

Honduras

Zero Tolerance... for impunity

Extrajudicial Executions of Children and Youths since 1998

INTRODUCTION

Over the last five years, and during 2001 and 2002 in particular, there has been an unprecedented increase in the number of murders and extrajudicial executions of children and youths in Honduras. The involvement of members of the security forces and other people acting with the implicit consent of the authorities has been reported in an alarming number of cases (22%) whilst some of these crimes, approximately 13%, take place within the context of gang or *mara* warfare.

Non-governmental organisations (NGOs) estimate that from 1998 to the end of 2002 more than 1,500 children and youths were murdered in Honduras. Most of the victims lived in poverty, on the margins of society, with little education and few job prospects. Honduran society has viewed the deaths of these children and youths with indifference and apathy, some newspapers even suggesting it as a possible solution to the problem of public insecurity.

Since coming to power in January 2002, President Ricardo Maduro has promoted a series of measures to investigate and clarify these cases, including the formation of an interinstitutional commission and a special investigation unit within the police force. During Carlos Flores Facussé's previous government, representatives of international human rights organisations were invited to Honduras to investigate the issue.

In spite of numerous promises and government initiatives, there has in reality been no decline in the number of deaths. In fact, according to data gathered by Honduran NGOs, the number of murders reported has increased by more than 100% over the last two years: 97 cases of extrajudicial executions of minors in 1998; 277 in 1999, 209 in 2000, 430 in 2001 and 556 in 2002.¹

Amnesty International believes that the Honduran government has the responsibility and duty to investigate the deaths of children and youths that have occurred to date, to bring those responsible to trial and, in addition, to take the necessary measures to ensure that this phenomenon is not repeated in the future.

¹ Casa Alianza, *Honduras: Ejecuciones sumarias de niños, niñas y adolescentes*, September 2002, and information on the Casa Alianza web site: <http://www.casa-alianza.org>

GENERAL HUMAN RIGHTS SITUATION IN HONDURAS

Impunity still prevails in Honduras with regard to cases of people who «disappeared» during the 1980s. No member of the security forces implicated in the forced disappearances of 184 people and other human rights violations during that period has been punished by the authorities. The 1991 Amnesty Law was applied in all cases opened by the courts to investigate human rights violations, and the defendants were released before their responsibility had been determined or the truth known.

In November 2000, the government finally granted compensation to the families of some of the victims of the 1980s. The families of 17 of the 184 people officially recognised as «disappeared» received financial compensation as a result of proceedings initiated at the level of the Inter-American Commission on Human Rights. Nonetheless, some of the beneficiaries felt that this action should not exempt the State from adequately investigating the human rights violations and bringing those responsible to trial.

There thus still exists an enormous debt towards the victims of past human rights violations and their families. Without justice, no progress can be made towards building an effective rule of law and a fairer society. In this regard, Amnesty International looks very positively upon the agreement reached in June 2002 between the government, armed forces and non-governmental organisations in relation to investigating past human rights violations, including forced disappearances. At the time of writing this document, AI is not aware of what progress has been made or whether new investigations have been opened into these violations.

Impunity has also become the norm in recent murders of members of indigenous groups or human rights and environmental defenders, where circumstances suggest that extrajudicial executions may have taken place. In many of these cases, in spite of the fact that investigations were opened and the identities of the perpetrators known, these people still remain at liberty. In Honduras, at least 25 indigenous leaders have been murdered over the last ten years. Some NGOs and local activists maintain that the authorities have taken few, if any, measures to bring the perpetrators to justice. The majority of these murders were committed in the context of land disputes and have often been attributed to people or groups linked to local authorities, the business sector or the military.

Other social groups have also been the victims of grave human rights violations. According to the report of the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, Asma Jahangir, “non-governmental sources state that some 200 homosexual and transsexual prostitutes were murdered in Honduras over the period 1991-2002. According to reports, very few of the cases were officially recorded, and even fewer investigated.”

In some cases, judges and public prosecutors who investigate human rights violations have received threats, been subjected to harassment or have even had to be given police protection because of the number of threats received. At the end of 2002, following her statements regarding the involvement of members of the police in the murders of children and youths, the

head of the Internal Affairs Unit (*Unidad de Asuntos Internos*) of the National Police, Deputy Commissioner María Luisa Borjas, was suspended from her post (see *Safety of witnesses and investigators*, below).

The National Police, moreover, continues to stand out as responsible for human rights violations against peaceful demonstrators and others. The prisons are severely overcrowded and it has been reported that prison conditions are so poor they amount to cruel, inhuman or degrading treatment.

SOCIAL AND ECONOMIC SITUATION

Honduras is one of the poorest countries in Latin America and the Caribbean region. According to a recent ECLAC report, Honduras is situated on the third level of poverty, that is, countries with no possibility of reducing their extreme poverty. In 1998, the economy, which is based largely on agriculture, suffered a huge setback because of Hurricane Mitch. The hurricane left at least 5,000 dead, 70% of crops destroyed, causing more than 3,000 million dollars of damage, and affected 40% of the Honduran population, who lost their homes, belongings and families.

The decline in international coffee prices, Honduras' main export product, has drastically affected the rural sectors. During 2001, the *maquilas* (assembly' plants primarily involved in the clothing industry) suffered the consequences of the economic recession in the US, its main trading partner. Since the events of 11 September, an immediate impact has begun to be felt on the tourist sector.

Health and education provision is in crisis, with the regular closure of schools and a lack of medicines, oxygen, vehicles, adequate budget and timely care, which has continued to cause deaths among children. Corruption is another area that impacts negatively on society.

“In 1999, Transparency International described Honduras as the fourth most corrupt country in the world and the most corrupt in Latin America. In 2001, Transparency International's report placed our country fourth in Latin America after Bolivia, Ecuador and Nicaragua. On an international level we occupy tenth place.”

Ricardo Maduro, “*Mi Compromiso Contigo - El Desarrollo Centrado en la Persona Humana*” Tegucigalpa, 6 November 2002, pg. 48.

PUBLIC INSECURITY

The socio-economic conditions, the poverty that affects a high percentage of the whole population, the ineffectiveness of and lack of confidence in the legal system and police force have all created great insecurity among the population in general.

During his 2001 electoral campaign, Ricardo Maduro published the document “*Mi Compromiso Contigo- El Desarrollo Centrado en la Persona Humana*”(My commitment to you- Development centred on the Human Being). In this document, based on figures

indicating that 44,041 complaints of offences and criminal acts were recorded in 1997, Ricardo Maduro proposed fighting public insecurity with *zero tolerance* strategies and increasing the number of soldiers on the streets as part of his new security policy. In early 2002, it was reported that more than six thousand soldiers had been drafted onto the streets of the main Hondurans towns.

Amnesty International (AI) is aware of the increased criminal activity in Honduras and its negative consequences on the population, and understands that the government has to take appropriate measures to resolve the problem and protect the population as a whole. The difficulty lies in guaranteeing that crime is effectively tackled within the margins established by the rule of law. It is essential that none of the measures adopted by the government should pave the way to the possibility of destroying individual rights and freedoms, as established in the Constitution and laws of Honduras, as well as in the international commitments to which the State is bound.

For AI, the use of the armed forces to implement tasks of law enforcement, along with the *zero tolerance* initiatives approved in 2002, are a cause for concern. The normal duties of the armed forces are very different to those of law enforcement, the main interest of which lies in community service and respect for the law. Moreover, there are specific international standards that determine and regulate the conduct of law enforcement officers, and these people have received human rights training specifically related to their role. Members of the armed forces may not have received this training and the most basic principles of community protection and service are thus endangered.

It has been reported that, in at least one case, the use of the armed forces on the streets of Honduras has resulted in the death of a child, on 27 September 2002. A uniformed soldier shot at Oscar Emilio Santos Arias, 11 years of age, in the Medina neighbourhood in San Pedro Sula, wounding him in the throat and subsequently causing his death. According to reports the soldier, who was undertaking police duties, was arrested and charged with murder.

