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Note No. 4-2-65/2024

The Permanent Mission of Ecuador to the United Nations pra/5Ge7(p)-(t)-2s3(E)-2iEr ra/5lo(a)-3e


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**INFORMATION FROM THE GOVERNMENT OF THE REPUBLIC OF
ECUADOR IN ACCORDANCE WITH NOTE LA/COD/4, OF APRIL 16, 2024, BY
THE LEGAL COUNSEL OF THE UNITED NATIONS**

Regarding the event that occurred on April 5, 2024, at the Mexican Embassy in Ecuador, described in Note No. ONU01244, dated April 12, 2024, of the Permanent Mission of





again against him. The criminal proceedings against Mr. Glas took place over several years regardless of changes in government in Ecuador.

5. No common criminal can be considered politically persecuted, particularly when he has an enforceable sentence and, additionally, an arrest warrant issued by the judicial authorities. The National Court of Justice, the highest judicial court in Ecuador, sentenced Mr. Glas to serve 6 and 8 years in two corruption cases.

6. By proceeding in this way, the Government of Mexico violated Article 41, paragraphs 1 and 3, of the VCDR, provisions that impose the obligation to respect the laws and regulations of the receiving State, the obligation not to interfere in the internal affairs of the receiving State, and the obligation not to use the premises of diplomatic missions in a manner incompatible with their functions.



12. Such statements constituted a flagrant violation of the principle of non-intervention, the cornerstone of peaceful coexistence between States codified in Article 2, paragraph 7, of the Charter of the United Nations, and Article 2, literal b, of the Charter of the Organization of American States.

13. It was for this reason that the Ecuadorian Government decided, in accordance with Article 9 of the VCDR, to declare the Mexican Ambassador in Quito *persona non grata*.

14. Faced with this fact, the President of Mexico confirmed his statements and, at the same time, in obvious retaliation and in violation of the applicable provisions on asylum, the Ministry of Foreign Affairs of Mexico published a press bulletin announcing the decision to grant political asylum to Mr. Glas.

15. To date, the decision to grant diplomatic asylum by Mexico has not been communicated to the Ministry of Foreign Affairs and Human Mobility of Ecuador through official diplomatic channels, violating Article VIII of the 1954 Convention on Diplomatic Asylum.

16. The announcement of granting asylum to said citizen constituted an illegal act by Mexico in the context of the aforementioned provisions of the asylum conventions, in addition to being a new interference in the internal affairs of Ecuador.

17. As evidenced, throughout this case, Mexico's failure to observe the principle of good faith, the basis of international coexistence, contemplated in Article 2, paragraph 2 of the Charter of the United Nations, is clear, and in Article 3, literal c of the Charter of the Organization of American States.

18. Likewise, the Government of Mexico has violated its obligation to cooperate in anti-corruption matters, in accordance with Article XIV of the Inter-American Convention against Corruption of 1996, and Articles 43, 46, and 48 of the United Nations Convention against Corruption of 2003.

19. Given the multiple and serious violations by Mexico of International Law, Ecuador initiated contentious proceedings against said State before the International Court of Justice, on April 29, 2024.

20. Additionally, Ecuador had declared, at the beginning of 2024, that it was facing a non-international armed conflict, whose repercussions on democracy and citizen peace had been evident due to the actions of armed groups, terrorism, transnational organized crime, and its links with corruption. In this context, the abuse of the privileges and immunities granted by the Vienna Convention on Diplomatic Relations, by a diplomatic mission, can only aggravate the situation.

21. It is necessary to highlight that the actions of the Mexican Government in the present case are not an isolated event, but rather demonstrate a pattern of conduct. Indeed, several Ecuadorian citizens, who are being prosecuted for common crimes, some of whom have



ANNEX

I. JUDICIAL CONDITION OF MR. JORGE GLAS

Sentences Condemning Jorge David Glas Espinel

1. Criminal Case (Odebrecht Case), for ILLICIT ASSOCIATION, a transnational organized corruption scheme originated by bribery. Sentenced to SIX YEARS of prison, dated January 23, 2018.
2. Criminal Case (Bribery Case), for BRIBERY, for being part of a “criminal structure” to receive bribes in exchange for awarding state contracts. Sentenced to (a)4(w)-7(a)-5(rding) EIGHT YEARS of

5. In a hearing to formulate charges, held on January 5, 2024, the judge of the case decided to accept the request of the Prosecutor's Office and issue a precautionary measure of preventive detention against Jorge David Glas Espinel, ordering to issue the location and capture warrants. Mr. Jorge David Glas Espinel filed an appeal against preventive detention, which was unanimously declared inadmissible by the National Court of Justice, in a hearing on February 21, 2024.

Sources:

- Review of electronic judicial processes in the SATJE system of the Judiciary Council, as of 05/01/24.