

Executive Retaliation Against Ecuador's Constitutional Court:

THE RULE OF LAW UNDER SIEGE

Rule of Law Lab



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Executive Summary and Recommendations

Recent years have seen several Latin American governments revive the repressive *mano dura* (iron fist) approach to combating rising crime.¹ Ecuador has become one of the most notable adopters of this regional trend, with President Daniel Noboa following the example set by El Salvador's President, Nayib Bukele.² Since taking office in November 2023, President Noboa has responded to escalating criminal violence by imposing repeated states of exception, decreeing an "internal armed conflict," deploying the military for law enforcement purposes, and adopting repressive detention policies.³ These measures have been accompanied by a marked rise in serious human rights violations⁴ and a broader assault on checks and balances that safeguard democracy and the rule of law.⁵

Against this backdrop, Ecuador's Constitutional Court has emerged as a crucial bulwark for the rule of law. While it has consistently upheld security measures that comply with the Constitution,⁶ it has also ruled against efforts by President Noboa and his ruling party, National Democratic Action (ADN), to expand executive power beyond constitutional limits through states of exception and fast-tracked "economic urgency" laws.⁷ In doing so, the Court has exercised precisely the check on executive power that its constitutional mandate requires.

In retaliation for this exercise of constitutional oversight, since August 2025, the Executive has waged an escalating campaign against the Court, threatening its independence.⁸ This report documents that campaign of retaliation to underscore the urgency of defending the Constitutional Court—the country's principal independent check on executive power.⁹

In a democracy, criticism of court decisions is protected by the right to free expression and can be vital for informing public debate. However, as demonstrated in this report, the Executive's attacks on the Constitutional Court and its justices far exceed the bounds of legitimate criticism and constitute threats to judicial independence. Rather than engaging with the substance of the Court's rulings, these attacks are aimed at: (i) publicly delegitimizing the Court; (ii) intimidating and publicly exposing its justices; (iii) weaponizing criminal proceedings against justices who issue decisions adverse to the government; (iv) curbing the Court's institutional powers and independence; and (v) imposing administrative restrictions on the Court's operations.

i. Public Delegitimization of the Constitutional Court

The government's retaliatory campaign began after the Court admitted constitutional challenges to major executive-backed laws and ordered interim measures suspending parts of them.¹⁰ On August 12, 2025, following the Court's decision to provisionally suspend several provisions of security-related legislation, President Noboa personally led a public march against the Court.¹¹ In addition, former Minister of Government Zaida Rovira and former President of the National Assembly Niels Olsen, alongside military personnel, branded the Court as an "enemy of the people" in a nationwide video broadcast.¹² A parallel disinformation campaign—including coordinated online messaging and billboards—sought to redirect public anger over rising crime towards the Court by blaming it for the violence.¹³

ii. Intimidation and Public Exposure of Justices

During the August 12 march, the faces of Constitutional Court justices were displayed on large mobile billboards featuring designs resembling wanted-person notices, alongside accusatory messages, exposing individual justices to public hostility.¹⁴ President Noboa declared: “We will not allow change to be stalled by nine people who won’t even show their faces, who seek to hide their names and their identities from all of society.”¹⁵ The march coincided with the removal without notice of security barriers around the Court and the deployment of military armored vehicles in the surrounding area.¹⁶ Weeks later, a bomb threat forced the Court’s evacuation, deepening the climate of intimidation surrounding its work.¹⁷

iii. Weaponization of Criminal Proceedings Against Justices

In September 2025, after the Court temporarily suspended a presidential decree calling for a referendum on installing a Constituent Assembly, a senior government official publicly suggested that justices could face criminal charges for obstructing the referendum.¹⁸ The Comptroller General’s Office opened asset declaration investigations into six Constitutional Court justices tied to rulings unfavorable to the government,¹⁹ including the Constitutional Court’s President and Vice-President. At least two of these proceedings have already resulted in formal criminal investigations for alleged illicit enrichment, with audits of the remaining justices still pending and further investigations possible.²⁰

iv. Curbing the Court’s Institutional Powers and Independence

In August 2025, President Noboa proposed a constitutional amendment that would have subjected Constitutional Court justices to political impeachment by the National Assembly, despite the Constitution’s explicit protection against that

mechanism.²¹ The Court rejected the proposal as a threat to judicial independence and the separation of powers.²² In September 2025, the Executive proposed constitutional amendments that would require a supermajority of justices to invalidate executive-backed acts.²³

The same month, the Executive also attempted to bypass the Court’s constitutionally mandated review of constitutional change by advancing a Constituent Assembly process by decree.²⁴ The Court provisionally suspended the decree calling for a Constituent Assembly, which had been sent directly to the National Electoral Council rather than being submitted to the Court for constitutional review first. The Executive subsequently issued a second decree with the same proposal, which this time was referred to the Court by the Electoral Council and upheld following constitutional review. Voters ultimately rejected the proposal in the November 16, 2025 referendum. The episode illustrated the Executive’s willingness to circumvent constitutional review to achieve its aims.²⁵

These efforts were accompanied by a legislative initiative that could further undermine the Constitutional Court’s institutional independence by subjecting the removal of justices to political control. In September 2025, ADN legislator Lucía Pozo introduced a bill, which would transfer from the Constitutional Court to the National Assembly the authority to determine, by a two-thirds vote, whether certain grounds for prematurely terminating a justice’s tenure have been met. Giving the legislature this authority could increase political influence over the Court’s composition and continuity.²⁶

v. Administrative Restrictions on the Court’s Operations

In August 2025, the Comptroller General opened an investigation into the Court’s institutional management, demanding detailed information about its internal operations and judicial appointment process.²⁷ Given the Comptroller’s authority to determine administrative liability and refer findings

to the Attorney General for criminal prosecution, the measure carried clear coercive potential.²⁸ Around the same time, the Ministry of Energy and Mines moved to terminate the agreement under which the Court occupies its building and ordered it to vacate on short notice.²⁹ Even though that decision was later reversed, it demonstrated how administrative tools could be used to threaten the Court and disrupt its operations. The government also delayed the disbursement of the Inter-American Development Bank funds to the Court, further constraining the Court's operational capacity.³⁰

Together, these five patterns show how the Executive has retaliated against the Constitutional Court for enforcing legal limits on executive overreach—targeting the very independence that allows it to serve as a check on executive power. Safeguarding the Court's independence is crucial for upholding the rule of law. A security policy that respects rights, legality, and proportionality is not a constraint on Ecuador's ability to confront violent crime—it is what makes that response sustainable, legitimate, and effective. States of exception must remain exceptional. Security policy must remain subject to constitutional constraints. And the Constitutional Court must be able to perform its role free of intimidation or retaliation.

Recommendations

To the Government of Ecuador

1. End attacks, threats, intimidation, and other forms of retaliation against the Constitutional Court and its justices in response to the exercise of their judicial functions.
2. Comply promptly and fully with Constitutional Court decisions including Judgment No. 1-25-EE/25, in which the Constitutional Court instructed the Government to establish a joint commission to develop an ordinary institutional strategy for addressing security conditions and to transition away from the repeated use of states of exception.³¹

3. Protect the Court's institutional, financial, operational, and security independence. Administrative authority over the Court's premises, budget, security arrangements, or international-cooperation funds should not be used to interfere with or disrupt its work.
4. Ensure that security measures for Constitutional Court justices, personnel, and facilities are based on objective risk assessments and are not withdrawn or modified in a manner that exposes or intimidates members of the Court.
5. Refrain from proposing or supporting reforms that would subject Constitutional Court justices to political removal, diminish the Court's constitutional powers, or otherwise weaken the safeguards protecting its independence.
6. Adopt long-term security policies grounded in constitutional and international legal standards. Address persistent insecurity through ordinary legal and institutional mechanisms rather than relying on repeated or prolonged states of exception as a substitute for long-term security policy. Ensure that any state of exception is temporary, necessary, proportionate, territorially justified, and consistent with constitutional and international human rights standards.

To the Office of the Attorney General

1. Ensure that investigations involving Constitutional Court justices are not initiated or pursued because of the substance or outcome of their judicial decisions.

To the Comptroller General

1. Ensure that oversight proceedings involving Constitutional Court justices are based on credible evidence of possible financial or administrative misconduct and are not initiated or pursued in response to judicial rulings.

To the National Assembly

1. Respect the constitutional limits on legislative oversight and refrain from using investigations, hearings, or other parliamentary mechanisms to interfere with the Constitutional Court's adjudicative functions or retaliate against justices for their decisions.
2. Respect Article 431 of the Constitution, which provides that Constitutional Court justices may not be impeached or removed by the authorities that appointed them and which reserves this removal authority to the Constitutional Court itself.

To Ecuador's Justice Institutions

1. Publicly affirm that judges must be able to perform their functions free from political pressure, intimidation, and retaliation.
2. Strengthen mechanisms to identify, prevent, and respond to threats against judges.

To the Inter-American Commission on Human Rights

1. Maintain ongoing monitoring of measures affecting the independence of Ecuador's Constitutional Court.
2. Request information from the Ecuadorian government, where warranted, about investigations, audits, administrative or security measures, and legislative initiatives that may threaten the independence of Constitutional Court justices, particularly when such measures follow judicial decisions unfavorable to the government.
3. Seek the Ecuadorian government's consent to conduct an on-site visit assessing judicial independence in Ecuador, including threats, intimidation, or retaliation affecting judges and other justice operators, with particular attention to measures affecting the independence of the Constitutional Court.

4. Use hearings, requests for information, public statements, and precautionary measures, as appropriate, where credible evidence indicates that Constitutional Court justices or other justice operators are at risk.
5. Emphasize that constitutional review of states of exception and other extraordinary security measures strengthens, rather than hinders, the State's response to organized crime.
6. Monitor and respond to any credible threats or reprisals against lawyers, human rights defenders, journalists, or civil society organizations arising from their work documenting, reporting on, or challenging interference with judicial independence in Ecuador.

To the IACHR Rapporteur on Human Rights Defenders and Justice Operators

1. Monitor threats, intimidation, retaliatory proceedings, and other forms of pressure affecting Constitutional Court justices and other justice operators.
2. Request information from the Ecuadorian government, maintain appropriate communication with those facing credible risks, report publicly on documented concerns, and support the IACHR's consideration of petitions or requests for precautionary measures where the applicable requirements are met.

To the Organization of American States (OAS)

1. The OAS Secretary General and Permanent Council should monitor documented threats and retaliatory measures affecting Ecuador's Constitutional Court, recognizing that the separation of powers and the independence of state institutions are essential elements of representative democracy under Article 3 of the Inter-American Democratic Charter.

2. The Secretary General should raise documented concerns with the Ecuadorian government and, if developments warrant, seek the government's consent under Article 18 of the Inter-American Democratic Charter to arrange a visit or other fact-finding measures concerning their effects on Ecuador's democratic institutions.
3. The Permanent Council should consider credible information concerning interference with the Constitutional Court and, where appropriate, undertake a collective assessment and pursue diplomatic initiatives or other measures aimed at protecting the separation of powers and strengthening Ecuador's democratic institutions.

To the United Nations Special Rapporteur on the Independence of Judges and Lawyers

1. Continue monitoring developments affecting judicial independence in Ecuador and seek the government's response to documented allegations that criminal investigations, audits, legislative initiatives, or administrative measures have been used to pressure or retaliate against Constitutional Court justices.
2. Request information concerning the legal and factual basis for such measures and the safeguards in place to protect judicial independence.
3. Seek an invitation from the Ecuadorian government to conduct a country visit assessing judicial independence across Ecuador, with particular attention to interference with the Constitutional Court and threats, intimidation, or retaliation affecting judges and other justice operators.

To the Office of the United Nations High Commissioner for Human Rights

1. Monitor and report publicly on attacks, threats, investigations, audits, legislative proposals, and administrative measures that may undermine judicial independence in Ecuador, with particular attention to the Constitutional Court.
2. Raise documented concerns in its dialogue with the Ecuadorian government and recommend measures to protect judicial independence, constitutional review, and human rights during states of exception.

To International Financial Institutions (IMF, IDB, World Bank, CAF)

1. Assess risks to judicial independence when financing or technical assistance supports public security, justice, governance, or institutional strengthening in Ecuador, and adopt safeguards to prevent program resources or administrative arrangements from being used to interfere with the Constitutional Court or other judicial institutions.
2. Raise documented threats to judicial independence in policy dialogue with Ecuadorian authorities when those threats may affect legal certainty, institutional stability, or the implementation of supported programs, and monitor the government's response.

To the United States Department of State

1. Raise concerns with Ecuadorian authorities about specific criminal investigations, audits, legislative proposals, administrative actions, and other measures that may threaten the independence of the Constitutional Court or constitute retaliation against its justices. Request information about the legal and factual basis for these measures and the safeguards in place to prevent political interference.