Some of the Honduran media frequently blame the *maras* (gangs) or street children and youths for the growing public insecurity. In fact, in real terms, statistics indicate that crimes committed by minors are minimal. The Honduran government has recognised that juvenile delinquency constitutes 5% of the offences and crimes recorded in the country. In 1999, a study undertaken by the Honduran Institute for Children and the Family (*Instituto Hondureño de la Niñez y la Familia* - IHNFA) noted that only 0.02% of all murders committed in Honduras were attributable to minors. But both officials and the media continue to place responsibility for the majority of crime on street children and members of *maras*.

The *maras*², or gangs, are not a new phenomenon in Honduras as a youth gang culture has existed for decades. However, the prevailing culture of violence and the extreme indifference

² The word *mara* comes from ‘marabunta’, the carnivorous ants from Africa that destroy everything in their path.

accorded them has, more recently, meant that life in the *maras* provides a source of safety for young people and a sense of community belonging.

In recent years, the increased number of gangs in Honduras and other Central American countries has been inspired by a number of factors that have also promoted public insecurity in the region, such as, for example, poverty, the crisis in the family, unemployment and a lack of opportunities among the poorest sectors of society.

The State's response to the *maras* and the violence has been, according to former Human Rights Commissioner Dr. Leo Valladares, a recycling of the old counter-insurgency tactics, "the UPM's [Unit for *Mara* Prevention, created in 1998] Manual of Basic *Mara* Knowledge is a rehash of old Cold War concepts, to the extent that the actions of the *mareros* are described as 'terrorism'. Their vision of a young *marero* is completely out of context, it maintains that 'it is very difficult to understand the irrational behaviour of the *mareros*, their way of thinking can be described as absurd for the following reasons: the most important for a *marero* is his *mara* and he is prepared to die for it. For *mareros* it is an honour to be injured in battles defending his neighbourhood [or] *mara*...'".

"The way in which the *mareros* interpret the violence in which they are immersed differs from society's interpretation of this. The most surprising thing in this is how, in less than five years, it has become such a real riddle or problem, and of such an amazing size. There is no other example of similar expansion in Honduran society, not even during the time of greatest political and ideological controversy in the 1980s. What at first could be explained by increased inequality, by the tensions facing young men and women or by the consolidation of an alienating media and consumer society, is now deeply rooted in psychological and cultural perceptions of life and an ingrained apathy, in line with its logic of growth and reproduction."

Leo Valladares, *Informe Preliminar sobre ejecuciones extrajudiciales de niños, niñas y adolescentes*, January 2002, pg. 18.

However, according to the Human Rights Commissioner's Preliminary Report on extrajudicial executions of boys, girls and teenagers, January 2002, two thirds of all children and youths who die violently do not belong to gangs and have no criminal background. It is suggested that they have been "labelled" because of the way they dress or their appearance, which is similar to that of members of *maras*, and that it was for this reason alone that they were murdered. This would give credence to claims of the existence of a "social cleansing" campaign being undertaken by various sectors of Honduran society, in collusion with the government authorities.

Gang warfare and extrajudicial executions of children and youths continue unabated one year after Ricardo Maduro, then presidential candidate, promised an end to public insecurity, "insecurity must also be fought through actions that create a culture of respect for the law,

peace and non-violence, of respect for life and the rights of others, of tolerance to differences and beliefs that do not transgress morality, ethics, good custom and public order.”³

EXTRAJUDICIAL EXECUTIONS OF CHILDREN AND YOUTHS SINCE 1998

Honduras is facing a human rights crisis that requires a concerted, integral solution that is politically committed to the most marginalised sectors of society. The policy of *zero tolerance*, introduced by President Maduro, has not been able to prevent the wave of extrajudicial executions, murders and other human rights violations. Nor has it served to bring members of the security forces and other individuals who have been clearly identified as the authors of these extrajudicial executions to justice.

A number of Honduran NGOs have been focusing on this phenomenon. Casa Alianza, a non-governmental organisation working on behalf of the so-called “street children”, has been systematically documenting the deaths since 1998. The organisation has published various reports on the murders. Other institutions and organisations have also produced reports on this issue. This includes the Office of the National Commissioner for the Protection of Human Rights, which published an in-depth report on the issue in January 2002. In October 2002, the report of the August 2001 visit of Asma Jahangir, UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions was published in Honduras. The Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families (*Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares - CPTRT*) also published a report in October 2002 (see *Appendices*).

Amnesty International has, for a number of years, been denouncing the execution of children and youths in Honduras at the hands of State agents or unidentified individuals, under circumstances suggest a “social cleansing” campaign. These murders continue to be a cause of debate and concern among the general public. Various sectors have attributed these murders to different factors, such as gang warfare or “social cleansing” or denounced them as extrajudicial executions. Nevertheless, the State has an obligation and a responsibility to investigate all cases and bring those responsible to justice.

A number of NGOs are in agreement that whilst extrajudicial executions during the 1980s and early 1990s had a clear political motivation, in more recent years they have been due to social or economic factors. According to Andrés Pavón, President of the Committee for the Defence of Human Rights (*Comité para la Defensa de los Derechos Humanos*), “...we live in a country in which there is a tendency to criminalize poverty, the majority of victims of human rights violations are people excluded from public assets, including access to justice...”

³ Ricardo Maduro, “*Mi Compromiso Contigo: El desarrollo centrado en la persona humana*”, 6 November 2001, pg. 4.

Casa Alianza has documented 1,569 cases of violent deaths over the period from 1998 to December 2002, the majority of which have not been investigated.⁴ Amnesty International is particularly concerned by reports indicating that, at least in a percentage of these cases, members of the police may have been involved. In addition, it is a reason for concern that neither the police nor the legal system have followed the procedures established for cases of unnatural death, along with a lack of due diligence on the part of the authorities in terms of investigating these cases.

The victims

There are no reliable official records in Honduras regarding these violent deaths or extrajudicial executions. It has been exceptionally difficult to establish with any certainty the number of victims in question. Different NGOs, religious groups and State bodies use different variables when compiling data, making the production of an extensive and unified list difficult. For example, the number of victims given by Casa Alianza (1,569 cases to 31 December 2002), often denounced in the press and by State bodies as exaggerated, is far less than that noted by the ecclesiastical authorities, Monsignor Garachana and Monsignor Emiliani in a press article last November (4,500 cases). This not only supports the claims of non-governmental organisations and others but highlights the need to create better and more effective official records of violent deaths at national and local level.

There are a number of factors explaining why the records vary: the age of the victim, the circumstances of death and the removal of the body by the forensic authorities. Some organisations include only children in their reports (0 to 18 years), whilst some include all cases up to 23 years of age. Others include all people dying in violent circumstances. In addition, in many cases, official registration of the death does not take place and the family has to collect the body itself, for which reason the person does not appear on any official list.

87% of victims are male and 13% female, according to Casa Alianza statistics covering the period 1998 to June 2002. However, the number of female victims reported has

Cintia Waleska Rivera, 14

On 23 May 2001, the bodies of Cintia Waleska Rivera and her friend Wendy (15, surname unknown) were found in a hollow on the El Estiquirín mountain, near the neighbourhoods of La Pradera and Altos de Tiloarque, in Comayagüela. Both were alleged members of the "18" gang.

According to forensic information, their bodies were in an advanced state of decomposition and it was believed that they had died some 48 hours earlier. The bodies were found 20 metres down, with evidence of having been tortured and raped. Wendy's hands had been tied in front of her with the laces from Cintia's trainers. The last time they were seen alive was at a party on Saturday 19 May.

In response to an official communication sent by the UN Special Rapporteur, the Honduran government indicated that the case was being investigated and that it had emerged from the police investigation into the case that Cintia Waleska Rivera could have been murdered by members of the "18" gang. According to reports, the two young girls received a gunshot to the head after being raped.

⁴ Statistics from the years 1998-2001 were taken from the Casa Alianza report *Honduras: Ejecuciones sumarias de niños, niñas y adolescentes*, published in September 2002. Statistics for 2002 come from the Casa Alianza web site: <http://www.casa-alianza.org> and from the organisation's press releases.

increased since 2001: in 2000, Casa Alianza reported 21 cases, in 2001 there were 60 and in 2002 there were 70 new cases. In some cases, murdered street girls and young women were also victims of sexual violations and other grave abuses. Rapes of girls and young women at the hands of the security forces are not reported, often for fear of reprisals.

