

*Courtesy translation provided by Ecuador*

Note No. 4-2-65/2024

The Permanent Mission of Ecuador to the United Nations presents its compliments to the Secretary General of the United Nations and has the honor to refer to Note LA/COD/4, of April 16, 2024, which annexes Note No. ONU01244, of April 12, 2024, of the Permanent Mission of Mexico to the United Nations.

The Government of the Republic of Ecuador would like to caution, first, that the aforementioned Note from Mexico and its annex contain imprecise and partial statements and does not present objectively and comprehensively the context that preceded the events of April 5, 2024.

Thus, the Government of the Republic of Ecuador reiterates that the Government of Mexico failed to comply with the International Conventions on Political Asylum of 1933 and Diplomatic Asylum of 1954, of which both Ecuador and Mexico are States parties, by allowing an Ecuadorian citizen, with two final criminal judicial sentences for crimes of illicit association and bribery, and an ongoing criminal process for the crime of embezzlement, to enter and remain in its Embassy in Quito, without handing him over to the Ecuadorian judicial authorities as was its obligation.

The Government of Mexico also violated the provisions of Article 41, paragraphs 1 and 3, of the Vienna Convention on Diplomatic Relations, 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 the diplomatic mission in a manner incompatible with its functions.

With this conduct, Mexico has also violated the principles of sovereign equality, territorial integrity, and non-intervention in the internal affairs of other States enshrined in the Charter of the United Nations, the Charter of the Organization of American States, and customary international law.

The Mexican Government has also violated its obligation to cooperate on anti-corruption matters in accordance with the Inter-American Convention against Corruption of 1996 and the United Nations Convention against Corruption of 2003.

On the other hand, in follow-up to the breaking of diplomatic relations decided by the Government of Mexico, the Government of Ecuador officially informed the Ministry of Foreign Affairs of Mexico that, in accordance with the provisions of Article 45 (a) of the Vienna Convention on Diplomatic Relations, it would provide the guarantees and respect the premises, assets, and archives of its Embassy in Quito, as it has been doing effectively.



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Finally, the Permanent Mission of Ecuador to the United Nations requests that this Note and the attached document be included in the report that the Secretary General will present to the General Assembly, pursuant to Resolution A/77/108, entitled "Consideration of effective measures to enhance the protection and safety of diplomatic and consular missions and representatives."

Additionally and in accordance with the provisions of paragraph 12 of resolution A/RES/77/108, the Permanent Mission of Ecuador respectfully requests the Secretary General that this Note and its annex be distributed among the Member States of the Organization.

The Permanent Mission of Ecuador to the United Nations avails itself the opportunity to renew to the Secretary General of the United Nations the assurances of its highest and distinguished consideration.

New York, May 14, 2024

H.E Mr. Antonio Guterres  
Secretary General of  
The United Nations  
New York.-

**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 Mexico to the United Nations, annexed to Note LA /COD/4, of April 16, 2024, of the Legal Counsel of the United Nations, the Government of the Republic of Ecuador kindly informs the following:

1. The Government of the Republic of Ecuador does not question the validity and legitimacy of the Vienna Convention on Diplomatic Relations of 1961 (VCDR), but considers that it is necessary to understand the events that occurred on April 5, 2024, in the context of:

- a. A deteriorated bilateral relationship;
- b. The illicit granting of diplomatic asylum, announced by Mexico in a press release, in violation of the agreements on the matter;
- c. The risk of escape of a person convicted by the Ecuadorian justice system;
- d. A growing and inexplicable verbal aggressiveness of Mexican authorities;
- e. Open interference by Mexico in Ecuador's internal affairs in violation of international law; and,
- f. The insulting and painful reference by the Mexican Head of State to the circumstances surrounding the murder of an Ecuadorian political leader and former presidential candidate, Mr. Fernando Villavicencio, who was also a journalist during his lifetime who fought corruption head-on and denounced several cases of embezzlement of public funds.

2. One of the priorities of the Government of Ecuador has been to combat the unprecedented insecurity that affects the population as a result of crimes committed by transnational organized crime groups. There is evidence of the links of such groups with drug trafficking and corruption and of their infiltration at different levels of state institutions with the aim of operating with impunity.

3. In this context and despite knowing the challenges that Ecuador faced in defending the rule of law and combating transnational organized crime and corruption, the Government of Mexico allowed citizen Jorge David Glas Espinel, sentenced for common crimes, to enter and remain in its Embassy in Quito as a guest and later as a diplomatic asylum seeker.