2. Publicly affirm that judicial independence and compliance with Constitutional Court decisions are essential to the rule of law and to effective, rights-respecting security and governance cooperation with Ecuador.
3. Acknowledge, in public statements and diplomatic engagement with Ecuador, the Constitutional Court's essential role in reviewing states of exception and other extraordinary security measures and in ensuring that the government's response to violence and organized crime complies with constitutional and international human rights standards.
4. Include in the Department of State's Country Reports on Human Rights Practices documented attacks, threats, retaliatory investigations or audits, and legislative or administrative measures that materially affect the independence or functioning of Ecuador's Constitutional Court.
5. In coordination with other relevant U.S. agencies, review security and rule-of-law assistance provided to Ecuadorian institutions subject to credible allegations of retaliation against judges. Adopt measures proportionate to the findings of that review, including enhanced monitoring, conditions on assistance, or the suspension or termination of assistance when required by U.S. law.

To the United States Congress

1. Request briefings and written responses from the Department of State regarding U.S. engagement with Ecuador on threats to the independence of the Constitutional Court.
2. Require the Department of State to report on the human rights and rule-of-law risks associated with U.S. security cooperation with Ecuador.

To the European Union and its Member States

1. Raise concerns with Ecuadorian authorities about documented attacks, threats, investigations, audits, and legislative or administrative measures that may undermine the independence of the Constitutional Court. Address these concerns through the EU's political dialogue with Ecuador and, where relevant to their mandates, through institutions established under the EU's trade relationship with Ecuador.
2. Assess risks to judicial independence in EU-funded governance, justice, and security programs in Ecuador, and incorporate measurable safeguards, monitoring requirements, and corrective measures to prevent assistance from contributing to interference with constitutional or judicial institutions.
3. Include significant developments affecting the independence and functioning of the Constitutional Court in EU assessments of democracy and the rule of law in Ecuador and consider those findings when determining diplomatic engagement, cooperation priorities, and future assistance.

I. Regional Context: Security Crisis, Emergency Powers, and the Appeal of “Bukelismo”

Latin America remains one of the most violent regions in the world.³² The United Nations reported that Latin America and the Caribbean “continues to have the highest homicide rate globally,” with 19.7 victims per 100,000 population in 2023, and that the region is more affected by organized crime and gang-related homicidal violence than any other region.³³ The Inter-American Development Bank has similarly observed that the region’s homicide rate is three times higher than the global average, at 18 compared with 5.6 per 100,000 inhabitants, and that 50 percent of homicides in the Americas are connected to organized crime, compared with 24 percent globally.³⁴

To address rising crime, several Latin American nations have increasingly embraced *mano dura* (iron fist) approaches to public security.³⁵ *Mano dura* policies prioritize forceful state intervention, military-style policing, and mass incarceration as mechanisms to reassert territorial control and deter organized crime.³⁶ El Salvador has become the leading regional example of this model. Once the holder of the world’s highest homicide rate, El Salvador has seen that rate decline sharply under President Nayib Bukele’s security strategy.³⁷ The Bukele government attributes this decline to a continuous “state of exception” in effect since March 2022, under which police and prosecutors have carried out mass arrests—more than 80,000 people, most without due process—while eroding institutional checks and balances and suspending fundamental constitutional rights.³⁸ The causal story is contested, however: opposition figures, journalists, and at times the U.S. government have alleged that the initial drop in violence owed in part to a secret pact between Bukele officials and gang leadership predating the state of exception,

rather than to the crackdown alone.³⁹ Independent monitors have also questioned the reliability of the official statistics, noting they exclude killings by security forces, deaths in state custody, and bodies found in unmarked graves.⁴⁰ Whatever the relative contribution of these factors, the strategy has produced a grave human rights crisis entailing widespread arbitrary detention, torture, and hundreds of deaths in custody, alongside Bukele’s attacks on judicial independence and other checks and balances necessary for safeguarding democracy.⁴¹

The Inter-American Commission on Human Rights (IACHR) has recognized that gangs are a serious and longstanding problem in El Salvador. But it has also warned that the prolonged state of exception no longer satisfies the requirements of international human rights law.⁴² The IACHR’s warning is particularly important because it connects prolonged emergency rule to democratic erosion. In a concurring opinion attached to the Commission’s report, Commissioners José Luis Caballero Ochoa and Andrea Pochak stated that “[t]he duration of states of emergency and the consequent suspension of rights entails a very thin line that can turn life in democracy into a political system with autocratic features.”⁴³ They further warned that a state of emergency prolonged beyond what is strictly necessary “generates concentration of power and undermines the rule of law.”⁴⁴

Despite these concerns, as political scientists Eduardo Meléndez-Sánchez and Alberto Vergara argue, Bukele’s 2022 crackdown turned the “Bukele model” into one of the region’s most influential political brands.⁴⁵ Politicians in Chile, Ecuador,

Guatemala and Honduras have sought to emulate elements of the model.⁴⁶ President Daniel Noboa of Ecuador has increasingly been compared to Bukele. As organized criminal violence has escalated, Noboa's government has acknowledged borrowing elements of El Salvador's prison-security infrastructure.⁴⁷ Other aspects of Noboa's response—including repeated states of exception, the expanded deployment of the Armed Forces in public security operations, plans to replicate El Salvador's prison infrastructure, and restrictions on certain civil liberties—have drawn frequent comparisons to the Bukele model, although Ecuador's criminal dynamics and institutional context differ significantly from those of El Salvador.⁴⁸ Noboa's reliance on these elements has, however, been constrained by the oversight of Ecuador's Constitutional Court, highlighting tensions between his security strategy and the rule of law.

II. Background: Ecuador's Democratic Reversal and Escalating Criminal Violence

Ecuador's recent history illustrates a fragile democratic recovery that is now giving way to renewed authoritarianism under President Daniel Noboa. The 2026 Democracy Report by the V-Dem Institute warns that Ecuador's democratization process is reversing.⁴⁹ This reversal is linked to a rise in organized crime violence and the government's "iron fist" response following Noboa's election in 2023 and reelection in 2025. Consequently, Ecuador has been placed on V-Dem's 2026 Watchlist of potential autocratizers.⁵⁰

During Rafael Correa's presidency (2007–2017), Ecuador experienced significant democratic backsliding.⁵¹ Correa's government eliminated presidential term limits,⁵² imposed fines on media outlets critical of the government,⁵³ attacked NGOs opposing government projects,⁵⁴ and targeted civil society and opposition leaders with prosecutions⁵⁵ and espionage.⁵⁶ The UN Special Rapporteur on freedom of opinion and expression noted that, during Correa's decade in power, Ecuador stigmatized and persecuted journalists, undermined independent civil society organizations, and limited access to information.⁵⁷ This treatment of freedom of expression was characterized as a privilege rather than an individual right guaranteed by the Constitution and international human rights law.⁵⁸ The Inter-American human rights system also raised concerns about restrictions on freedom of expression during Correa's tenure, including civil and criminal proceedings against journalists and media outlets.⁵⁹

After Correa left office in May 2017, Ecuador appeared to shift direction. President Lenín Moreno (2017–2021) restored presidential term limits through a February 2018 referendum,⁶⁰ removed Correa-

aligned officials from key institutions,⁶¹ and relaxed some of the legal and political pressures that had constrained media and civil society.⁶² V-Dem later described Ecuador as a "U-turn" case, indicating a reversal of prior authoritarian trends.⁶³

However, this recovery remained fragile. Moreno completed his term in May 2021 and did not seek reelection.⁶⁴ His departure marked an orderly transfer of power, but not a settled democratic recovery. Ecuador continued to face political fragmentation, economic strain, and institutional fragility.⁶⁵ Guillermo Lasso, a conservative former banker, won the 2021 presidential runoff with promises of economic recovery and political stabilization.⁶⁶ Yet, his presidency was soon characterized by legislative paralysis, social unrest, and a rapidly worsening security deterioration.⁶⁷ Guillermo Lasso's presidency ended early in 2023 after he invoked *muerte cruzada*, a constitutional mechanism that dissolved the National Assembly and triggered early presidential and legislative elections.⁶⁸ This move allowed him to avoid impeachment but also shortened his mandate.⁶⁹

Daniel Noboa first assumed office in this exceptional institutional context, completing Lasso's presidential term.⁷⁰ Following this transitional period, Noboa won a full four-year mandate in 2025, campaigning on a promise to restore security and "give back a smile and peace" to a country shaken by violence and political instability.⁷¹ Both Noboa's transitional administration and his full term have unfolded amid worsening insecurity and historically high homicide rates.⁷² These conditions have increased public demand for rapid and forceful action.⁷³ The Noboa government has framed many of its security measures as necessary responses to overlapping

crises, particularly public insecurity.⁷⁴ However, these measures have also been accompanied by a significant rise in human rights violations⁷⁵ and the systematic undermining of oversight institutions.⁷⁶

International organizations have criticized several of these measures.⁷⁷ For example, the IACHR has condemned military interventions during the states of exception and has reiterated that the use of states of exception must be “exceptional and comply with Inter-American standards.”⁷⁸ The United Nations Human Rights Committee has likewise expressed concern over the frequency with which Ecuador “has declared states of emergency and derogated from certain Covenant rights and about the apparent normalization of states of emergency nationally and locally, bearing in mind that derogations should be invoked only in truly exceptional situations.”⁷⁹ The Committee has also expressed concern about “the recurrent recourse, since January 2024, to citing ‘internal armed conflict’ as grounds for such declarations and the absence of measures to ensure compliance with Constitutional Court rulings on the matter.”⁸⁰ In addition, Ecuador’s Constitutional Court has repeatedly reviewed these measures, recognizing that extraordinary security measures may be constitutionally permissible while defining the constitutional limits governing their use.⁸¹

III. Legal Standards Governing States of Exception Under International and Domestic Law

Ecuador's government is subject to legal obligations under international and domestic law. Imposing a state of emergency does not displace those obligations. As explained below, both international and domestic law permit the use of states of exception, but only under strict conditions governing the declaration and implementation of a state of exception.

i. International Law Permits States of Exception Only Under Strict Conditions

Ecuador is a party to the International Covenant on Civil and Political Rights (ICCPR)⁸² and the American Convention on Human Rights (ACHR),⁸³ both of which are binding on Ecuador and establish the international legal framework governing the declaration and implementation of states of exception.

International law recognizes that States may adopt exceptional measures in response to serious threats to public order, national security, or democratic stability.⁸⁴ However, a state of exception must be a highly regulated constitutional mechanism designed to preserve, rather than bypass, democracy or the rule of law during periods of serious public danger.⁸⁵ Under both Inter-American and universal human rights law,⁸⁶ states of exception must remain temporary, legally justified, proportionate, and subject to effective institutional and judicial control.⁸⁷ Periods of serious insecurity may justify extraordinary measures in specific, time-limited circumstances, but they do not displace the rule of law.⁸⁸

Article 4(1) of the ICCPR provides that, “[i]n time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed,” States may take measures derogating from certain obligations only “to the extent strictly

required by the exigencies of the situation,” provided that such measures are not inconsistent with other obligations under international law and do not involve discrimination.⁸⁹

Article 27(1) of the ACHR establishes that “[i]n time of war, public danger, or other emergency that threatens the independence or security of a State Party,” the State may adopt measures derogating from certain obligations only “to the extent and for the period of time strictly required by the exigencies of the situation,” and only if such measures are not inconsistent with other international obligations and do not involve discrimination.⁹⁰

The Inter-American Court of Human Rights has established that this prerogative must be exercised and interpreted exceptionally and restrictively.⁹¹ In this regard, the Inter-American Commission on Human Rights has indicated that the circumstances invoked to justify exceptional measures must be very serious and constitute an imminent threat to the organized life of the nation.⁹²

The Inter-American Court of Human Rights has also emphasized that the act declaring a state of emergency must define the rights affected, the territorial scope, and the duration of the measures.⁹³ Emergency measures must also be appropriate, proportional, reasonable, and connected to the specific emergency being addressed.⁹⁴

The Inter-American Commission has recently reaffirmed this principle in the context of organized crime, stating that even during states of emergency, unrestricted respect must be guaranteed for rights that have not been legitimately suspended, and judicial protection and due process guarantees must continue to be respected.⁹⁵

The Inter-American Commission of Human Rights has also reaffirmed the fundamental role of the independence and performance of all branches of government and oversight institutions in these circumstances, calling on States to strengthen democratic institutions under a human rights approach in order to comply with international obligations and the Inter-American Democratic Charter.⁹⁶ Accordingly, states of exception cannot become a permanent or routine mechanism of governance. Their legality depends on their exceptional nature, their strict necessity, and the continued availability of institutional and judicial review.

ii. International Law Requires Continuing Protection for Non-Derogable Rights and Judicial Guarantees

International law also establishes substantive limits on what may be suspended during a state of exception. Article 27(2) of the ACHR provides that no suspension is permitted with respect to certain rights, including the right to juridical personality, the right to life, the right to humane treatment, freedom from slavery, the principle of legality, freedom of conscience and religion, rights of the family, the right to a name, rights of the child, the right to nationality, political rights, or “the judicial guarantees essential for the protection of such rights.”⁹⁷

Article 4(2) of the ICCPR similarly prohibits derogation from certain rights, including the right to life, the prohibition of torture or cruel, inhuman, or degrading treatment, freedom from slavery and servitude, the prohibition of imprisonment for debt, the principle of legality in criminal law, recognition as a person before the law, and freedom of thought, conscience, and religion.⁹⁸