According to the report from the Human Rights Commissioner, “the most serious accusation on the part of women belonging to gangs is that of detention at police posts. Accounts have

concluded on the physical abuse and sexual violations received at the hands of police officers; in other cases, they are freed on the agreement that they will have sexual relations or simply “go out together” one weekend or pay a 100 Lempira ‘fine’” (page 30). There have been no known cases of any member of the security forces being prosecuted for these human rights violations against girls and young women.

The deaths of these children and youths have been reported in the press as clashes between gangs or *maras*, and government authorities have stated that this is exclusively a crime on crime problem. However, despite the fact that the violent deaths have increased, particularly in recent years, the proportion that can be attributed to gang warfare has remained relatively low, according to figures gathered by Casa Alianza. In 2000, 16% of murders were attributable to ‘gangs’, in 2001 18% and between January and June 2002 16%.⁵ Although it is difficult to determine with any certainty the circumstances of violent deaths in clashes or ‘settling of accounts’ between gangs, these cases do not relate to extrajudicial or summary executions but to criminal actions between civilians. Members of the *maras* are victims of violence at the hands of other *mareros*. However, for that very reason, these victims continue to be denied justice because society and the authorities consider them criminal ‘by nature’ and therefore exempt from any human rights.

Alleged authors

According to Casa Alianza’s statistics for the first six months of 2002, 68% of child and youth murders were attributable to unknown individuals, 14% to gangs, 12% to occupants of “death cars”, 3% to the National Police, 2% to civilians and 1% to private guards.⁶

‘Unknown individuals’

“Unknown” individuals form the highest percentage (65% from 1998 to June 2002) of those responsible for deaths. These could include gang members, the security forces and other parapolic bodies, such as the occupants of “death cars” or civilians taking the law into their own hands. The fact that responsibility for these human rights violations has not been determined with any certainty is in itself a demonstration of the clear failure on the part of the Honduran State to pursue the perpetrators and protect the victims, as required by law.

⁵ Casa Alianza, *Honduras: Ejecuciones sumarias*, Op. Cit.; pgs. 175-176.

⁶ Source: <http://www.casa-alianza.org/ES/human-rights/torture-honduras/stats.shtml>

According to the Special Rapporteur, “there were many [interviewees] who believed that a large number of the unidentified assassins of minors were members of the security forces themselves or private vigilantes acting under the protection of these forces.” (pg. 20).

Miguel Ángel Matute López and Juan Isaías Cruz

On the night of Friday 18 May 2001, Miguel Matute and Juan Isaías Cruz were taken from their home in the Pineda de San Manuel neighbourhood, Cortés, by three hooded men, allegedly for having witnessed a crime. Two men took Miguel Ángel Matute López, his father Oscar Rafael López and his brother-in-law, Juan Isaías Cruz, out of the house whilst the third kept the rest of the family inside. They were walked away from the house but then Oscar López was let go. They fired at Miguel, who received eight bullets to the chest, legs and fingers. They then fired at Juan Isaías. According to Oscar López and other witnesses, those responsible were carrying a .38 calibre pistol and two AK-47s.

Miguel Ángel and Juan Isaías had been witnesses to the murder of Digno Argueta Torres (18) and Osbin Rafael Guerra Argueta (16) on 15 May 2001 and it was assumed they knew the identity of the two murderers. Miguel Ángel and Juan Isaías were farmers and brothers-in-law. Some thirty families from the Pineda neighbourhood have left their homes or left them in the care of others due to the large number of murders that took place in this neighbourhood during the first five months of 2001.

The *modus operandi* of the perpetrators of this summary execution was similar to the way in which the “death squads” worked in Honduras and Central America in past decades: removing the victims from their houses in the middle of the night whilst terrorising family members, then taking them elsewhere to summarily execute them.

Gangs

Gangs form the second largest group of alleged perpetrators, representing 13% of all murders between 1998 and June 2002.⁷ As previously mentioned, the proportion of deaths due to gang warfare has not significantly increased over the last four years and many gang members have also been the victims of extrajudicial executions at the hands of third parties.

The death cars

According to reports, an alarming percentage of murders are committed by individuals with a specific *modus operandi*: groups of heavily armed men and women, travelling in cars with

⁷ Ibid.

darkened windows and no number plates, their faces covered, sometimes declaring themselves to be members of an enemy band to that of the victims, fire at close range on young people identified as *mareros*.

This type of crime would appear to be quite recent, as it has only appeared in the statistics since 2001 in relation to murder. However, it is this class of perpetrator that is showing the greatest increase: from 33 cases in 2001 to 51 cases in the period January-June 2002.

“[on 24 June 2001]...Fernando Licona was with [another person] opposite a local store in [the San Miguel neighbourhood, El Progreso] when a black pick-up being driven by two men approached and, without stopping, fired at them. Licona died immediately and his companion, who was not identified, was wounded. These same individuals [in the black pick-up] moved on to the Doce de Junio neighbourhood where, in the same way, they riddled [Gustavo Adolfo] Beltrán and [Moisés Castillo] Jiménez, reportedly members of a gang operating in the sector, with bullets. After this triple crime, the unknown individuals fled and their whereabouts is to date unknown.”

La Prensa, 26 June 2001

According to former Commissioner Leo Valladares, “the existence of organised groups killing gang members has formed a constant in the statements given by these young people in different areas of the country. Described as ‘*Los Olanchanos*’, ‘*los callitos(as)*’, ‘death squads’ using cars, bicycles and armaments that are still difficult to obtain on the part of members of traditional gangs in Honduras. Moreover, in some cases studied, these groups appeared to be operating in association with the police officers of some places specifically detailed in the statements” (pg. 36).

At the time of writing this report, no information was available to indicate whether any of the members of these groups denounced as «parapolice bodies» had been the subject of official investigations or were in police custody. The fact that they continue to act with complete impunity and without being ‘detected’ could indicate that their activities are undertaken with explicit or implicit State authorisation.

The National Police

A number of reports on the issue indicate that a high percentage of the deaths of children and youths are, in fact, extrajudicial executions, that is, illegitimate and deliberate murders either perpetrated by State agents or with their collusion or consent.

The fact that the relevant authorities have neither investigated nor punished the numerous murders involving members of the security forces could imply the State’s consent.

In the context of denouncing crimes, cases of corruption and irregular proceedings in the justice system and the police force are of particular concern. The substantial changes introduced into the National Police in 1998 created great expectations with regard to the

“new” institution, which was placed under the civil control of a new Ministry of Security. However, in the ensuing years, this force has committed human rights violations against demonstrators and other individuals and against people in their custody, including illegitimate murder. It has been linked to organised crime and is considered to have one of the lowest levels of people’s acceptance and trust of all institutions. All this in spite of a highly publicised process, from 2000 on, of purging the police forces to remove those officers responsible for human rights violations. However, the value of this process was lost when official investigations into the actions of these former officers to determine their criminal responsibility were not forthcoming, and relevant cases were not taken to court.

Juan Ramón Antúnez Alvarado, 16

On 20 July 2001 at 11:00 pm, Juan Ramón Antúnez Alvarado and two friends were in a bar in Comayagüela when a National Police patrol car arrived at the bar and one of the police officers asked them for their documentation. Juan Ramón Antúnez Alvarado and another of his friends were under age and the police officers sent them home warning them that if they were found in the bar again they would be arrested. The police later returned and, after a discussion, Juan Antúnez and a friend ran off. The police agents followed them, drawing their regulation firearms and firing twice. Juan Antúnez received a bullet in the back while his friend escaped unharmed. The police drove off in the patrol car, leaving the body of Juan Antúnez lying where he had fallen, without offering any medical attention. Juan Ramón Antúnez Alvarado later died in hospital. According to reports, the Public Prosecutor’s investigation, along with the legal proceedings, has made no progress despite the existence of witnesses to the incident and the fact that the police officers responsible for Juan Ramón Antúnez Alvarado’s death have been clearly identified.

