrico Isidro Ayora	2527938 2224503	Av. Colombia N14-66 y Sodiro
Hospital de Clínicas Pichincha	2998700 2562410	Páez N22-160
Hospital de los Valles	6000900 6000911	Vía Interoceánica Km. 12 1/2, Cumbaya
Hospital Metropolitano	3998000	Av. Mariana de Jesús y Occidental
Hospital Vozandes	2262142 1800487487	Villalengua Oe2-37 y Av. 10 de Agosto
Pablo Arturo Suárez	2598101 2596371	Angel Ludeña y Guerrero
Psiquiátrico Julio Endara	2342651 2348804	Autopista General Ruminahui, Puente 7 Av. Manuela Canizares Oe3-376 Cdla. Hospitalaria, Conocoto
Quito No.1 Policía Nacional	2247478 2247483	Av. Mariana de Jesús y Occidental