The Inter-American Court has interpreted these provisions to mean that certain judicial guarantees remain indispensable even during states of emergency. Specifically, habeas corpus cannot be suspended where it is necessary to protect

non-derogable rights,⁹⁹ and more broadly, judicial guarantees essential to the protection of those rights must remain in force during emergencies.¹⁰⁰ The Court has also recognized that judicial procedures necessary to preserve democratic governance and the rule of law cannot be suspended.¹⁰¹ These guarantees must operate within the framework of due process under Article 8 of the American Convention, including access to an independent and impartial tribunal, the presumption of innocence, and the right to legal counsel.¹⁰²

Finally, the Court has established that it is for domestic authorities to determine the reasons and grounds justifying the declaration of a state of exception and to exercise adequate and effective control over its implementation, ensuring that any suspension of rights remains within the limits established by the American Convention.¹⁰³

iii. Ecuador’s Constitution Imposes Substantive and Procedural Constraints on States of Exception

Ecuador’s 2008 Constitution¹⁰⁴ expressly authorizes exceptional mechanisms through which the Executive may respond to serious threats, including states of exception and bills classified as urgent in economic matters.¹⁰⁵ States of exception are designed to address serious circumstances that threaten the security or stability of the State, while bills classified as urgent in economic matters provide an accelerated legislative procedure for economic legislation. At the same time, however, the Constitution does not conceive of those powers as exempt from legal restraint. It subjects them to specific substantive and procedural conditions and entrusts the Constitutional Court with a central role in ensuring that states of exception and other exceptional exercises of executive authority remain consistent with the constitutional order.¹⁰⁶

Articles 164 to 166 of the Constitution authorize the President to declare a state of exception only in specifically defined circumstances, such

as international or internal armed conflict, grave internal commotion, public calamity, or natural disaster.¹⁰⁷ The Constitution further requires that any such decree identify its grounds, define its territorial scope and duration, specify the measures adopted, and respect the principles of necessity, proportionality, legality, temporariness, territoriality, and reasonableness.¹⁰⁸ It also provides that the decree must be notified to the Constitutional Court, which is empowered to review its constitutionality.¹⁰⁹ The constitutional framework thus permits the temporary expansion of executive authority, but only under conditions that preserve judicial oversight.

Regarding bills classified as urgent in economic matters, the Constitution allows the President to submit such bills under an accelerated legislative procedure, thereby allowing the Executive to seek rapid institutional responses in circumstances it characterizes as requiring immediate economic action.¹¹⁰ Yet this mechanism is also embedded within a broader constitutional system of review. The Constitution preserves the Court's authority to adjudicate constitutional challenges arising in the legislative process and to hear actions of unconstitutionality against enacted legislation. Thus, expedited legislation remains subject to constitutional scrutiny,¹¹¹ particularly with respect to preserving its strictly economic and urgent nature and preventing its use for purposes that should instead follow the ordinary legislative procedure.

As the following section explains, President Noboa has relied on these exceptional mechanisms as central tools in his response to rising violence and organized crime, especially through repeated states of exception and the use of legislation processed as urgent in economic matters, while the Constitutional Court of Ecuador has reviewed those measures and imposed limits on their use.

iv. The Constitutional Court of Ecuador Has Developed a Consistent Jurisprudence Governing States of Exception

Since 2019, the Constitutional Court has developed a consistent body of jurisprudence governing the use of states of exception in response to organized crime and other serious security threats.¹¹² The Court has never imposed a *per se* bar on the use of emergency powers. Rather, it has consistently recognized states of exception as a legitimate constitutional mechanism for addressing situations that exceed the capacity of the ordinary constitutional framework to respond effectively, and has upheld multiple declarations where the applicable constitutional requirements were satisfied.¹¹³ As explained in the following section, the Court has also made clear that the existence of serious security conditions does not, by itself, authorize the Executive to invoke states of exception or adopt extraordinary measures without further justification. The Executive must invoke a constitutionally valid legal ground,¹¹⁴ provide sufficient factual and legal justification for its invocation,¹¹⁵ and ensure that the measures adopted remain exceptional, temporary, necessary, proportionate,¹¹⁶ and limited in territorial scope.¹¹⁷ The Court has also repeatedly stressed that structural security challenges must be addressed through the ordinary legal framework rather than through continued reliance on states of exception as an ordinary or long-term mechanism.¹¹⁸ This jurisprudence establishes a framework in which exceptional powers are constitutionally available, but only when the circumstances exceed the capacity of ordinary mechanisms and the specific constitutional requirements for exceptional action are satisfied.

The Court has also recognized a meaningful scope for extraordinary security measures when those constitutional requirements are satisfied. It has upheld geographically focused states of exception in provinces and areas affected by organized criminal activity,¹¹⁹ recognized the

constitutionality of deploying the Armed Forces in support of internal security operations where such deployment remains exceptional, temporary, subsidiary, and subject to civilian authority,¹²⁰ and upheld extraordinary measures, including military mobilization, operational coordination among security institutions, and temporary restrictions authorized by the Constitution, subject to constitutional review.¹²¹

IV. The Constitutional Court's Limits on the Executive's Overreach in Security Policy

The Noboa government has relied heavily on extraordinary tools—including states of exception¹²² and legislation classified as urgent in economic matters¹²³—to address high levels of criminal violence.¹²⁴ As noted above, these measures have drawn sustained criticism from international bodies,¹²⁵ both because security forces have committed serious human rights violations during emergency operations,¹²⁶ and because the same measures have undermined constitutional bodies responsible for checking executive power.¹²⁷ In addition, as set forth below, the Constitutional Court has declared some of these measures unconstitutional and imposed constitutional limits on others.

i. The Use of States of Exception to Expand Extraordinary Powers

One of the most notable examples of violence in Ecuador occurred on January 9, 2024, when armed men entered the studios of TC Televisión during a live broadcast, taking journalists and staff hostage on air and exposing the severity of Ecuador's security situation. Decree 110 was issued on January 8, 2024, the day before the TC Televisión attack, declaring a nationwide state of exception on the ground of grave internal commotion.¹²⁸ This was immediately followed by Executive Decree No. 111, which recognized the existence of an “internal armed conflict” as an additional legal basis for the state of exception.¹²⁹ Since then, President Noboa has issued more than 30 decrees declaring, renewing, amending, or implementing states of exception and related extraordinary security measures.¹³⁰ These measures have formed a central component of the Government's broader security strategy, known as “Plan Fénix”, which relies on the repeated use of states of exception, the deployment of the Armed

Forces in public security operations, intelligence gathering, prison control, and other extraordinary measures to combat organized crime.¹³¹ However, despite serving as the Government's principal security strategy, the nature and scope of Plan Fénix have remained largely unclear because the Government has not made the plan public, making it difficult to assess its objectives, implementation, or effectiveness.¹³²

While reviewing these decrees, the Constitutional Court has acknowledged that an internal armed conflict is a factual reality independent of a public official's declaration,¹³³ but has questioned the Executive's reliance on this characterization. In Decrees 250 and 275, for example, the President attempted to justify continuous states of exception solely on the grounds of an internal armed conflict.¹³⁴ The Court rejected that justification, holding that the circumstances described by the Executive did not meet the international legal threshold for a non-international armed conflict because the situation lacked the requisite intensity of violence and degree of organization among the non-state armed actors.¹³⁵ Moreover, in February 2025, the Court observed that the country had already spent a full year under “almost uninterrupted” emergency rule. By October 2025 a concurrent opinion by Justice Alejandra Cárdenas Reyes in Ruling 8-25-EE/25 referred to “almost two years” of successive state of emergency declarations.¹³⁶ While performing these analyses, the Court has also warned against the “distortion” of emergency powers and ordered the creation of an inter-institutional commission to develop ordinary legal tools for the security situation.¹³⁷



Military personnel during the August 12 march against the Constitutional Court. Photo courtesy of: P.L.

The expansion of extraordinary security powers has also been accompanied by serious allegations of abuses by security forces. Shortly after the government first declared an “internal armed conflict” in January 2024, Human Rights Watch documented alleged extrajudicial killings, arbitrary arrests, and ill-treatment of detainees, including cases that may have amounted to torture.¹³⁸ The United Nations Committee on Enforced Disappearances expressed deep alarm at allegations concerning at least 51 victims of enforced disappearance, including minors, allegedly committed by security forces, including the Armed Forces, during security operations between 2024 and 2025.¹³⁹ One of the most serious cases involved four children from Guayaquil’s Las Malvinas neighborhood who disappeared in December 2024. According to available evidence, a military patrol detained the children and took them away in a pickup truck. Their remains were later found burned near a military base.¹⁴⁰ In December 2025, a court convicted 16 members of the military in connection with the children’s enforced disappearance,¹⁴¹ and in March 2026, the Constitutional Court granted a habeas corpus petition recognizing the enforced disappearance of the four children.¹⁴²

These developments provide important context for understanding the Constitutional Court’s repeated

review of the Executive’s reliance on states of exception. To date, the Constitutional Court has issued at least 28 rulings on these declarations and renewals, requiring the government to provide sufficient factual and legal justification for the adopted measures while emphasizing that such structural issues must be addressed under the ordinary legal regime.¹⁴³ In several cases, it upheld decrees only partially or declared specific measures unconstitutional.¹⁴⁴ The Court’s interventions therefore cannot be understood simply as formal limits on executive power; they have operated as part of the institutional safeguards applicable to an increasingly expansive security response.

The Constitutional Court was not alone in identifying serious legal concerns regarding the Executive’s repeated resort to states of exception. The UN Human Rights Committee expressed concern over Ecuador’s “frequent and seemingly normalized declarations of states of emergency at local and national levels since January 2024,” including the use of “‘internal armed conflict’ as justification, despite relevant Constitutional Court rulings.”¹⁴⁵ The United Nations Committee against Torture has also raised concerns regarding Ecuador’s repeated use of states of exception. It noted the lack of comprehensive information on measures taken to comply with Constitutional Court rulings concerning the insufficient justification required to invoke “internal armed conflict” as a ground for declaring a state of exception. The Committee also expressed concern over reports of violations of the Convention during these regimes, including excessive use of force by the armed forces in public security operations, torture, arbitrary detention, and alleged extrajudicial executions.¹⁴⁶ More recently, the Committee on Enforced Disappearances expressed deep concern over the continued declaration of states of exception since January 2024, warning that their continued use increases the risk of enforced disappearance due to the expanded role of security forces in these contexts. The Committee also raised concerns about the extension of the armed forces’ role in internal security and urged Ecuador to limit the use of states of exception and ensure that

any measures adopted during such regimes are temporary, proportionate, strictly necessary, and subject to prompt judicial review.¹⁴⁷

Several United Nations special procedures similarly warned about the successive extensions of states of exception through executive decrees invoking “internal armed conflict” and threats linked to organized crime. According to the communication, this practice had continued almost continuously since January 8, 2024, with 21 decrees and seven extensions issued between 2024 and early 2026. The UN experts further stressed that prolonged or repeated extensions of emergency regimes risk undermining their exceptional character and may result in de facto permanent states of emergency, raising serious concerns for the effective protection of human rights.¹⁴⁸ Amnesty International reached a similar conclusion, warning that “[e]xceptional powers restricting human rights that were intended as temporary have become the

new norm in Ecuador.” It further stated that “[t]he indefinite nature of states of emergency violates international human rights standards,” which require such measures to remain exceptional and temporary. Amnesty also raised concerns that the continued deployment of the military in public security and prison-control functions created heightened risks for human rights, because “the military is trained to combat an enemy and not for the protection of civilians.”¹⁴⁹ Similarly, Human Rights Watch has raised concerns about the prolonged use of states of emergency as a response to Ecuador’s security situation, arguing that this approach has failed to sustainably reduce violence and has instead been accompanied by growing reports of human rights violations. Therefore, it urged the Ecuadorian government to end the unjustified use of states of emergency and replace its predominantly military response with a comprehensive security and justice policy grounded in human rights.¹⁵⁰

Constitutional Court Review of States of Exception (2019–2026)

President Daniel Noboa

November 2023–June 2026



16 Constitutional • 10 Partially Constitutional • 2 Unconstitutional

President Guillermo Lasso

May 2021–November 2023



17 Constitutional • 3 Partially Constitutional • 1 Unconstitutional

President Lenín Moreno

May 2017–May 2021



21 Constitutional • 1 Partially Constitutional • 2 Unconstitutional

Source: Prepared by the authors using public data from Ecuador’s Constitutional Court.