Security Committees and private guards

According to reports, during 2000 the Honduran Committee for the Defence of Human Rights in Honduras (*Comité para la Defensa de los Derechos Humanos en Honduras - CODEH*) documented 12 cases of murders allegedly carried out by members of Public Security Committees (*Comités de Seguridad Ciudadana*). Employees of private security companies were also accused of being involved in an average of 2% of child and youth murders between 1998 and June 2002.

The Security Committees were provided for in Article 102 of the National Police Organic Law, published in The Gazette (*La Gaceta*) of 18 July 1998. This provides that the Municipalities may “promote the organisation of public security committees in accordance with the provisions of the respective Regulations”. Amnesty International was at the time concerned that the Regulations noted in the law did not exist, despite the fact that the committees were already up and running. In a meeting with the Minister of Security in August 2001, Amnesty International delegates queried whether the functioning of these committees was in line with the Honduran Constitution and legislation and whether their existence was appropriate or necessary. The Minister stated that he had not authorised the establishment of any such committees because he considered them problematic and felt they should not be operating. However, the actions of these committees were frequently being reported in the press. The Organic Law on the National Police also contains operating standards for private security forces, which must be governed by special regulations.

In October 2001, in a follow-up letter on the issue, Amnesty International highlighted the need for “any group participating in the State functions of guaranteeing security, maintaining and restoring order or preventing and combating crime should have regulations governing their conduct, adequate training and clearly established lines of responsibility. The lack of these is of great concern to Amnesty International as this could lend itself to human rights abuses...Amnesty International urges either the urgent official elimination of the public safety committees or the formulation and implementation of the regulations anticipated in Article 102 of the Organic Law on the Police, and that similar measures be taken with regard to private security companies”. To date, Amnesty International has received no reply to this correspondence and the Regulations still do not exist.

The Security Committees, also known as Surveillance Committees, arose in response to the growing violence and public insecurity and reflected the absence of police presence throughout a large part of the country. By early 2000, 845 committees had been created in Honduras as a whole. During 2000, the Human Rights Commissioner at that time, Leo Valladares, called for the National Domestic Security Council (*Consejo Nacional de Seguridad Interior* - CONASIN) to dissolve these committees due to the lack of regulation and control of their operations. In his report he said that, “one of the hypotheses to be proven through a detailed legal investigation is the parallel emergence of these Public Security Committees as parapolice bodies lacking in any control alongside the alarming emergence and increase in deaths of young people since 1998 to date. There are coincidences in the equipment used by these committees and the so-called ‘*Olanchanos*’ identified by gang members, primarily in San Pedro Sula and surrounding areas.”

TYPES OF WEAPON USED

The most common weapons used in the child and youth murders analysed in Honduras include 9 mm and .38 calibre pistols, AK-47 rifles and *chimbas*, rudimentary arms generally used by gang members. Sharp instruments such as knives are identified in second place.

An independent investigation into international levels of small arms has established that the majority of arms in existence are held not by national armed forces or the police but by civilians. The report stated that evidence pointed to a correlation between high levels of arms possessions and high levels of mortality and morbidity, at least in developed countries. It also indicated that the existence of national legislation to control civilian arms possession could mould prevailing social notions with regard to violence. Strict arms controls can send out a message that violence is not acceptable and, in the long term, can influence people’s social behaviour (*Small Arms Survey 2002*, Geneva 2002, pg. 263).

The Honduran National Congress has estimated that 600,000 weapons of war are circulating illegally and that there are on average six weapons per family. This reflects the growing

demand of people who are seeking to arm themselves for safety reasons or take justice into their own hands.

In October 2002, the National Congress finally approved a draft law presented in 1997 regulating the possession of arms. The Law on Carrying Weapons, munitions, explosives and similar establishes that individuals can register up to five arms per person of the types established in the law. Certain types of firearms, such as AK-47s, frequently used in murders, cannot be held by private individuals. The initial registration process for obtaining a legal arms licence will take place up to April 2003 without the need for documentation. After that date, documents will be required, along with a receipt proving ownership of the weapon to be registered.

SAFETY OF WITNESSES AND INVESTIGATORS

In the context of criminal investigations in general, and the murders of children and youths in particular, witness safety is of enormous importance. It is not uncommon for witnesses to this type of crime to feel intimidated and hence unwilling to make a statement to the police or judicial authorities. A number of witnesses, and at least one public official, have suffered harassment and death threats from unknown individuals.

For example, the Special Rapporteur's report highlights the case of taxi driver, Alexander Jovial Villatoro, who witnessed the murder of three minors in Cárcamo. Alexander Jovial Villatoro and another passenger testified against the police officer responsible for the deaths, who was arrested. Alexander Jovial Villatoro informed the Rapporteur that four attempts had been made against his life and that he had been threatened by the family of the accused police officer. Some months after the event, Alexander Villatoro was arrested and imprisoned, accused of having committed a drugs-related offence. Although his case was dismissed and he was freed on 5 August 1999, he continues to live in fear, has moved several times and has felt unable to testify against the accused police officer.

Moreover, the case of a public official who has been subjected to anonymous and public threats because of her investigations into the involvement of members of the police force in extrajudicial executions has to be noted. At the end of September 2002, Sub-Commissioner María Luisa

“It saddens me that, even now, we still want to turn a blind eye, the investigations we have been undertaking have produced the names of so many people, we have proof, we have witnesses that link the police to these executions.” (September 2002) “...with such an unfortunate precedent it can be clearly seen that if someone denounces an illicit act within an institution, the reply they receive is ‘keep quiet or you’ll get the same treatment’.” (December 2002)

María Luisa Borjas

Borjas, Head of the Internal Affairs Unit of the National Police, denounced the participation of members of the Ministry of Security and National Police in at least 20 extrajudicial

executions of children and youths in Honduras. According to reports, she immediately began to receive telephone death threats, her office support staff was reduced, her mail intercepted and, two months later, she was told she had been suspended, allegedly for having failed to present proof of her claims.

THE STATE'S RESPONSIBILITY

It is the State's responsibility to investigate and punish crime. Decree 228-93, published in January 1994, created the Public Ministry, "a professional specialised body, free from all sectarian political involvement, functioning independently of the State powers and entities..." (Article 1, Law on the Public Ministry), the objectives of which include "representing, defending and protecting the general interests of society", "collaborating on and ensuring the rapid, correct and effective administration of justice, particularly in the criminal sphere...", "ensuring respect for and fulfilment of constitutional rights and guarantees...", among other things. The Directorate of Criminal Investigation (*Dirección de Investigación Criminal* - DIC) was created as a body reporting to the Public Ministry with the aim of "...exclusively and inescapably investigating crimes, discovering those responsible and providing the relevant bodies with the information necessary to investigate and punish crime" (Article 31, Law on Public Ministry). The DIC substituted the National Directorate of Investigations (*Dirección Nacional de Investigaciones*), which was under military control and implicated in the past in numerous murders, tortures and forced disappearances. This new structure put the DIC at the service of the judicial process and, through the public prosecutors, created a link between the investigator and the judge.

In addition, the police were also the object of deep transformations and, in December 1996, the National Congress approved the transfer of the Public Security Force (*Fuerza de Seguridad Pública* - FUSEP) to civilian authority control. In 1998, the National Civil Police (former FUSEP) became a part of the new Ministry of Security. In July of that year, the National Police of Organic Law was published, separating the DIC from the Public Ministry and including it within the Ministry of Security as General Directorate of Criminal Investigations (*Dirección General de Investigación Criminal* - DGIC). However, although the DGIC was "hierarchically and administratively" dependent on the Ministry of Security, it was to act "functionally under the technical/legal guidance of the Public Ministry in the judicial investigative process".

The separation of functions of investigating (which falls to the DGIC) and judging the crime (in Public Prosecutors' offices within the Public Ministry) has partly led to the current crisis in justice administration. Even before the incorporation of the DGIC into the Ministry of Security, the Attorney General at that time, Edmundo Orellana, had warned that "if public prosecutors do not have the possibility of leading the investigation from a legal point of view, then there is no way of taking cases to court." (Tribuna, 22 October 1997).