4. As of December 2023, Mr. Glas Espinel had received two final convictions under Ecuadorian criminal legislation for illicit association and bribery. In addition, he was subject to ongoing criminal proceedings for suspected embezzlement of public funds and faced a criminal investigation for gender violence. Although he was temporarily released from prison, he was required to appear before the competent judicial authorities of Ecuador, he was prohibited from leaving the country, and arrest warrants were eventually issued

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.

7. The Organization of American States highlights the same principle, contained in Article 17 of the Convention on Diplomatic Officials of Havana, of 1928, which provides that “Diplomatic officers are obliged to deliver to the competent local authority that requests it any person accused or condemned for ordinary crimes, who may have taken refuge in the mission.”

8. Resolution A/RES/77/108 of the United Nations General Assembly, entitled “Consideration of effective measures to enhance the protection, security, and safety of diplomatic and consular missions and representatives”, in its preamble recalls that all persons enjoying privileges and immunities have the duty to respect the laws and regulations of the receiving State, without prejudice to those privileges and immunities; and, also, that the premises of diplomatic and consular missions should not be used in any manner that is incompatible with the functions of those missions.

9. The Ecuadorian Foreign Ministry sent to the Mexican Embassy in Quito all the information related to the convictions for common crimes handed down against Mr. Glas and that related to the criminal proceedings against him. With this, it was proven that the granting of asylum was inadmissible by virtue of the provisions of Article III of the Caracas Convention on Diplomatic Asylum of 1954, and Article 1 of the Montevideo Convention on Political Asylum of 1933, which clearly establishes that it is not lawful to grant asylum to people convicted or prosecuted for common crimes by competent ordinary courts.

10. Ecuador also expressed to the Mexican Embassy through repeated notes and official meetings that, due to Mr. Glas's legal situation, the granting of diplomatic asylum would not in any way be appropriate.

11. Subsequently, the President of Mexico issued statements that questioned the legitimacy of the presidential elections held in Ecuador in 2023 and falsely and offensively characterized the murder of the Ecuadorian presidential candidate and journalist, Fernando Villavicencio, recklessly suggesting that this criminal act was committed to influence the result of the aforementioned presidential elections.

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

been convicted of embezzlement, currently benefit from protection from the Mexican Government in that country.

22. In the particular case of Mr. Glas and the event of April 5, 2024, there was a real risk of imminent escape of said citizen required by justice, which, if it had occurred, would have represented a new attack on the democratic institutionalism in Ecuador. An urgent need had arisen.

23. For Ecuador, achieving justice and avoiding impunity is a fundamental value.

24. The National Police of Ecuador complied with the arrest order against Mr. Jorge Glas, ordered by the National Court of Justice, and he was brought before the competent judicial authorities.

25. Likewise, it is necessary to point out that the National Police sought to protect the physical integrity of the Deputy Head of the Embassy of Mexico, Mr. Roberto Canseco, who, in use of his freedom, recklessly followed the moving vehicles that were leaving the diplomatic premises and in which Mr. Jorge Glas was under police custody, as seen in the images circulated by the press.

26. Information on the judicial situation of Mr. Glas is attached hereto.

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 EIGHT YEARS of prison, dated April 26, 2020.

*Sources:*

- *Information provided by the National Court of Justice (Official Letter 2130—2023-DAJCI-CNJ) of 12/20/23 to the Foreign Ministry.*

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

**Process of penitential guarantees on request for pre-release**

3. Request for pre-release after having served 40% of the eight-year sentence due to the unification of the sentences in the Bribery and Odebrecht cases. The judge denied the request for pre-release, after verifying that he did not meet the requirements. Given the appeal dated March 7, 2024, the Provincial Court of Justice of Pichincha dismissed the appeal. With this, the sentence becomes final, and his capture is ordered so that he can return to prison.

*Sources:*

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

**Criminal Case (Manabí Reconstruction Case) for the crime of embezzlement**

4. A criminal case that is being heard by the National Court of Justice, followed by the Council of Citizen Participation and Social Control, the State Comptroller General's Office, the State Attorney General's Office, and the State Prosecution's Office, against Jorge Glas Espinel and others for the crime of embezzlement for having allegedly abused public money from funds from the “Law of Solidarity and Citizen



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Co-responsibility for the Reconstruction and Reactivation of the Areas Affected by the Earthquake of April 16, 2016.”

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.*