Despite these rulings and international concerns, which underscore clear constitutional limits on the expansion of emergency powers, President Noboa has not complied with Judgment No. 1-25-EE/25, in which the Constitutional Court instructed the Government to establish an interinstitutional commission to develop an ordinary institutional strategy for addressing the security conditions and to transition away from the repeated use of states of exception.¹⁵¹ Instead, President Noboa has continued to issue and renew states of exception across several provinces. In doing so, the Executive has persistently invoked “serious internal disturbance” to justify maintaining an exceptional security posture. It has also continued to rely on the existence of an internal armed conflict. On June 18, 2026, President Noboa issued Executive Decree No. 424, which expressly recognizes the existence of an internal armed conflict and provides for the receipt of international cooperation, notwithstanding the Constitutional Court’s repeated findings that the legal threshold for invoking that characterization had not been met. At the same time, the President has challenged the Court’s decisions by arguing that the Court lacks authority to define or direct public security policy and has no power to oversee measures adopted after the termination of a state of exception.¹⁵²

ii. The Use of Emergency Laws to Curtail Ordinary Legislative Deliberation

A second mechanism through which President Noboa has expanded executive authority is the use of legislation classified as urgent in economic matters (emergency laws). Under Article 140 of the Constitution of Ecuador, this procedure is reserved for bills that require expedited treatment on economic grounds and gives the National Assembly a maximum of thirty days to approve, amend, or reject the proposal.¹⁵³ The procedure preserves the ordinary legislative route but reduces opportunities for legislative scrutiny, public contestation, and democratic deliberation.

Although the Constitution reserves this procedure for economic urgency, the Executive has used it extensively for governance and security initiatives for which there is no economic urgency.¹⁵⁴ The Executive has submitted nine emergency bills over a ten-month period, from May 2025 to March 2026.¹⁵⁵ The Court has received more than 40 constitutional petitions against these laws,¹⁵⁶ and has adopted precautionary measures, provisionally suspending some of the challenged provisions pending a final decision.¹⁵⁷

For example, in May 2025, President Noboa submitted, and the National Assembly approved, the *Ley Orgánica de Solidaridad Nacional* (Organic Law of National Solidarity), which functioned less as an economic measure and more as a security framework: it granted the President permanent authority to declare an “armed conflict” outside the constraints of a state of emergency, authorized the use of lethal force, and established a system of pardons for state agents.¹⁵⁸ Similarly, in late May 2025, President Noboa presented, and the National Assembly approved, the *Ley Orgánica de Integridad Pública* (Organic Law on Public Integrity), which once again did not relate to economic matters, and instead introduced structural reforms with respect to public service labor laws, the judicial branch, public procurement, and the juvenile criminal justice system.¹⁵⁹ Through these bills, the government stretched the scope of the urgent economic procedure, using accelerated timelines to advance complex and wide-ranging reforms with reduced opportunities for legislative deliberation. Each of these laws was challenged before the Constitutional Court.¹⁶⁰

The Constitutional Court later confirmed that this legislative strategy exceeded the constitutional limits of the urgent economic procedure. In Ruling 51-25-IN/25, the Court held that the Organic Law of National Solidarity was unconstitutional in its entirety because it violated the principle of unity of subject matter, which requires each bill to address a single, coherent legislative objective so that legislators and the public can meaningfully evaluate its content.¹⁶¹

The Court found that the law improperly combined unrelated economic, criminal, and security measures into a single bill and processed them through the expedited legislative procedure established in Article 140, thereby circumventing the constitutional safeguards governing urgent economic legislation.¹⁶² In Ruling 52-25-IN/25, the Court reached the same conclusion with respect to the Organic Law on Public Integrity, its regulations, and related norms, holding that they were unconstitutional because their legislative objective was overly broad, violating the principle of unity of subject matter, transparency, and democratic deliberation, as well as the legislative procedure applicable to bills classified as urgent in economic matters.¹⁶³ The Court noted that the law bundled together reforms to public procurement, public service, criminal law, and financial regulation, confirming that the Executive had again used the category of economic urgency to move a heterogeneous package of major governance reforms through a compressed process.¹⁶⁴

International organizations have also warned that this type of legislation in Ecuador was rushed through the National Assembly without adequate debate, producing dangerously broad provisions, and that such expedited processes weaken institutional safeguards and jeopardize fundamental rights.¹⁶⁵

Several additional “economic urgency” laws are pending before the Court in challenges brought on grounds of both their procedural legitimacy and substantive impact on rights. These include the *Ley Orgánica de Transparencia Social* (Organic Law on Social Transparency), which authorizes the Financial and Economic Analysis Unit (UAFE), under certain conditions, to order the temporary immobilization of funds without prior judicial authorization, a power that was later applied to accounts belonging to social organizations;¹⁶⁶ the *Ley de Fortalecimiento y Sostenibilidad Crediticia* (Law on Credit Strengthening and Sustainability), concerning social security; and the *Ley Orgánica para el Fortalecimiento de los Sectores Estratégicos*

de Minería y Energía (Organic Law for the Strengthening of Strategic Mineral and Energy Sectors), aimed at strengthening the operational performance of the mining and energy sectors.¹⁶⁷

Economic Urgency Laws Proposed by the Noboa Administration and Approved by the National Assembly.

Law	Date of transmission by President Noboa	Date of approval by the National Assembly
Organic Law on Solidarity	May 17, 2025	June 7, 2025
Organic Law on Public Integrity	May 27, 2025	June 24, 2025
Organic Law for the Strengthening of Protected Areas	June 14, 2025	July 10, 2025
Organic Law on Social Transparency	July 29, 2025	August 26, 2025
Credit Strengthening and Sustainability Law	August 28, 2025	September 26, 2025
Law for Strengthening the Armed Forces and the National Police	September 30, 2025	October 23, 2025
Organic Law Amending the Organic Code on Territorial Organization, Autonomy, and Decentralization for the Sustainability and Expenditure Efficiency of Decentralized Autonomous Governments	January 28, 2026	February 20, 2026
Organic Law for Strengthening the Strategic Mining and Energy Sectors	January 28, 2026	February 26, 2026
Law Amending the Internal Tax Regime Law to Rationalize the Construction of Social-Interest Housing and Reduce the Housing Deficit	March 9, 2026	March 30, 2026

9 LAWS IN 10 MONTHS

The administration has passed an average of nearly one fast-tracked law per month. By bypassing ordinary legislative procedures, these bills were approved in under 30 days, significantly reducing the time for democratic debate and scrutiny.

BEYOND ECONOMICS

While constitutionally reserved for “economic urgency,” this fast-track mechanism has been heavily relied upon to pass legislation completely unrelated to economic crises, including:

- Security
- Environment
- Public Integrity
- Territorial Organization

Source: Prepared by the authors using public data available on the official website of the National Assembly of Ecuador.

V. Executive Attacks Against the Constitutional Court

In response to the Constitutional Court's exercise of constitutional oversight, the Executive launched a sustained and aggressive campaign against it. This campaign sought not only to undermine the Court's legitimacy and intimidate its members, but also to progressively constrain its institutional authority and operational capacity. These attacks are described in detail below.

i. Public Delegitimization of the Constitutional Court

The campaign against the Constitutional Court began in August 2025, after the Court began issuing decisions adverse to the government on constitutional challenges to the laws promoted by the Executive through the fast-track procedure for bills classified as “urgent in economic matters.”¹⁶⁸ Even before the Court formally accepted for its consideration complaints of unconstitutionality and provisionally suspended parts of the laws, presumed government allies, including journalist Carlos Vera and politicians Andrés Páez, Galo Lara, and Jimmy Jairala,¹⁶⁹ published social media posts portraying the Court as an obstacle to the government's security agenda and calling for it to be “stopped,” eliminated, or institutionally downgraded.¹⁷⁰ Shortly thereafter, *Ecuavisa* reported that the timing and similarity of these statements suggested the existence of a coordinated media campaign to discredit the country's highest constitutional authority.¹⁷¹

The confrontation intensified after the Court accepted the constitutional challenges for consideration and adopted precautionary measures, provisionally suspending some of the challenged provisions pending a final decision.¹⁷² Such measures are granted where the applicants sufficiently justify the need for an injunction, particularly in the presence

of an imminent risk of serious rights violations if the laws at issue remain in force.¹⁷³ On August 4, 2025, the Constitutional Court provisionally suspended several provisions of recently enacted legislation. These included the Eleventh Transitory Provision of the Organic Law on Public Integrity, several provisions of the Organic Law on Intelligence and its implementing regulations, and Articles 6, 9, 13, and 14 of the Organic Law on National Solidarity.¹⁷⁴ These decisions became the immediate trigger for a more aggressive public campaign against the Court.

On August 4, 2025, former Minister of Government Zaida Rovira, and former President of the National Assembly, Niels Olsen, appeared on national television alongside military personnel and described the Court as an “enemy” acting in favor of criminals.¹⁷⁵ Soon afterward, President Noboa announced that he would promote constitutional reforms by popular vote to allow the political impeachment of Constitutional Court justices.¹⁷⁶ Official rhetoric then escalated further. Government-aligned messaging on social media called for public mobilization against the Court¹⁷⁷ and demanded that it “return” laws central to the government's security program.¹⁷⁸

At the same time, a broader disinformation campaign sought to shift public anger about violent crime towards the Court.¹⁷⁹ Billboards appeared in several cities displaying a “violent death counter” and attributing responsibility for violent deaths to the Court.¹⁸⁰ Investigations later identified metadata linking the campaign materials to individuals associated with the Noboa government's communications apparatus.¹⁸¹

The delegitimization campaign that originally emerged in response to the Court's rulings on states



Homicide counter displayed during the campaign stating: ‘The Court suspended key articles for the security of all Ecuadorians,’ alongside a counter showing the number of deaths recorded that day. Photo courtesy of: PL.

of exception and the legislation classified as urgent in economic matters has expanded to attack other Court rulings. For example, in its December 2025 Ruling 112-21-IN/25, the Constitutional Court invalidated a provision allowing the government to delegate certain activities in strategic sectors, including the electricity sector, to private operators whenever the Executive deemed such delegation necessary to serve the public, collective, or general interest, on the ground that that it breached the constitutional principle of exceptionality, under which the delegation of strategic sectors to private actors may occur only in exceptional and specifically justified circumstances, rather than as a general or discretionary policy choice.¹⁸² Despite a persistent energy crisis and corruption allegations involving the Executive,¹⁸³ President Noboa publicly attributed the power outages to the Court and shared the justices’ images on social media.¹⁸⁴

Similarly, in its March 2026 Ruling 1732-25-EP/26, the Constitutional Court granted a habeas corpus recognizing the enforced disappearance of four children by military agents in the “Las Malvinas” case.¹⁸⁵ Although the decision focused strictly on human rights protections, the Executive, through the Legal Secretary of the Presidency, falsely claimed

that the Court had overstepped its jurisdiction by annulling criminal proceedings.¹⁸⁶

Finally, in its February 2026 Ruling 4-24-CN/26, the Constitutional Court allowed adolescents to change the gender marker on their identity documents under specific conditions, a decision that has since been politically instrumentalized.¹⁸⁷ In March 2026, Diana Jácome, a legislator from President Daniel Noboa’s governing party and chair of the National Assembly’s Permanent Commission on Transparency, Citizen Participation and Social Oversight, initiated an oversight process regarding the ruling’s implementation, citing “social unrest.”¹⁸⁸ Despite the fact that judicial decisions and constitutional justices are legally exempt from such political oversight by the National Assembly, this institutional pressure was accompanied by an online smear campaign characterizing the justices as proponents of “gender ideology” to provoke public backlash.¹⁸⁹

ii. Intimidation and Public Exposure of Justices

Another line of attack targeted Constitutional Court justices personally. On August 12, 2025, President Noboa actively promoted and led a nationwide demonstration against the Constitutional Court and justices, backed by legislators from the ruling party and members of his cabinet.¹⁹⁰ The mobilization was accompanied by inflammatory and misleading narratives directed at the Court, contributing to the public stigmatization of its justices and fostering a climate of hostility against the exercise of constitutional review.¹⁹¹

During the mobilization led by President Noboa, the faces of the justices were displayed on large mobile billboards designed to resemble wanted-person notices and accompanied by accusatory messages,¹⁹² turning individual members of the Court into visible targets of public hostility.¹⁹³ At the same time, serious security irregularities were reported. According to public accounts and the Court’s own public statements, these included

changes to the justices' protection arrangements, the removal of protective barriers around the Court, and the unprecedented presence of military armored vehicles in the area surrounding the Court during the demonstration.¹⁹⁴

President Noboa addressed the crowd near the Court's premises and portrayed the Court's decisions suspending provisions of the Organic Law of National Solidarity and the Organic Law on Public Integrity as obstacles to the government's security agenda, stating that the country was being delayed by "nine justices who do not show their faces."¹⁹⁵

That climate of intimidation continued in the following months. In September 2025, President Noboa proposed convening a constituent assembly to draft a new Constitution, arguing that Ecuador's current constitutional framework limited the State's ability to confront organized crime.¹⁹⁶ Under Ecuador's Constitution, however, the President's proposal was required to undergo prior review by the Constitutional Court before the constituent process could proceed.¹⁹⁷ Instead, on September 19, 2025, the Executive submitted the proposal directly to the National Electoral Council (Consejo Nacional Electoral, CNE) to initiate the process for calling a popular referendum without first obtaining the Court's mandatory constitutional review.¹⁹⁸ On the same day, the Constitutional Court received several constitutional challenges seeking to prevent the proposal from moving forward without prior judicial review. While the justices were meeting to deliberate on those challenges, a bomb threat forced the evacuation of the Court's headquarters, requiring them to continue their deliberations from an alternative location.¹⁹⁹

iii. Weaponization of Criminal Proceedings Against Justices

The attacks on the Court ultimately escalated into the domain of criminal accountability. One of the earliest examples occurred in September 2025, after President Noboa sought to convene a constituent assembly by submitting his proposal directly to the

National Electoral Council without first obtaining the Constitutional Court's prior review, Ecuador's Ambassador to the Organization of American States (OAS), Mónica Palencia, publicly suggested that the justices could face legal consequences if they obstructed the constituent assembly process.²⁰⁰

Over time, that pressure moved beyond rhetoric. In January 2026, Ecuador's Comptroller General, Mauricio Torres, opened asset-declaration investigations into six Constitutional Court justices, including two who had authored rulings declaring government-backed laws unconstitutional,²⁰¹ as well as the Constitutional Court's President and Vice-President. Under Ecuadorian law, such investigations may give rise to findings of administrative, civil, and even criminal responsibility, and can be referred to the Attorney General's Office for the initiation of criminal proceedings.²⁰² The Comptroller has explained that audit reports containing indications of criminal responsibility have evidentiary value and are sent to the Attorney General's Office for action within its constitutional and legal powers.²⁰³

Two of those investigations have since concluded and have been formally referred to the Attorney General's Office. In March 2026, acting Attorney General Carlos Alarcón opened a criminal investigation for alleged illicit enrichment against Justices Alí Lozada Prado and José Luis Terán. Notably, both justices served as rapporteurs in decisions that invalidated key government-backed legislation,²⁰⁴ such as the Organic Law on National Security and the Organic Law on Public Integrity.²⁰⁵ Concerns were also raised about the alleged leaking to the press of confidential reports concerning the investigations by the Comptroller General's Office.²⁰⁶

In April 2026, weeks after the Attorney General initiated criminal investigations into the two justices, Constitutional Court Justice Raúl Llasag Fernández announced his resignation from the Court.²⁰⁷ This further suggests the threat to judicial independence posed by the government's weaponization of criminal investigations.