In February 2001, the Citizens' Forum (*Foro Ciudadano*)⁸ expressed its concern that the Ministry of Security appeared to have a "fervent desire to control the investigative police". According to the Forum, the reason lay in the fact that, before its incorporation into the Ministry of Security, the DIC had independent investigative powers and had, together with the Public Ministry, undertaken investigations into cases of corruption culminating in the appearance of senior government officials in court.

Numerous Honduran organisations consider that the incorporation of the DGIC into the Ministry of Security has concentrated the security function with that of investigation. The investigative function has been separated from the judicial sphere and the function of investigation may have thus lost its impartiality, as it may be affected by political/partisan considerations related to the government's security policy, or as in the past, by cases of corruption.

According to reports, the DGIC was reduced by 60% in January 2001 and was instructed to investigate only the 16 crimes listed in the current Criminal Code.

According to the Forum, this change distanced the DGIC from the people, creating an investigative police unit at the service of crimes committed against the rich (such as kidnapping). In addition, public prosecutors were withdrawn from police stations, in spite of the Law on the Public Ministry clearly stating that one of their powers was that of managing, guiding and supervising police proceedings (art. 16.4).

Darwin Roberto Saucedo Flores, 16

Darwin Roberto Saucedo Flores was found dead with signs of having been summarily executed on 17 February 2002 in La Trinidad neighbourhood, Comayagüela. According to reports, Darwin Saucedo, who had been in prison several times, was harassed by a police officer from the police post in Guasalona, La Trinidad. This officer had allegedly arrested Darwin Saucedo for criminal association on repeated occasions, in May, June and September of 2001. Following this last arrest, Darwin Saucedo made a complaint of torture. On 14 February 2002, the La Trinidad police post arrested Darwin Saucedo and he was sent to the old Treasury Police post and then to the DGIC to be taken before the Juvenile Court (*Juzgado de la Niñez*). According to reports, Darwin Saucedo told his mother that the La Trinidad police had beaten him. He was freed on 16 February 2002. Darwin Saucedo was last seen alive on the afternoon of 17 February, according to his mother's statement. Darwin Saucedo was killed by bullets forming the shape of a cross on his chest.

According to the CPTRT report published in October 2002, only the "*Por Cuanto*" existed in Darwin Saucedo's judicial file, indicating that he had died a violent death.

However, in spite of the institutional changes, investigations into child and youth murders in Honduras have, since the mid-1990s, been characterised by negligence and a lack of independence and impartiality on the part of the authorities responsible for undertaking them. In the vast majority of cases, they have limited themselves to establishing a "*Por cuanto*", a

⁸ The Citizens' Forum is an open and plural organisation made up of citizens and civil society organisations, established in 1997.

document indicating that a violent death has taken place and which should lead to the opening of a file. However, this generally ends up archived and forgotten.

Moreover, according to reports, there are many cases in which not even this minimum requirement for registering the death is fulfilled. In other cases, the investigation is inadequate, and there are low levels of prosecution and sentencing. Shortcomings in the investigative processes undertaken by the DGIC prevent action on the part of the Public Ministry to prosecute and punish those guilty. Moreover, in at least one case, witnesses to extrajudicial executions have been dismissed by judges because they themselves were “criminals” (see case of the *Four Cardinal Points*, below)

The Case of the *Four Cardinal Points*: Marco Antonio Servellón García, 15; Rony Alexis Betancourt Hernández, 17; Diómedes Obed García, 19; Orlando Alvarez Ríos, 32

On 15 September 1995, the Police Security Force (FUSEP), predecessor to the current National Police, carried out raids on youths around the national stadium in Tegucigalpa. Marco Servellón, Rony Betancourt and Orlando Álvarez were taken to FUSEP’s No. 7 Regional Command (CORE VII) in the Los Dolores district of the capital. Diómedes García was arrested on the morning of 16 September.

Other detainees witnessed the death threats of FUSEP agents against the four detainees, along with the torture to which Marco Servellón was subjected. According to reports, the names of the four victims appear in the police release register as having left the police station on 16 September 1995 at 11am, but signed out by the police judge (*jueza policial*) and not the victims themselves. The bodies of the four were found in different areas of Tegucigalpa on 17 September 1995. Each one had received several shots to the back of the neck. Ballistic evidence later confirmed that the four had been killed by the same firearm. Forensic doctors determined that all four had died between 5 and 6 o’clock on the morning of 17 September 1995.

On 6 May 1996, arrest warrants for four FUSEP officials and a police judge were issued on charges of murder and covering up the crime. On 6 August 1996, the Judge of the Court of First Instance (*Primera Instancia*) dismissed the warrants stating that the ‘witnesses were criminals’, referring to the dozen individuals detained by FUSEP without arrest warrants and who witnessed the threats and torture of the victims. In October 2000, Casa Alianza and the Centre for Justice and International Law (*Centro para la Justicia y el Derecho Internacional - CEJIL*) submitted this case to the Inter-American Commission on Human Rights. In November 2000, the IACHR allocated it number 12,331.

In his report, former Commissioner Leo Valladares stated that, “in the vast majority of cases of young people’s deaths, an exhaustive police investigation was not undertaken into the circumstances and possible motives and, in the few that have reached jurisdictional knowledge, the trials do not move forward in such a way as dictated by the gravity of events (70% of cases making no progress) because there is little involvement of the public prosecutors (28%), committal orders are rarely issued or implemented (4%) and virtually no sentences of any kind are passed”.

Another factor influencing the investigative and judicial process is the weak technical capacity and scarce resources available to the respective institutions. Reaction to complaints of criminal acts, such as the deaths of children and youths, is slow and documentation of the

crime inadequate. This is something that President Ricardo Maduro recognised in his electoral platform when he stated that, "...the main role of the Judiciary is justice administration. However, this State power has to date been neither independent nor impartial, and justice has not been expediently or opportunely imparted. [...] In addition, Honduran justice shows signs of a worrying tardiness, which goes beyond a simple delay in decision-taking with regard to the cases submitted to its knowledge. This situation invalidates the constitutional rights of defendants" ("*Mi Compromiso contigo*", pg. 10).

In 1999, the UN Committee on the Rights of the Child recommended that Honduras should strengthen its legal mechanisms for processing complaints of police brutality, mistreatment and abuse of children and that cases of abuse should be duly investigated with the aim of avoiding the impunity of those guilty. This recommendation has not become a reality for the hundreds of minors who are victims of human rights abuses in Honduras.

In spite of the fact that the Honduran legal system has been subjected to purges, with the suspension of various judges in different parts of the country for corruption and incompetence, the decline in the justice administration system is also, in part, a legacy of past decades, when impunity was promoted as a response to the complaints of human rights violations. The human rights organisations indicate that, while there was previously a system of impunity to the benefit of the authors of the political crimes of the past decade, it now benefits current criminals.

Óscar Daniel Medina Cortez, 16 and José Luis Hernández, 14

On 11 January 1998, Óscar Daniel Medina Cortez and José Luis Hernández were arrested near a market in El Progreso, Yoro, by five heavily armed men travelling in a pick-up truck. The men, two of whom were recognised by witnesses as being members of the General Directorate of Criminal Investigations (DGIC), pulled out their arms and dragged Óscar Medina and José Luis Hernández into the rear of the vehicle. The following morning, their bodies were found, showing signs of torture and mutilation, on the Mantecal highway, Lima municipality, Cortés. According to reports, one of them had a bullet wound between the eyes and the other in the back. Mrs. Cortez told the UN Special Rapporteur that she had tried to make a complaint against the police who had allegedly killed her son but without success, and that no-one wanted to testify to what had happened. In August 2002, the case was taken to the IACHR by Casa Alianza and CEJIL.

For the former National Commissioner for Human Rights, "...the State's reaction to the violent deaths of young people over the last four years is neither sufficient nor proportionate to the gravity of the phenomenon, this situation is reflected in the lack of information gained on each case recorded, a deficient investigative process in virtually all cases, a lack of involvement of public prosecutors in terms of quantity, and a total lack of cases resolved" (pg. 32).

Given the continuing inefficiency of the justice administration system in Honduras, human rights organisations continue to take their cases to international human rights bodies. At the end of August 2002, Casa Alianza and CEJIL submitted the case of Oscar Daniel Medina Cortes and José Luis Hernández to the Inter-American Commission on Human Rights, taking the number of cases already submitted to the Commission by these NGOs to six (see above).

DUE DILIGENCE AND THE HONDURAN STATE

Even in cases of murders or abuses committed by individuals, the State has a very concrete international responsibility: it may be considered responsible for a human rights violation through its relationship with non-State agents, or for not having taken measures to prevent the abuse from being committed or for not having taken measures in response to the crime. The State's responsibility falls into a number of different classifications, including: complicity, consent or acquiescence, failure of due diligence and inaction when providing equal protection to prevent and punish abuses committed by individuals. Given all these circumstances, the State has failed to fulfil its obligations and is, in practice, permitting the violence against children and youths in Honduras to continue.

Due diligence was formulated and applied by the Inter-American Court of Human Rights in the case of Velásquez Rodríguez⁹ in a decision on 29 July 1988, which stated: "An illicit act of human rights violation that is not initially directly attributable to a State, for example, because it is the work of an individual or because the author of the transgression has not been identified, may result in the State's international responsibility, not for the act *per se* but through a lack of due diligence in preventing the violation or in dealing with it in the terms required by the Convention [Inter-American Convention on Human Rights]."

The Court also stated that, "the State has the legal obligation to reasonably prevent human rights violations, and to seriously investigate, using the resources at its disposal, violations that may have been committed within its jurisdiction, in order to identify those responsible, impose relevant punishments on them and provide the victim with adequate reparation".

The Special Rapporteur, Asma Jahangir, has also commented on this aspect, noting in her report that, "whatever the identity of or relationship to the authors, the Government has the responsibility to investigate and resolve cases of execution. It is to be hoped that it will undertake intense and serious efforts to determine who has committed them and to protect the population from further acts of violence. To date, these efforts have not been very enthusiastic and the atrocities have not been tackled in a serious and responsible way." The Rapporteur also noted that senior officials were constantly reminding her that Honduras was not the only country in which children were the object of extrajudicial executions. She comments, however, that no government should consider or offer this reality, of which she is very aware,

⁹ Complaint against the Honduran State for the "disappearance" of Manfredo Velásquez Rodríguez in 1981 after having been arrested by State agents.

as an attenuating factor. The International Covenant on Civil and Political Rights also imposes the obligation to guarantee the rights consecrated in this instrument, including the right to life. In a General Observation, the Human Rights Committee, "considers it necessary to bring to the attention of the States Parties the fact that the obligation provided in the Covenant is not limited to respect for human rights but that the States Parties have also committed themselves to guaranteeing the enjoyment of those rights by all people within their jurisdiction. This aspect requires the States Parties to undertake concrete activities enabling people to enjoy their rights. This is inferred in various articles but, in principle, this commitment refers to all rights recognised in the Covenant".¹⁰

The lack of a convincing and unequivocal response from the Honduran government on the hundreds of cases that have been accumulating since 1998 has led to the submission of a number of these cases to the Inter-American Commission on Human Rights. While Honduras continues to systematically ignore its national and international responsibility to investigate these crimes and protect human rights, complaints at international level will continue to weigh upon the Honduran government.

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS ADOPTED BY HONDURAS

Honduras has signed and ratified a series of international treaties for the defence of the human rights of all its citizens, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child. It is also signatory to both Optional Protocols to the International Covenant on Civil and Political Rights. In July 2002, Honduras ratified the Rome Statute of the International Criminal Court.

Honduras is also party to the American Convention on Human Rights and has signed, but not ratified, the Inter-American Conventions to Prevent and Punish Torture and on the Forced Disappearance of Persons.

At the national level, the National Commission for the Rights of the Child (*Comisión Nacional de Derechos de la Niñez*) was created in 1993, made up of government institutions, autonomous organisations and non-governmental organisations and, in 1996, the Honduran National Congress approved the Childhood and Adolescence Code (*Código de la Niñez y la Adolescencia*). The Public Ministry has a Special Public Prosecutor for Children and Adolescents.

¹⁰ General Observation 3 of the Human Rights Committee. Application of the Covenant at national level (article 2) 31/07/81.

There is no doubt that there is a regulatory infrastructure in place for the protection of children's rights in the international instruments adopted by Honduras and in its national legislation. However, in the cases considered in this document, the State has not put the commitments it has assumed into practice.

GOVERNMENT INITIATIVES IN THE FACE OF EXTRAJUDICIAL EXECUTIONS

Faced with growing pressure from the national and international human rights community, Ricardo Maduro, who took over the presidency on 27 January 2002, has promoted a series of measures aimed at clarifying the extrajudicial executions of street children and youths. Amnesty International saw positively the Ministry of Security's decision on 2 September 2002 to create a Special Unit to Examine Children's Deaths (*Unidad Especial de Tratamiento de Muerte de Menores*) in order to investigate these murders as a very positive step. This was to be an investigative body with five DGIC agents assigned to it, carrying out rigorous investigations to determine the causes of the executions of children and to establish the identity of those responsible. According to the Minister of Security, it was committed to investigating and resolving within a 90-day period 15 cases documented by Casa Alianza. Amnesty International trusted that this promise would be filled and that an unequivocal message would be sent to Honduran society that the government was taking the protection of children's rights seriously and that such horrendous crimes would not go unpunished. It also trusted that this initiative would result in the establishment of adequate and effective mechanisms to deal with similar cases which, unfortunately, in all probability would continue to occur in the future. However, the deadline passed without the unit having fulfilled its commitments because, to date, and according to reports, the Special Unit has managed to investigate only one of the 15 cases submitted by Casa Alianza.

Previous governments drafted laws intended to provide a solution to the problem of social insecurity, including a Law on Citizen Coexistence and a Law for the Prevention, Rehabilitation and Social Reintegration of Gang Members, approved in September 2001.

However, the draft demonstrated an overtly repressive tendency from the start, ignoring throughout virtually all its text the progress achieved in the country in terms of human rights and childhood and adolescence rights. Only the determined participation of various sectors involved in work on human and children's rights managed to temper these intentions and obtain a law that emphasises prevention and rehabilitation rather than repression. However, the application of these laws has, in practice, been not only deficient but also irrelevant. Young people presumed to be gang members continue to be repressed and there are few signs that government institutions are carrying out an effective policy of rehabilitation of gang members.

The previous government of Carlos Flores Facussé invited the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions to visit Honduras. The visit took place from

5 to 15 August 2001. At the start of the mission, the Special Rapporteur met with the Minister of Security at that time, Gautama Fonseca, who, according to the Special Rapporteur's report was very critical of the parents of street children, whom he branded as "irresponsible" and accused them of not looking after their children. He stated that the way of life of these children puts them at risk of being murdered and, in his opinion, it was not an issue for State involvement. The Minister had no information regarding police involvement in any child murders. According to him, there were minors dying in brawls because "(the children) are insane [...]" By his analysis, children in the Third World grow up more quickly, and so they deserve the same treatment as adult criminals. According to the Minister, the police force does not have responsibility for social problems, which are handled primarily by IHNFA. It should be noted that, according to the law, the National Police is a professional institution, responsible for ensuring preservation of the public order, preventing, controlling and combating crime, protecting people and goods, "...all with strict respect for human rights" (National Police Organic Law art. 10). Among its powers are those of preventing, dissuading, controlling, investigating and combating crime, minor and criminal offences, and protecting the lives and rights and freedoms of people.

In a subsequent meeting with the Rapporteur, the Minister of Security, "...had no reservations in admitting that impunity was an extremely deep-rooted problem [...] He attributed many of these irregularities to the scant training of judges and political interference in judicial powers. [...] He indicated that the Ministry had already begun to expel unsuitable people from the police force, particularly those responsible for abusing their authority or human rights violations. New officers were being trained but, meanwhile, the Honduran police would continue in a situation of weakness. The Minister highlighted the lack of professional investigators as an extremely grave problem." (UNO, "Mission to Honduras", E/CN/4/2003/3/Add.2, pg. 21).