Large billboards displayed during the August 12 march featuring photographs and names of Constitutional Court judges. From left to right: Jhoel Escudero (President), Karla Andrade (Vice President), Jorge Benavides Ordóñez, Richard Ortiz, Claudia Salgado, José Luis Terán, Alejandra Cárdenas, Raúl Llasag, and Ali Lozada. Photo courtesy of: P.L.

IV. Curbing the Court's Institutional Powers and Independence

The Noboa government also engaged in efforts to curb the Court's institutional powers. In August 2025, President Noboa submitted a set of constitutional amendment proposals aimed at reshaping the rules that govern the Court itself. One of the most significant proposals sought to subject Constitutional Court justices to political impeachment by the National Assembly.²⁰⁸ Under the 2008 Constitution, however, members of the Constitutional Court are expressly protected from that mechanism. Article 431 provides that they “shall not be subject to political impeachment” and “may not be removed by those who designated them.”²⁰⁹ Instead, they are subject to a distinct regime: they may incur civil or criminal responsibility, but in criminal matters they may be charged only by the Attorney General, tried by the full National Court of Justice, and removed only by a two-thirds vote of the Constitutional Court itself.²¹⁰ The proposed amendment would have transferred a key lever of control over Constitutional Court justices to the political branches, specifically to the National

Assembly, thereby exposing justices to removal through a political process in violation of the Constitution.²¹¹

In reviewing this proposal, the Constitutional Court held in Ruling No. 7-25-RC/25 that the proposal could not proceed through the amendment mechanism proposed by President Noboa.²¹² The Constitution establishes a tiered system for constitutional change—ranging from amendments, to partial reforms, to the convening of a constituent assembly—depending on the scope and substantive impact of the proposed modification.²¹³ Within this framework, the Court is tasked with ensuring that each proposal follows the appropriate procedure and respects the limits of the chosen mechanism.²¹⁴ Applying this standard, the Constitutional Court explained that the measure would compromise fundamental constitutional principles, particularly judicial independence and the system of checks and balances.²¹⁵ As such, the Court ruled that the proposal had to follow the more demanding procedure for a partial constitutional reform and could not be processed through the simplified amendment procedure.²¹⁶

In September 2025, the President submitted additional proposals to amend the Constitution, including one that would have required a qualified majority of justices for the Constitutional Court to invalidate certain categories of executive-backed acts.²¹⁷ Under the existing constitutional framework, the Court exercises constitutional review and its decisions are adopted by majority.²¹⁸ A qualified majority requirement targeted specifically at invalidating certain types of executive-backed acts would therefore have raised the decision threshold precisely where the Court's review was most politically consequential. In Ruling 9-25-CP/25, the Constitutional Court denied the proposal on the grounds that the President had attempted to bypass the ordinary legislative process by using a referendum to reform the Court's governing law, a power that must be exercised through direct bill submission to the National Assembly.²¹⁹

The Executive also sought to reduce the Court's influence in practice by bypassing its gatekeeping role. In September 2025, it attempted to initiate a Constituent Assembly process outside the ordinary channels of prior constitutional review. Through Executive Decree No. 148, the government sought to send the proposal directly to the electoral authority to initiate the electoral process for a vote on whether to convene a National Constituent Assembly, without first submitting it to the Court for review.²²⁰ The Constitution requires the Court to determine which constitutional reform procedure is applicable and provides that a Constituent Assembly may only be convened through a popular consultation under the constitutional framework.²²¹

Multiple constitutional challenges followed.²²² The Court suspended the decree's effects while reviewing its constitutionality.²²³ The Executive sought to bypass this suspension by issuing a new decree the following day, on September 20, 2025, which replicated the exact same content as the suspended one. This attempt to evade oversight was effectively thwarted when the National Electoral Council submitted the new decree to the Constitutional Court for the mandatory prior constitutional review,²²⁴ effectively enabling the Court to exercise its jurisdiction and maintain its role as the final arbiter of constitutionality.²²⁵ This ultimately led to a national referendum held on November 16, 2025,²²⁶ where Ecuadorian voters rejected the proposal to convene a Constituent Assembly by 61.8 percent, preserving the 2008 Constitution.²²⁷

The government has also supported measures that could undermine the independence of the Constitutional Court by subjecting the removal of justices to political control. In September 2025, National Assembly member Lucía Pozo Moreta, a member of the ruling ADN party, introduced a bill proposing amendments to the Organic Law on Jurisdictional Guarantees and Constitutional Control. The bill would modify the rules governing the list of eligible candidates, the cessation of justices' functions, and the replacement of justices following early termination of their terms.²²⁸ Among



Official photograph of the Constitutional Court, including Constitutional Judge Sandra Cordero, pictured on the far right, who replaced Raúl Llasag following his resignation. Source: Constitutional Court of Ecuador (CCE), official website/social media.

other changes, the bill would give the National Assembly a greater role in determining the early termination of justices' tenure and establish new rules for filling vacancies.²²⁹

These proposals raise concerns because rules governing the tenure, replacement, and institutional composition of Constitutional Court justices are central to judicial independence. Changes to these safeguards should be based on objective institutional needs and broad consultation, rather than introduced in response to decisions unfavorable to the government or as a means of altering the Court's composition.

v. Administrative Restrictions on the Court's Operations

The retaliatory campaign also operated through the use of audits, property-management, and other institutional tools that do not formally alter the Court's constitutional powers, but that can nevertheless increase its vulnerability, disrupt its ordinary operations, and raise the material cost of continuing to exercise constitutional review.

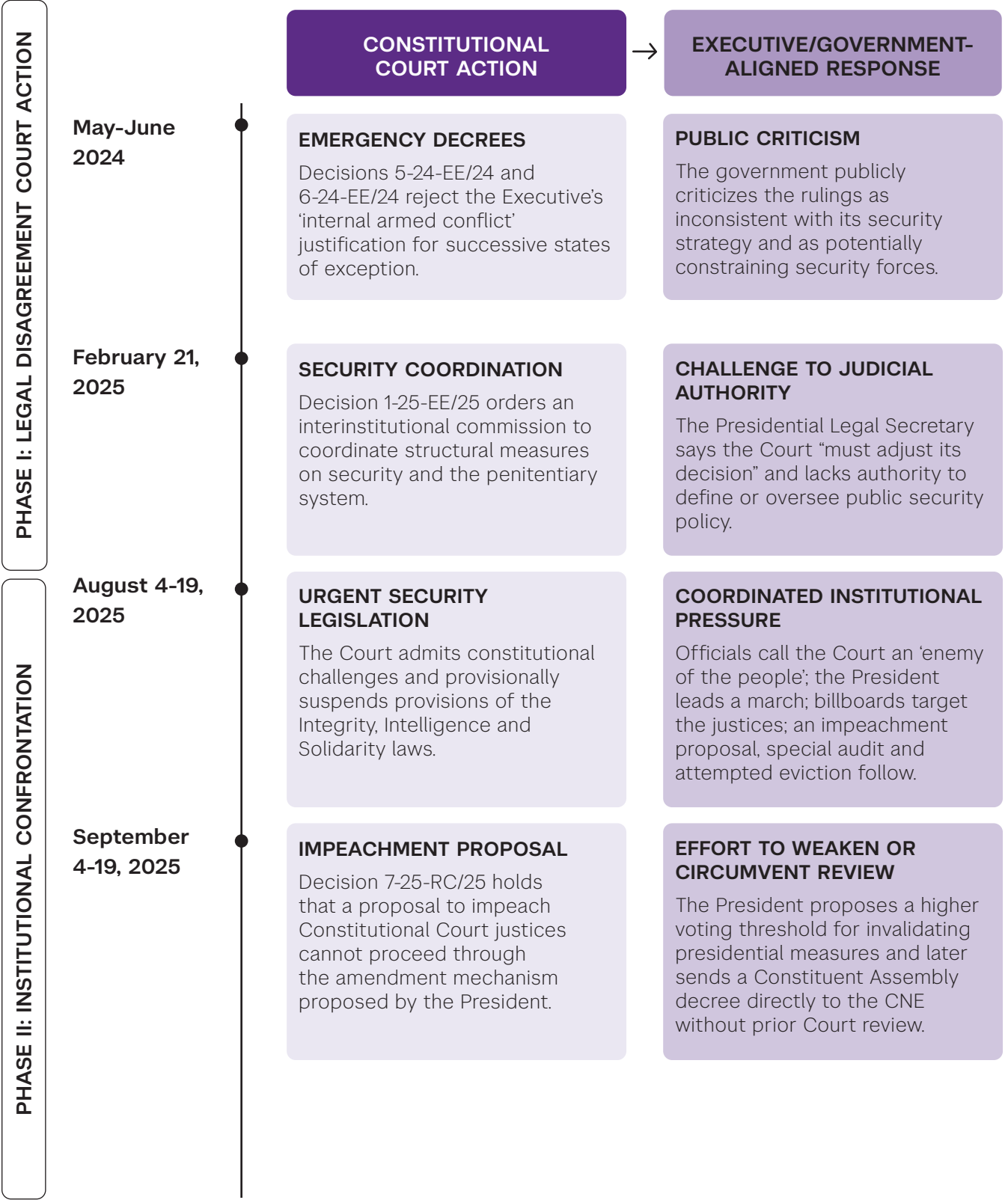
In August 2025, the Comptroller General announced a special investigation of the Constitutional Court's