Alexander Obando Reyes, 17

On 10 April 1999, Alexander Obando Reyes was at the La Merced park in Tegucigalpa with a friend when there was an altercation with a uniformed police officer over some shoes. The police officer fired his gun and Alexander Obando Reyes ran away, getting into a taxi. The police officer fired at the wheels of the taxi and tried to remove Alexander Obando Reyes from the vehicle but the youth got loose and was able to run away. The police officer, who had gone after him, fired at his back causing him to fall into the Choluteca river and then fled. Alexander Obando Reyes was rescued by the emergency services and taken to the Teaching Hospital (*Hospital Escuela*) where he died the following day. According to the investigations, a bullet case was found in the area where the incident took place and, with the help of witnesses, an identikit picture (*retrato hablado*) of the perpetrator was put together. The police officer involved was identified and ballistic reports confirmed that the bullets came from his rifle. The appropriate Court issued an arrest warrant for the officer on 10 December 2001 and, according to statements from the Ministry of Security, the police officer, Óscar Álvarez, was arrested "several months ago".

On 8 October 2002, the Permanent Commission for the Protection of the Physical and Moral Integrity of Children (*Comisión Permanente de Protección a la Integridad Física y Moral de la Niñez*), created by the government that same year, presented its report to President Ricardo Maduro. The Commission was made up of the Commissioner for Human Rights, Dr. Ramón Custodio López; the Attorney General, Edmundo Roy Medina; representatives from IHNFA and the Honduran Coordinating Body of Child Protection Organisations (*Coordinadora Hondureña de Instituciones Protectoras de los Niños - COHIPRODEN*) and government authorities. The report confirmed that, since 1998 and up to 30 June 2002, 574 extrajudicial executions of minors had taken place.

During presentation of the report, Minister Óscar Álvarez, “recalled that some months ago, the first arrest took place, of former police officer Walter Moncada Duarte, who was involved in the murder of the minor Alexander Obando Reyes (see box above)”. On this occasion, President Ricardo Maduro also stated, “I will not tolerate the involvement of any member of the security forces in this type of action.”

According to press reports, in November 2002 Attorney General, Edmundo Roy Medina, stated that there were 18 members of the security forces, including soldiers, being prosecuted for their alleged involvement in extrajudicial executions and affirmed that, “...there is no security policy in Honduras aimed at extermination or social cleansing, the cases in which elements of the police have been involved are few and far between.”

Amnesty International considers that, even if both assertions are accepted, the State still has a responsibility to fulfil its obligation to investigate and punish crime, particularly when it is a question of the most fundamental of all human rights, the right to life.

CONCLUSIONS

- The extrajudicial executions of children and youths in Honduras continue unabated, in spite of recent government initiatives such as the creation of an interinstitutional commission and an investigation unit within the police force to investigate and put an end to these human rights violations. The report of the interinstitutional commission, published in October 2002, determined that more than 570 extrajudicial executions of children and youths had taken place in Honduras. The Honduran government has finally accepted the existence of these extrajudicial executions and has committed itself to eradicating them. However, according to statistics, the number of deaths continues to increase.
- In recent years, substantial reforms of the judiciary and the public security system have been initiated. However, the way in which they function is still far from independent, efficient and transparent. This results in Hondurans not enjoying their constitutional rights, such as the right to life, dignity and equality before the law,

among others. In addition, the system permits individuals to take justice into their own hands, thus invalidating the constitutional rights of others.

- The government has failed in its duty and responsibility to prevent human rights violations and to protect the victims, as well as to adequately investigate all cases of extrajudicial executions that are denounced. In a significant percentage of these cases, in which the involvement of the armed forces has been alleged, the government should have acted with even greater effort to determine the involvement of police officers or military personnel in these crimes. However, the almost total paralysis of cases at the stage of investigation and trial leads us to the conclusion that there is an inescapable gap between the Honduran government's words and actions.
- The vast majority of victims belong to the most marginalised sectors of society. A significant minority of the victims were gang members, although the *maras* were also responsible, according to reports, for at least 13% of the deaths over the period 1998-June 2002. The number of female victims reported appears to have increased over the last two years and rapes of girls and young women on the part of law enforcement officers have been reported. No member of the security forces has been prosecuted for these crimes.
- Murders and executions are seen by some areas of the press and society as the solution to the problem of public insecurity, in spite of the fact that it has been proven that the marginalised youths who fall victim to executions could be responsible for only a small fraction of the common crime, such as burglaries or thefts, reported. Some media have spoken of "social cleansing" and there are indications, such as the statements of young people not belonging to *maras*, that the victims of executions were 'selected' not for any alleged criminal activity but because of their clothing or because they had tattoos. Some of the executions would seem to respond to a desire on the part of civilians to take justice into their own hands.
- In the majority of cases, there are very grave flaws in the police and public prosecutors' investigations and in justice administration. In a high percentage of the cases reported (65% between 1998 and June 2002), the identity of the perpetrator was not established although statements from survivors and witnesses of executions indicated that they could be civilians acting in collusion with the State, or law enforcement officers. In other cases, civil agents such as Safety Committees and the occupants of "death cars" seemed to be acting with the complicity or knowledge of the authorities. The flaws in investigations are likely to be due, in part, to the high level of corruption in the system of justice administration, from the Police through to the Courts. The control of the DGIC by the Ministry of Security has been mentioned as a serious obstacle to the investigation of any crime because of its separation from the Public Ministry's public prosecutors, who have the role of taking legal proceedings forward.

- In many cases, witnesses have been the victims of harassment and intimidation, forcing them not to testify. Their lives have been threatened, their statements rejected because of an alleged criminal background and, in one case, a public official was suspended from office when the authorities gave more importance to the form than the content of her declarations regarding the involvement of the security forces in these murders. The witnesses of extrajudicial executions, often members of *maras* or other young people, do not testify to the authorities for fear of their physical integrity and because they have no faith in the police or justice system.
- The authorities have the responsibility not only to investigate and punish the authors of human rights violations but also to reasonably prevent such violations and to protect all citizens. Honduras continues to fail in its national commitments and is compromising its international commitments to the institutions of which it is a State Party. As long as Honduras continues to systematically ignore its national and international responsibilities to investigate and bring these crimes to trial and protect human rights, complaints at international level will continue to weigh on the Honduran government. There is a growing gap between the government's intentions to bring an end to this problem and the effective, durable and committed action necessary to achieve this objective.
- There are no easy solutions to the problem of public insecurity and urban violence. Only integrated, participatory and inclusive policies will be able to curb the executions of children and youths in Honduras. These policies will need to include, as a basis, respect for the human rights of all citizens and the need to end the impunity prevailing within the various Honduran institutions. Consequently, it will be necessary to ensure that human rights violations are investigated and the perpetrators punished in court, according to Honduran law and international human rights instruments.

RECOMMENDATIONS

By proposing these recommendations, Amnesty International is considering two situations – the events of the past and the situation of the future. It is important that the authorities take measures in relation to both situations: if the past is not resolved then impunity will be permitted to persist in yet another sector of society. If measures are not taken to prevent this phenomenon, this aberrant situation will continue to prevail in the future.

A) INVESTIGATION AND JUSTICE

Investigation

The authorities must take the necessary measures to fully, independently and impartially investigate the extrajudicial executions of children and youths. The results of these

investigations will need to be made public. Those responsible for these human rights violations must be placed at the disposal of the justice system. The victims will be recompensed for these crimes according to the international commitments to which Honduras is bound.

The authorities must also take the measures necessary to investigate other cases of murders of children and youths, and those responsible must be placed at the disposal of the relevant courts.

National Police

Those law enforcement officers who may have committed human rights violations must be tried without delay, including those responsible for complicity, consent or lack of due diligence, suspending them from their posts until the legal process has been completed.

The government must take immediate measures aimed at ensuring that the police force becomes a professional, disciplined and respectful institution in the fulfilment of its tasks of ensuring public order, preventing, controlling and combating crime. It must also guarantee that those agents involved in human rights violations and other criminal activities answer for their actions and do not continue in posts of authority where such crimes may be repeated in the future.

Civilian Agents

Members of the Public Security Committees and employees of private security companies must not be allowed, under any circumstances, to consider themselves as substituting for the institutions responsible for law enforcement nor must they take on their tasks. Those who have committed human rights violations must be taken before the courts like any other citizen.