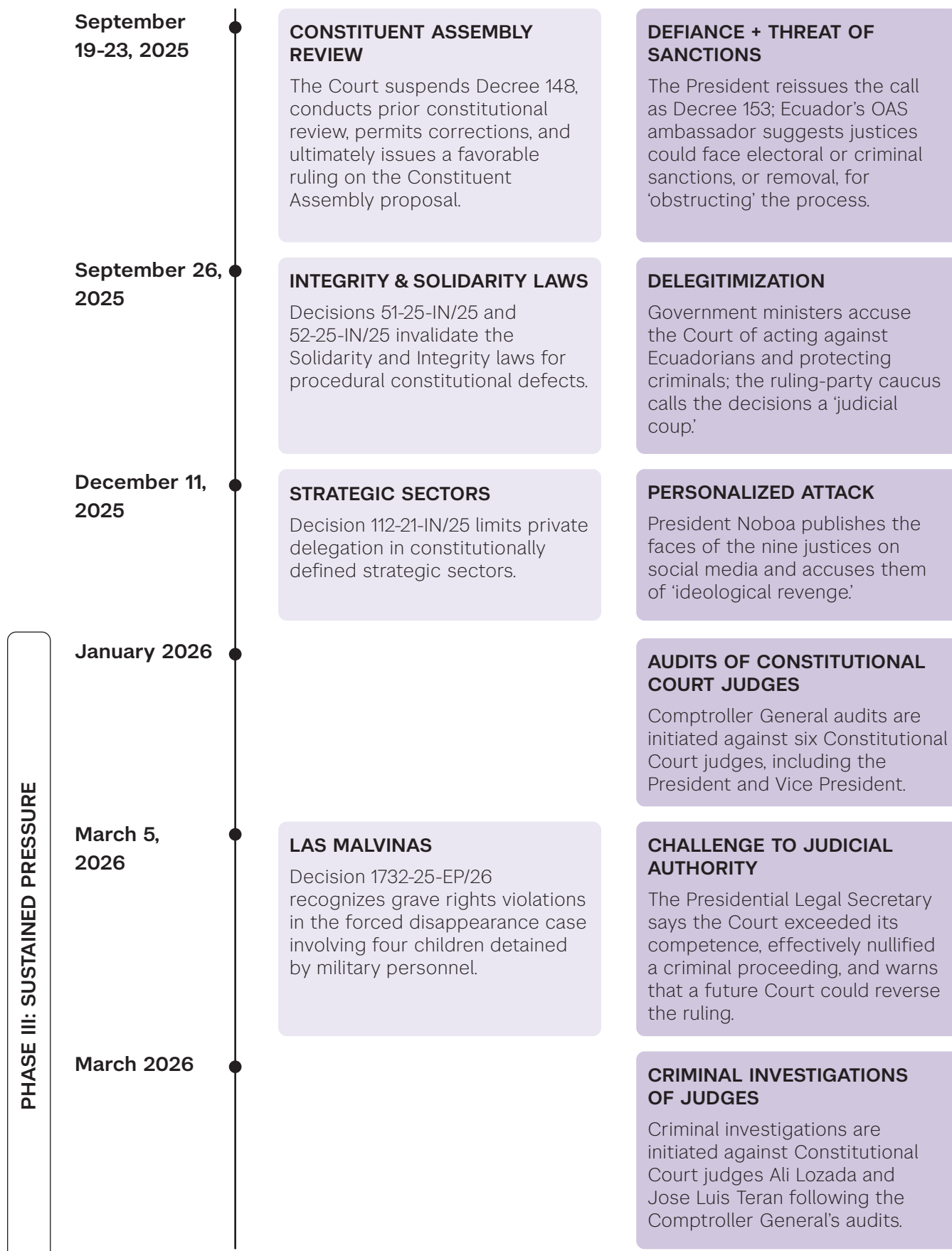
institutional management and requested detailed information concerning judicial appointments and internal operations.²³⁰ Given the Comptroller's authority to determine administrative liability and refer indications of criminal responsibility to the Attorney General, this measure carried clear coercive potential.²³¹

During the same period, the Ministry of Energy and Mines notified the Court of its unilateral termination of the inter-institutional agreement governing the lease of the Court's building and gave it a short deadline to vacate the premises.²³² Even though the decision was later reversed, the measure demonstrated that administrative control over the Court's premises could be used to threaten the Court's functioning. The government also delayed disbursement Inter-American Development Bank funds administered through the Ministry of Finance, further constraining the Court's operational capacity.²³³

ESCALATION OF EXECUTIVE PRESSURE FOLLOWING CONSTITUTIONAL COURT DECISIONS (2024-2026)

This chart shows the range of criticism of judicial decisions and challenges to the Court’s authority, including public delegitimization, personalized attacks, and efforts to weaken or circumvent constitutional review.





Source: Prepared by the authors using public data from Ecuador's Constitutional Court.

VI. Conclusion

This report shows that the Constitutional Court of Ecuador has played a crucial role in defending the rule of law in the face of President Noboa's repeated attempts to assert sweeping extraordinary powers in the name of fighting violent crime. The Court has recognized that the Constitution permits the use of extraordinary security measures, but insisted that security policy must remain within constitutional boundaries.²³⁴ It has reviewed the repeated use of states of exception, questioned the misuse of "internal armed conflict" as a legal justification, limited emergency measures that lacked sufficient constitutional support, and rejected attempts to use fast-track procedures and constitutional reform mechanisms to expand executive power beyond permissible limits.²³⁵ In doing so, the Court has exercised precisely the check on executive power that its constitutional mandate requires.²³⁶ The Court's rulings are also consistent with broader international standards relating to the limits of emergency powers, the separation of powers, and the rule of law.²³⁷

Rather than treating constitutional review as a necessary safeguard of a democratic system, the Noboa government has deployed a broad set of measures designed to punish and deter constitutional oversight. As documented in this report, these measures have aimed at publicly delegitimizing the Court, intimidating and publicly exposing its justices, weaponizing criminal proceedings against justices who issue decisions adverse to the government, curbing the Court's institutional powers, and imposing administrative restrictions on the Court's operations.

The government's attacks on the Constitutional Court constitute a grave threat to judicial independence and the rule of law in Ecuador. They demand the international community's urgent attention—concrete action to support the Court, hold the government accountable, and deter further reprisals.

International organizations have rightly condemned the Noboa government's attacks on the Constitutional Court, warning that they erode the conditions necessary for independent constitutional adjudication. In August 2025, the Inter-American Commission on Human Rights called on Ecuador to "respect and guarantee the independence of the Constitutional Court."²³⁸ Similarly, the UN Special Rapporteur on the independence of judges and lawyers warned that "[w]hen high-ranking officials label judges as 'enemies of the citizenry', for carrying out their duties, the independence of the judiciary is placed at risk," and that such statements "could amount to attempts to undermine judicial independence, having a chilling effect on judges' ability to act independently and free from external pressure."²³⁹ These condemnations are welcome, but they have not been sufficient to halt the government's campaign against the Court.

Much more is needed to ensure that Ecuador does not slide further towards the Bukele model of authoritarian control. International actors—including the Inter-American Commission on Human Rights and other OAS mechanisms, the UN Special Rapporteur on the independence of judges and lawyers, and international financial institutions such as the IMF and the Inter-American Development Bank—should sustain and strengthen their monitoring of and public reporting on attacks on the Court. They should also integrate judicial independence into their ongoing engagement with Ecuador.

A security policy that respects rights, legality, and proportionality is not a constraint on Ecuador's ability to confront violent crime—it is what makes that response sustainable, legitimate, and effective. The Constitutional Court has developed a consistent body of jurisprudence governing extraordinary security measures, recognizing that such measures may be constitutionally permissible provided they remain within constitutional limits. As such,

states of exception must remain exceptional, not a routine substitute for ordinary governance. And the Constitutional Court must be able to exercise constitutional oversight without intimidation or retaliation, ensuring that security measures remain anchored in law rather than in the unchecked discretion of the Executive. An effective response to violent crime requires, rather than competes with, independent constitutional review.

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Endnotes

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- 113 Constitutional Court of Ecuador, Judgments Nos. 1-24-EE/24, 2-24-EE/24, 3-24-EE/24, 7-24-EE/24, 11-24-EE/24, 1-25-EE/25, 3-25-EE/25, and 5-25-EE/25 (upholding declarations of states of exception adopted in response to organized crime, prison violence, and grave internal disturbances).
- 114 Constitutional Court of Ecuador. (2025, March 5). Dictamen No. 1-25-EE/25 [Judgment No. 1-25-EE/25], para. 91. In that decision, the Court concluded that although the elements presented by the President demonstrated the gravity of the situation, they did not establish the existence of a non-international armed conflict between the State and the groups Los Lobos or Los Choneros, and therefore did not provide sufficient grounds to invoke that constitutional basis for a state of exception. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/eyJYJwZXRhJoidHJhbWl0ZSIsInV1aWQiOiIiY2Q5YjE5O-S1hOWJlTRjZjktYTE0OS1jZGU1NjgyODVmNDlucGRminO=
- 115 Constitutional Court of Ecuador. (2024, March 21). Dictamen No. 2-24-EE/24 [Judgment No. 2-24-EE/24], para. 83. The Court explained that, when the President invokes the ground of a non-international armed conflict, the Court must assess whether the motivation and information provided are sufficient to establish that the constitutional ground has been justified in accordance with the applicable constitutional parameters.
- 116 Constitutional Court of Ecuador. (2025, December 04). Dictamen No. 9-25-EE/25 [Judgment No. 9-25-EE/25], paras. 113–117, emphasizing that states of exception are subject to the principles of necessity, proportionality, legality, temporality, territoriality, and reasonableness, and that constitutional review serves to prevent arbitrariness and ensure that emergency measures remain subject to the constitutional framework. The Court further noted that the recurrent use of states of exception to address structural criminal violence warrants heightened scrutiny of extraordinary measures.
- 117 Constitutional Court of Ecuador. (2024, August 01). Dictamen No. 7-24-EE/24 [Judgment No. 7-24-EE/24], para. 102. The Court explained that the territorial scope of a state of exception is reasonable when the affected jurisdictions are clearly identified and supported by sufficient objective information demonstrating that the circumstances justifying the emergency actually occur in those specific jurisdictions and distinguish them from others. See also Constitutional Court of Ecuador, Judgments No. 1-21-EE/21, April 6, 2021, para. 8; No. 4-20-EE/20, August 19, 2020, para. 42; No. 6-20-EE/20, October 19, 2020, para. 31; and No. 6-21-EE/21, November 3, 2021, para. 52.
- 118 Constitutional Court of Ecuador. (2025, February 21). Dictamen No. 1-25-EE/25, [Judgment No. 1-25-EE/25], paras. 104–105. The Court noted that the increase in criminality is a structural issue that must be addressed through the ordinary channels of the legal system and that states of exception are not mechanisms to be used as ordinary or long-term tools. The Court has further emphasized that the recurrence of states of exception reflects the absence of adequate state policies and security plans, and that addressing insecurity requires strengthening and coordinating security and intelligence institutions in both ordinary and exceptional circumstances (referring to Judgment No. 6-23-EE/23).
- 119 Constitutional Court of Ecuador, Judgments Nos. 1-24-EE/24, 3-24-EE/24, 1-25-EE/25, 3-25-EE/25, and 5-25-EE/25 (upholding geographically focused states of exception applicable to provinces and strategic areas affected by organized criminal activity).
- 120 Constitutional Court of Ecuador, Judgment No. 8-21-EE/21 and subsequent states of exception judgments (recognizing the constitutionality of deploying the Armed Forces in support of internal security operations, provided that such deployment remains exceptional, temporary, subsidiary, and subject to civilian authority).
- 121 Constitutional Court of Ecuador, Judgments Nos. 1-24-EE/24, 3-24-EE/24, 1-25-EE/25, 3-25-EE/25, and 5-25-EE/25 (authorizing extraordinary security measures, including military mobilization, operational coordination among security institutions, and temporary restrictions permitted under the Constitution, subject to constitutional review).

- 122 International Crisis Group. (2025, November 12). Paradise lost: Ecuador's battle with organized crime. <https://www.crisisgroup.org/rpt/latin-america-caribbean/ecuador/109-paradise-lost-ecuadors-battle-organised-crime>; Valencia, A. (2024, March 8). Ecuador state of emergency extended by 30 days. Reuters. <https://www.reuters.com/world/americas/ecuadors-noboa-extends-state-emergency-by-30-days-2024-03-08/>; Valencia, A. (2024, April 30). Ecuador president decrees state of emergency in five provinces. Reuters. <https://www.reuters.com/world/americas/ecuador-president-decrees-state-emergency-five-provinces-2024-05-01/>; Valencia, A. (2024, August 9). Ecuador's Noboa confirmed as candidate for 2025 presidential election. <https://www.reuters.com/world/africa/ecuadors-noboa-confirmed-candidate-2025-presidential-election-2024-08-09/>
- 123 Ecuador. (2008). Constitución de la República del Ecuador [Constitution of the Republic of Ecuador]. Art 140. https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf
- 124 Human Rights Watch. (2026). World report 2026: Ecuador: Events of 2025. <https://www.hrw.org/world-report/2026/country-chapters/ecuador>; Human Rights Watch. (2025). World report 2025: Ecuador. <https://www.hrw.org/world-report/2025/country-chapters/ecuador>
- 125 Office of the United Nations High Commissioner for Human Rights. (2026, March 9). Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism [and others], Ref. OL ECU 2/2026, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30708>; Committee on Enforced Disappearances. (2026, March 19). Concluding observations on the additional information submitted by Ecuador under article 29, paragraph 4, of the Convention (CED/C/ECU/OAI/1). United Nations, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FECU%2FOAI%2F1&Lang=en. Comité Permanente por la Defensa de los Derechos Humanos (CDH). (2024, February 20). Ataque a Defensorxs de Derechos Humanos [Attacks on Human Rights Defenders]. <https://www.cdh.org.ec/ultimos-pronunciamientos/623-ataque-a-defensorxs-de-derechos-humanos.html>; Comité Permanente por la Defensa de los Derechos Humanos (CDH). (2025, January 18). Informe del CDH sobre situación carcelaria – versión Nov. 2024 [Report of the CDH on the prison situation – Nov. 2024 version]. <https://www.cdh.org.ec/informes/652-informe-del-cdh-sobre-situacion-carcelaria-version-nov-2024.html>
- 126 Constitutional Court of Ecuador. (2026, March 12). Sentencia No. 1732-25-EP/26 (Caso Las Malvinas) [Judgment No. 1732-25-EP/26 (Las Malvinas Case)]. The Court declared the enforced disappearance of four children by military patrols, emphasizing that rights to life and integrity are non-derogable even under states of exception. <https://www.corteconstitucional.gob.ec/la-corte-constitucional-concedio-el-habeas-corpus-instructivo-por-la-desaparicion-forzada-de-los-cuatro-ninos-de-las-malvinas/>
- 127 Amnesty International. (2025, September 23). “Son militares, yo los vi”: Desapariciones forzadas por las fuerzas armadas en Ecuador [“It was the military. I saw them”: Enforced disappearances in Ecuador at the hands of the armed forces] (AMR 28/0258/2025). <https://www.amnesty.org/es/documents/amr28/0258/2025/es/>
- 128 Presidency of the Republic of Ecuador. (2024, January 8). Decreto Ejecutivo No. 110: Declaratoria de estado de excepción por grave conmoción interna [Executive Decree No. 110: Declaration of a state of emergency due to grave internal upheaval]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcBldGE6J3NvcnRlbycsIHV1aWQ6JzU3YjAxM2I2LThhM-DItNDBmMC05YmUxLTMwNDQ0ZDVIMTY0Zi5wZGYnfQ==
- 129 Presidency of the Republic of Ecuador. (2024, January 9). Decreto Ejecutivo No. 111: Reforma al estado de excepción y reconocimiento del conflicto armado interno [Executive Decree No. 111: Amendment to the state of emergency and recognition of the internal armed conflict]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcBldGE6J2VzY3Jp-dG8nLCB1dWlkOidhYTc4OTMxYi0yYTM0LTQ4ZGQtOTQ3YS1iY-WFhY2EyZjNlZDgucGRmJ30=
- 130 The Executive has issued the following decrees between 2024 and 2026: Decree 110 (Jan 8, 2024); Decree 111 (Jan 9, 2024); Decree 135 (Jan 23, 2024); Decree 193 (Mar 7, 2024); Decree 205 (Mar 21, 2024); Decree 229 (Apr 19, 2024); Decree 230 (Apr 20, 2024); Decree 250 (Apr 30, 2024); Decree 275 (May 22, 2024); Decree 318 (Jul 2, 2024); Decree 351 (Aug 8, 2024); Decree 377 (Aug 30, 2024); Decree 392 (Sep 17, 2024); Decree 410 (Oct 3, 2024); Decree 469 (Dec 2, 2024); Decree 493 (Jan 2, 2025); Decree 552 (Mar 3, 2025); Decree 599 (Apr 12, 2025); Decree 23 (Jun 10, 2025); Decree 76 (Aug 6, 2025); Decree 109 (Aug 20, 2025); Decree 134 (Sep 16, 2025); Decree 146 (Sep 18, 2025); Decree 174 (Oct 4, 2025); Decree 175 (Oct 5, 2025); Decree 202 (Nov 4, 2025); Decree 277 (Dec 31, 2025); Decree 311 (Feb 28, 2026); Decree 329 (Mar 13, 2026); Decree 334 (Mar 19, 2026); Decree 353 (Apr 1, 2026); Decree 370 (Apr 28, 2026); and Decree 423 (Jun 16, 2026). The complete text of these executive orders is available through the Registro Oficial (Official Gazette) of Ecuador at <https://www.registroficial.gob.ec/>
- 131 Ministry of Interior of Ecuador. (2023, December 13). Plan Fenix se ejecuta en el Ecuador [Plan Fénix is being implemented in Ecuador]. <https://www.ministeriodelinterior.gob.ec/plan-fenix-se-ejecuta-en-el-ecuador/>; Ministry of Government of Ecuador. (2024, January 16). Plan Fénix arroja resultados, asegura ministra Mónica Palencia [Plan Fénix yields results, says Minister Mónica Palencia]. <https://www.ministeriodegobierno.gob.ec/plan-fenix-arroja-resultados-asegura-ministra-monica-palencia/>
- 132 Human Rights Watch. (2026, July 21). A Dangerous Partnership. Abuses, Unanswered Questions, and US Ecuador Security Cooperation. <https://www.hrw.org/report/2026/07/21/a-dangerous-partnership/abuses-unanswered-questions-and-us-ecuador-security>

- 133 Constitutional Court of Ecuador. (2024, January 10). Dictamen 1-24-EE/24 [Ruling 1-24-EE/24 regarding the constitutionality of Executive Decrees 110 and 111]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcBldGE6J3RyYW1pdGUhLCB1dWlkOicZOWQzMjE3MC1iYTUxLTQ4NzEtOTBiZS01ODFIzTk1MjBiMzQucGRmJ30=; Constitutional Court of Ecuador. (2024, January 22). Dictamen 2-24-EE/24 [Ruling 2-24-EE/24 regarding the constitutionality of the renewal of the state of exception, Executive Decrees 110 and 111]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcBldGE6J3RyYW1pdGUhLCB1dWlkOicxY2Q5YjE5OS1hOWJiLTRjZktYTE0OS1jZGU1NjgyODVmNDlucGRmJ30=.
- 134 Presidency of the Republic of Ecuador. (2024, April 30). Decreto Ejecutivo No. 250: Declaratoria de estado de excepción por grave conmoción interna y conflicto armado interno [Executive Decree No. 250: Declaration of a state of emergency due to an internal armed conflict]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcBldGE6J3NvcnRlbycsIHV1aWQ6J2M3ODE1YWJiLWFhZTAtNDNmYS1iYmMxLTQ5ZjdiMm12NGlxOS5wZGYnfQ==; Presidency of the Republic of Ecuador. (2024, May 22). Decreto Ejecutivo No. 275: Declaratoria de estado de excepción por persistencia de conflicto armado interno [Executive Decree No. 275: Declaration of a state of emergency due to the persistence of an internal armed conflict]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcBldGE6J3NvcnRlbycsIHV1aWQ6J2M3ODE1YWJiLWFhZTAtNDNmYS1iYmMxLTQ5ZjdiMm12NGlxOS5wZGYnfQ==.
- 135 Constitutional Court of Ecuador. (2025, March 5). Control de constitucionalidad del decreto ejecutivo de estado de excepción 493 [Constitutional review of executive decree of state of exception 493; Ruling 1-25-EE/25] [Press release]. <https://www.corteconstitucional.gob.ec/control-de-constitucionalidad-del-decreto-ejecutivo-de-estado-de-excepcion-493/>.
- 136 Constitutional Court of Ecuador. (2025, February 21). Dictamen 1-25-EE/25 [Ruling 1-25-EE/25]. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/eyJYXJwZXRhIjoidHJhbWl0ZSIsInV1aWQ6J2M3ODE1YWJiLWFhZTAtNDNmYS1iYmMxLTQ5ZjdiMm12NGlxOS5wZGYnfQ==; Constitutional Court of Ecuador. (2025, October 23). Dictamen 8-25-EE/25 [Ruling 8-25-EE/25] (Alejandra Cárdenas Reyes, J., separate opinion). https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/eyJYXJwZXRhIjoidHJhbWl0ZSIsInV1aWQ6J2M3ODE1YWJiLWFhZTAtNDNmYS1iYmMxLTQ5ZjdiMm12NGlxOS5wZGYnfQ==.
- 137 Constitutional Court of Ecuador. (2025, March 5). Control de constitucionalidad del decreto ejecutivo de estado de excepción 493 [Constitutional review of executive decree of state of exception 493; Ruling 1-25-EE/25] [Press release]. <https://www.corteconstitucional.gob.ec/control-de-constitucionalidad-del-decreto-ejecutivo-de-estado-de-excepcion-493/>.
- 138 Human Rights Watch. (2026, July 21). A Dangerous Partnership. Abuses, Unanswered Questions, and US Ecuador Security Cooperation. <https://www.hrw.org/report/2026/07/21/a-dangerous-partnership/abuses-unanswered-questions-and-us-ecuador-security>
- 139 United Nations Human Rights Office of the High Commissioner. (2026, March 25). "UN Committee on Enforced Disappearances publishes findings on Ecuador, Iraq, Malawi and Samoa". Press Release. <https://www.ohchr.org/en/press-releases/2026/03/un-committee-enforced-disappearances-publishes-findings-ecuador-iraq-malawi>
- 140 Comité Permanente por la Defensa de los Derechos Humanos. (2025, January 15). Desaparición forzada y muerte de los 4 niños de Las Malvinas [Enforced disappearance and death of the 4 children from Las Malvinas] <https://www.cdh.org.ec/informes/651-desaparicion-forzada-y-muerte-de-los-cuatro-delas-malvinas.html>
- 141 Fiscalía General del Estado. (2025, December 22). Caso Malvinas: 16 militares son sentenciados por desaparición forzada [Malvinas Case: 16 military personnel sentenced for enforced disappearance] [Press release]. <https://www.fiscalia.gob.ec/caso-malvinas-16-militares-son-sentenciados-por-desaparicion-forzada/>
- 142 Constitutional Court of Ecuador. (2026, March 10). La Corte Constitucional concedió el hábeas corpus instructivo por la desaparición forzada de los cuatro niños de Las Malvinas [The Constitutional Court granted an instructive habeas corpus for the enforced disappearance of the four children from Las Malvinas] [Press release. <https://www.corteconstitucional.gob.ec/la-corte-constitucional-concedio-el-habeas-corpus-instructivo-por-la-desaparicion-forzada-de-los-cuatro-ninos-de-las-malvinas/>.
- 143 The Constitutional Court has issued the following rulings regarding states of exception and their renewals between 2024 and 2026: 2024: 1-24-EE/24 (Feb 29), 2-24-EE/24 (Mar 21), 3-24-EE/24 (Apr 4), 4-24-EE/24 (May 2), 5-24-EE/24 (May 9), 6-24-EE/24 (Jun 13), 7-24-EE/24 (Aug 1), 8-24-EE/24 (Aug 22), 9-24-EE/24 (Sep 12), 10-24-EE/24 (Oct 17), 11-24-EE/24 (Nov 14), and 12-24-EE/24 (Dec 19). 2025: 1-25-EE/25 (Feb 21), 2-25-EE/25 (Mar 27), 3-25-EE/25 (May 26), 4-25-EE/25 (Jun 26), 8-25-EE/25 (Oct 23), 6-25-EE/25 (Oct 3), 5-25-EE/25 (Sep 11), 7-25-EE/25 (Nov 28), and 9-25-EE/25 (Dec 4). 2026: 1-26-EE/26 (Jan 29), 2-26-EE/26 (Mar 12), 2-26-EE/26A (Mar 26), 2-26-EE/26B (Mar 26), 3-26-EE/26 (Apr 23), 3-26-EEA/26 (May 14) and 4-26-EE/26 (Jun 26). The full text of these rulings can be accessed through the Court's official search engine (Juriscopio) at <https://buscador.corteconstitucional.gob.ec/buscador-externo/principal>.
- 144 Constitutional Court of Ecuador. (2025, March 5). Control de constitucionalidad del decreto ejecutivo de estado de excepción 493 [Constitutional review of executive decree of state of exception 493; Ruling 1-25-EE/25] [Press release]. <https://www.corteconstitucional.gob.ec/control-de-constitucionalidad-del-decreto-ejecutivo-de-estado-de-excepcion-493/>; Constitutional Court of Ecuador. (2025, August 4). La Corte aprueba parcialmente el estado de excepción del Decreto Ejecutivo 599 y declara inconstitucionales ciertas medidas [The Court partially approves the state of exception of Executive Decree 599 and declares certain measures uncon-

stitutional; Ruling 3-25-EE/25] [Press release]. <https://www.corteconstitucional.gob.ec/la-corte-aprueba-parcialmente-el-estado-de-excepcion-del-decreto-ejecutivo-599-y-declara-inconstitucionales-ciertas-medidas/>.

- 145 United Nations Human Rights Committee. (2024, November 7). UN Human Rights Committee publishes findings on Ecuador, France, Greece, Iceland, Pakistan and Türkiye. Office of the United Nations High Commissioner for Human Rights. <http://www.ohchr.org/en/press-releases/2024/11/un-human-rights-committee-publishes-findings-ecuador-france-greece-iceland>.
- 146 United Nations Committee against Torture. (2024, August 16). Concluding observations on the eighth periodic report of Ecuador (CAT/C/ECU/CO/8), paras. 12, 16–18. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FECU%2FCO%2F8&Lang=en
- 147 Committee on Enforced Disappearances. (2026, March 19). Concluding observations on the additional information submitted by Ecuador under article 29, paragraph 4, of the Convention (CED/C/ECU/OAI/1), paras. 8–9. United Nations. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FECU%2FOAI%2F1&Lang=en
- 148 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 extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on the rights of peasants and other people working in rural areas; and the Special Rapporteur on the right to privacy. (2026, March 9). Communication to Ecuador, OL ECU 2/2026, p. 17-18. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunication-File?gld=30708>
- 149 Amnesty International. (2024, October 28). Ecuador: One year into his term, President Noboa must avoid abuses and opacity in security policies. Amnesty International. <http://www.amnesty.org/en/latest/news/2024/10/ecuador-tras-ano-mandato-presidente-noboa-debe-impedir-abusos-opacidad-politicas-seguridad/>.
- 150 Human Rights Watch. (2026, July 21). A Dangerous Partnership. Abuses, Unanswered Questions, and US Ecuador Security Cooperation. <https://www.hrw.org/report/2026/07/21/a-dangerous-partnership/abuses-unanswered-questions-and-us-ecuador-security>
- 151 Constitutional Court of Ecuador . (2025, March 5). Control de constitucionalidad del decreto ejecutivo de estado de excepción 493 [Constitutional review of executive decree of state of exception 493; Ruling 1-25-EE/25] [Press release]. <https://www.corteconstitucional.gob.ec/control-de-constitucionalidad-del-decreto-ejecutivo-de-estado-de-excepcion-493/>.
- 152 The Executive, through a formal submission by the Presidential Legal Secretary, challenged the Constitutional Court's ruling, arguing that the Court "must adjust its decision" as it lacks authority to define or direct public security policy, and further asserting that it has no competence to oversee or evaluate measures adopted after the end of the state of emergency. See Presidency of the Republic of Ecuador. (2025). Escrito de impugnación: Dictamen 1-25-EE/25 [Formal submission regarding Ruling 1-25-EE/25]. Constitutional Court of Ecuador, Case Docket. https://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcNBlDGE6J2VzY3JpdG8nLCB-1dWlkOidmNDFlYmQzYy02MDRkLTQ4OTItOGFjYS05OGM3Y-zlkYzFkYjUucGRmJ30=
- 153 Ecuador. (2008). Constitución de la República del Ecuador [Constitution of the Republic of Ecuador]. Art 140. https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf
- 154 Redacción El Universo. (2026, March 11). Nueve leyes urgentes envió Daniel Noboa a la Asamblea desde su posesión en mayo de 2025 [Nine urgent laws sent by Daniel Noboa to the Assembly since his inauguration in May 2025]. El Universo. <https://www.eluniverso.com/noticias/politica/daniel-noboa-leyes-urgentes-enviadas-asamblea-nacional-nota/>.
- 155 These included: (1) the Ley Orgánica para Desarticular la Economía Criminal Vinculada al Conflicto Armado Interno ("Ley de Solidaridad Nacional") [Organic Law to Dissolve the Criminal Economy Linked to the Armed Internal Conflict ("Law of National Solidarity")], which established tax incentives to support security forces and was later declared unconstitutional for procedural violations; (2) the Ley Orgánica de Innovación y Fortalecimiento de la Gestión Pública ("Ley de Integridad Pública") [Organic Law to Innovate and Strengthen Public Governance ("Law of Public Integrity"), which introduced wide-ranging reforms across more than twenty legal frameworks and was also declared unconstitutional for violating principles of unity of subject matter, publicity, and democratic deliberation; (3) the Ley Orgánica de Recuperación de Áreas Protegidas y Promoción del Desarrollo Local [Organic Law to Recover Protected Areas and Promote Local Development], focused on environmental management and local development; (4) the Ley Orgánica de Transparencia Social ("Ley de Fundaciones") [Organic Law of Social Transparency ("Foundations Law"), regulating non-profit organizations; (5) the Ley de Fortalecimiento y Sostenibilidad Crediticia [Law of Credit Strengthening and Sustainability], reforming the legal framework governing social security funds and financial management; (6) the Ley de Fortalecimiento de las Fuerzas Armadas y Policía Nacional [Law to Strengthen the Armed Forces and National Police], which established economic incentives and donation mechanisms to support security forces; (7) the Ley Orgánica Reformatoria al COOTAD para la Sostenibilidad y Eficiencia del Gasto de los Gobiernos Autónomos Descentralizados [Organic Law to Reform COODAT for the Sustainability and Efficiency of Decentralized Autonomous Government Spending], aimed at regulating subnational public spending; (8) the Ley Orgánica para el Fortalecimiento de los Sectores Estratégicos de Minería

- y Energía [Organic Law for the Strengthening of Strategic Mining and Energy Centers], designed to combat illegal mining and strengthen fiscal revenues; and (9) the Ley Reformativa a la Ley de Régimen Tributario Interno para Incentivar la Construcción de Viviendas de Interés Social [Law Reforming the Law of the Domestic Tax Regime to Incentivize the Construction of Housing in the Social Interest], aimed at addressing the housing deficit.
- 156 6 against the Ley Orgánica de Solidaridad, 31 against the Ley Orgánica de Integridad Pública, 2 against the Reglamento de la Ley Orgánica de Integridad Pública and 4 against the Ley Orgánica de Inteligencia. See CConstitutional Court of Ecuador . (2026). Juriscopio: Sistema de búsqueda de procesos y jurisprudencia constitucional [Juriscopio: Constitutional case and jurisprudence search system] [Database]. <https://buscador.corteconstitucional.gob.ec/buscador-externo/principal>.
 - 157 Constitutional Court of Ecuador. (2025, August 4). Admisión de demandas y suspensión provisional de normas en leyes de reciente promulgación [Admission of claims and provisional suspension of regulations in recently enacted laws] [Press Release]. <https://www.corteconstitucional.gob.ec/admision-de-demandas-y-suspension-provisional-de-normas-en-leyes-de-reciente-promulgacion/>; Constitution of the Republic of Ecuador. (2008). art. 87 (providing that precautionary measures may be ordered, jointly with or independently from constitutional rights actions, to avoid or cease the violation or threatened violation of a right), https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf; Ley Orgánica de Garantías Jurisdiccionales y Control Constitucional [Organic Law of Jurisdictional Guarantees and Constitutional Control]. (2009). arts. 26–27 (establishing that precautionary measures are intended to prevent or stop threats or violations of constitutional and international human rights and proceed where there is an imminent and serious threat or violation), https://www.defensa.gob.ec/wp-content/uploads/downloads/2020/03/Ley-Organica-de-Garantias-Jurisdiccionales-y-Control-Constitucionalact_marzo_2020.pdf
 - 158 National Assembly of Ecuador. (2025, June 10). Ley Orgánica de Solidaridad Nacional [Organic Law of National Solidarity]. Registro Oficial Suplemento N.º 56. https://www.asambleanacional.gob.ec/es/system/files/ro_5.pdf.
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 - 160 Constitutional Court of Ecuador. (2025, August 4). Admisión de demandas y suspensión provisional de normas en leyes de reciente promulgación [Admission of claims and provisional suspension of regulations in recently enacted laws] [Press Release]. <https://www.corteconstitucional.gob.ec/admision-de-demandas-y-suspension-provisional-de-normas-en-leyes-de-reciente-promulgacion/>. The Constitutional Court admitted six constitutional challenges against the Organic Law of National Solidarity and thirty-one constitutional challenges against the Organic Law on Public Integrity, provisionally suspending several provisions of both laws pending constitutional review.
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- 168 Redacción Ecuavisa. (2025, July 31). Una campaña de desprestigio se activó en redes sociales y medios digitales contra la Corte Constitucional [A smear campaign was activated on social networks and digital media against the Constitutional Court]. Ecuavisa. <https://www.ecuavisa.com/politica/una-campana-de-desprestigio-se-activo-en-redes-sociales-y-medios-digitales-contrala-corte-constitucional-20250731-0037.html>.
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- 170 Carlos Vera (@CarlosVerareal). X post, August 1, 2025, <https://x.com/CarlosVerareal/status/1950717926656667860>; Andrés Páez (@andrespaezec). X post, August 1, 2025, <https://x.com/andrespaezec/status/1950734169136406730>; Galo Lara (@GaloLaraY). X post, August 1, 2025, <https://x.com/GaloLaraY/status/1950739624688807995>; Jimmy Jairala (@jimmyjairala). X post, August 1, 2025, <https://x.com/jimmyjairala/status/1950742585070211319>. See also Mella, C. (2025, August 17). El Gobierno de Noboa declara “enemiga del pueblo” a la Corte Constitucional de Ecuador [The Noboa government declares Ecuador’s Constitutional Court an “enemy of the people”]. El País. <https://elpais.com/america/2025-08-17/el-gobierno-de-noboa-declara-enemiga-del-pueblo-a-la-corte-constitucional-de-ecuador.html>.
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- y juicio. [Soon we will put forward constitutional reforms so the justices of the Constitutional Court are also subject to inspection and judgement] [Post]. X. <https://x.com/DanielNoboaOk/status/1952686431895249195>.
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 - 189 Cárdenas, E. (2026, March 16). ¿Qué dice realmente la sentencia sobre identidad de género de adolescentes y cómo se convirtió en una nueva disputa contra la Corte Constitucional? [What does the ruling on gender identity for ado-

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- 190 Minister of Interior John Reimberg and Secretary-General of Public Administration Cynthia Gellibert Mora, all of whom remain in these high-ranking positions as of April 2026, actively utilized their official platforms to challenge the Court. Specifically, Gellibert Mora and Reimberg promoted the August 12 mobilization under the hashtag #NadaNosDetiene [Nothing Stops Us], framing judicial oversight as an obstacle to national security. See: Gellibert Mora, C. [@CynthiaGellibert]. (2025, August 7). Imágenes promoviendo la marcha #NadaNosDetiene. Nuestra prioridad es la seguridad y no permitiremos que nada detenga el cambio que... [Images promoting the march #NadaNosDetiene. Our priority is security, and we will not allow anything to stop the change that...] [Post]. X. <https://x.com/CynthiaGellibert/status/1953583982622499316>; Reimberg, J. [@JohnReimberg]. (2025, August 8). La seguridad nacional no puede ser bloqueada por burocracia judicial. Este 12 de agosto marchamos por la paz y... [National security cannot be blocked by judicial bureaucracy. This August 12 we march for peace and...] [Post]. X. <https://x.com/JohnReimberg/status/1953843196414349433>.
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- 195 Pluma Digital, Facebook, Declaración del Presidente durante la marcha [Video] (August 12, 2025). <http://www.facebook.com/PlumaDigitalNoticias/videos/954234703768614/>.
- 196 Presidency of the Republic of Ecuador, Executive Decree No. 148 (Sept. 19, 2025), calling for a popular referendum to convene a Constituent Assembly. The Decree states that the 2008 Constitution has proven insufficient to address Ecuador's structural challenges, including organized crime, national security, governance, and the balance of powers, and argues that only a new Constitution can provide the legal framework necessary to confront those challenges. <https://www.presidencia.gob.ec/>.
- 197 Echeverría Vásquez, G. (2026, March 11). "La Corte se salió de sus competencias": Herrería sobre fallo del caso Las Malvinas ["The Court overstepped its jurisdiction": Herrería on the Las Malvinas case ruling]. Expreso. <https://www.expreso.ec/actualidad/la-corte-se-salio-de-sus-competencias-herreria-sobre-fallo-del-caso-las-malvinas-277556.html>. At the time of these statements, Enrique Herrería was serving as Legal Secretary of the Presidency. He previously served as a Constitutional Court justice from 2019 to 2025.
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- 199 Constitutional Court of Ecuador. (2025, September 19). La Corte Constitucional del Ecuador se dirige a la ciudadanía para informar, con total transparencia, sobre decisiones de gran importancia para la vida democrática del país [The Constitutional Court of Ecuador addresses the citizenry to inform, with total transparency, on decisions of great importance for the democratic life of the country] [Press release]. <http://www.corteconstitucional.gob.ec/la-corte-constitucional-del-ecuador-se-dirige-a-la-ciudadania-para-informar-con-total-transparencia-sobre-decisiones-de-gran-importancia-para-la-vida-democratica-del-pais/>.
- 200 Mónica Palencia, the Ecuadorian Ambassador to the Organization of American States (OAS), who remains in office as of April 2026, stated that if the justices of the Constitutional Court were to rule on the President's proposal to convene a Constituent Assembly, they would be committing the crime of prevaricato [malfeasance in office]. See: Palencia, M. [@Palencia3Monica]. (2025, September 20). Si los jueces de la Corte se pronuncian sobre la propuesta de convocatoria de asamblea constituyente estarían cometiendo prevaricato [If the Court justices rule on the proposal to convene a constituent assembly, they would be committing malfeasance] [Post]. X. <https://x.com/Palencia3Monica/status/1969616297726984250>; Silva, O. (2025, September 21). Human Rights Watch denuncia supuesta amenaza de Mónica Palencia a la Corte Constitucional [Human Rights Watch denounces alleged threat by Mónica Palencia against the Constitutional Court]. El Comercio. <https://www.elcomercio.com/actualidad/politica/human-rights-watch-denuncia-palencia-supuesta-amenaza-corte-constitucional/>.
- 201 Redacción Primicias. (2026, April 1). Jueces constitucionales que “tumbaron” las leyes de Solidaridad e Integridad son indagados por su patrimonio [Constitutional justices who “toppled” the Solidarity and Integrity laws are investigated for their assets]. Primicias. <https://www.primicias.ec/politica/jueces-corte-constitucional-que-tumbaron-leyes-solidaridad-e-integridad-investigados-patrimonio-119458/>. See also El Universo. (2026, April 1). Contralor Mauricio Torres confirma indicios de responsabilidad penal tras exámenes a patrimonios de jueces Ali Lozada y José Luis Terán. <https://www.eluniverso.com/noticias/politica/contralor-mauricio-torres-confirma-indicios-responsabilidad-penal-examenes-patrimonios-jueces-ali-lozada-jose-luis-teran-nota/>. During the interview, Comptroller General Mauricio Torres stated: “Actualmente, la Contraloría General examina el patrimonio de seis jueces de la Corte Constitucional” and explained that three examinations had concluded, three were underway, and three additional examinations were about to begin.
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