Amnesty International urges either the urgent and official elimination of the Public Security Committees or the formulation and implementation of the regulations anticipated in Article 102 of the Police Organic Law, and considers that similar measures should be taken with regard to private security companies.

Justice Administration

The legal and judicial systems must be independent, efficient and transparent, in order to put an end once and for all to the impunity that is gripping the system, and to improve the investigation and prosecution of crimes, and human rights violations in particular.

Structural changes must take place and greater effectiveness created within these institutions in order to promote greater confidence on the part of the population in the State institutions, and to prevent them from assuming or substituting police work.

An in-depth investigation should be instigated into whether the General Directorate of Criminal Investigations (DGIC) should be separated from the Office of the Secretary of State for Security and moved to the Public Ministry.

Data gathering

A national-level system for gathering data on crimes and human rights violations committed against children must be created, particularly in relation to extrajudicial executions and other murders. The creation of a single national register is suggested, containing forensic information to facilitate the investigation of murders and the adequate identification of the victims. This information will need to be made public by means of regular reports.

Witnesses and human rights defenders

Amnesty International calls on the Honduran government to establish safe and reliable mechanisms to guarantee the participation of witnesses to extrajudicial executions of children and youths in the legal process. The organisation urges the authorities to study the creation of a permanent and effective system for witness protection.

The government must ensure that human rights defenders working on children's rights can undertake their activities without any kind of impediment. It is the duty of the Honduran government to respect the right to defend human rights, which has been recognised and established in the principles of the 1998 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, as well as in the resolution adopted by the General Assembly of the Organisation of American States (OAS) in June 1999.

B) PREVENTION

Child Protection Offices

The offices responsible for the protection of minors within the Public Ministry and the National Commissioner for Human Rights must be provided with greater resources to undertake their tasks adequately.

Human Rights Education

The relevant public authorities should organise special orientation courses containing a significant human rights component for officials who are in direct contact with children. The Convention on the Rights of the Child should be promoted in schools and child care centres.

In particular, the Convention's fundamental values contained in a number of its articles and which note the government's responsibilities in the area of juvenile justice and child protection should be highlighted:

- article 6, which says that States Parties recognize that every child has the inherent right to life and shall ensure to the maximum extent possible the survival and development of the child;
- article 19 which indicates that the States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child; and
- article 37 which notes that the States Parties shall ensure that:
 - a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
 - b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
 - c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
 - d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

All citizens should receive instruction on their human rights, including information on where to go if they wish to submit a complaint.

Media

The media should be involved in raising the population's awareness and promoting a culture of respect for the rights of the child and adolescent, particularly their right to life, among the

population. This will only be achieved through a self-examination of the role played by the press in the campaign of 'social cleansing' promoted by some of the media. The media can play an extremely important role in publicising, for example, the Convention on the Rights of the Child.

Social Justice

It is essential to promote integrated policies and programmes to combat poverty and reduce the prevailing levels of violence and social insecurity in the country. These policies will need to have children as their focal point, as they form the majority of the population and are also the most vulnerable sector of society. As the UN Special Rapporteur stated, "children have needs and rights that go beyond education and health".

Particular attention must be paid to developing policies that work towards rescuing children and youths and reintegrating them into society, modernising and strengthening the child protection institutions and providing them with greater human and financial resources. For this, it is recommended that the State institutions work closely with the human rights organisations already involved in these processes and that children and youths are included as actors and participants in their own social change. Moreover, State policies must be guided by the provisions of the UN Convention on the Rights of the Child.

Women

Many of the victims of extrajudicial executions belong to single parent families, usually female-headed households. Women's loss of autonomy is closely linked to children's marginalisation. The government has made some progress in promoting women's rights but these efforts have thus far been unsystematic and sporadic. The government is urged to formulate and apply an integral policy in the area of women's rights, focusing particularly on the emancipation of single mothers.

The Honduran State must fulfil its internationally contracted obligations, including those of article 3 of the UN Convention on the Elimination of all Forms of Discrimination against Women, which indicates that the States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Arms

Law enforcement officers must receive adequate training in the use of force and lethal arms, in line with the relevant international instruments. The Honduran government must, as rapidly

as possible, promote policies for disarming the civilian population that will lead to a reduction in the levels of existing violence. These policies will need to be accompanied by adequate penalties for those breaking the laws governing the possession and use of firearms.

C) GENERAL

Given the magnitude and importance of the issue, the authorities should draw up a plan and timetable of action to, on the one hand, investigate past cases and, on the other, decide on strategies and measures for action in future cases with the aim of bringing these murders and extrajudicial executions to an end and, when they happen, to have a fast and effective system of investigation and justice.

This plan should include clear and verifiable targets, including specific deadlines and, wherever possible, precise but achievable dates by which to complete the different stages. It is essential that the necessary resources are allocated for this project to be carried forward efficiently and effectively.

The authorities must consult with civil society organisations with regard to possible areas of cooperation. The framework of the plan could be, for example, 2003 to 2006, that is, the remainder of the current presidential period. The plan should, however, include provisions for continuing any work outstanding beyond that date.

APPEAL CASE

CUATRO PUNTOS CARDINALES – FOUR CARDINAL POINTS

Marco Antonio SERVELLÓN GARCÍA, 15
Rony Alexis BETANCOURT HERNÁNDEZ, 17
Diómedes OBED GARCÍA, 19
Orlando ALVAREZ RÍOS, 32

In the morning of 15 September 1995 (Honduras Independence Day), the Police Security Forces (FUSEP, *Fuerza de Seguridad Policial*), predecessor of the National Police, detained more than 120 young people in the areas surrounding the National Stadium in Tegucigalpa. Many of those arrested were minors. Marco Antonio Servellón, Rony Betancourt and Orlando Álvarez were taken to the CORE VII Regional Command of the FUSEP (*Comando Regional No. 7*), in the Los Dolores district of the capital, and their names entered on the police register. Diómedes García was detained early in the morning of 16 September. His name was not entered on the police register, but several witnesses confirmed having seen him at the CORE VII.

Other detainees at the CORE VII claim to have witnessed FUSEP officers threatening the four victims with death. They also said how Marco Antonio Servellón García had been tortured: he was taken out of his cell three times and his feet tied. He was then beaten on the abdomen and on the back and was also hit with a chain.

According to the official police records, the four victims had left the station at 11 am on 16 September but none of their relatives, who were waiting outside, saw them leave. The police records, indicating the time of release, should have been signed by the detainees, but in this case, the police judge Roxana Sierra signed for each of them.

The relatives of the victims went to the FUSEP police station and demanded to see their relatives. The police judge told them their relatives were under investigation and that she could not let them go free. She asked them to return on Monday 18 September.

The bodies of the four victims were found in different parts of Tegucigalpa on 17 September 1995. Each had been shot several times on the back of the head. Forensic ballistic evidence later confirmed that the four had been killed with the same weapon.

Marco Antonio Servellón García's body was found in the area known as "El Lolo". It had signs of having been handcuffed. Rony Betancourt's body was found in the area of Nueva Supaya and had been shot behind the right ear and through his right cheek and had four stab wounds on the chest. Orlando Álvarez's body was found at Las Moras, 41 km north of Tegucigalpa. He had been shot twice on the back of the head. Diómedes García's body was found on the road to Olancho, between the 8th and 9th kilometres. He had been shot eight times and had three stab wounds on the back of the head and the right shoulder and signs that he had been tortured. Forensic doctors established that the time of death in each case was between five and six in the morning of 17 September 1995.

Eight months after the incidents, on 6 May 1996, arrest warrants were issued against four FUSEP officers and the police judge implicated, charging them with homicide and covering up a crime. On 6

August 1996, the judge in the case (*Juez de Primera Instancia*) dismissed the warrants alleging that the 'witnesses were criminals', referring to the dozen detainees who had been arbitrarily arrested by the FUSEP and who had witnessed the torture and death threats. The prosecutor appealed the decision, but on 20 August 1996 it was confirmed by the Appeals Court (*Corte Primera de Apelaciones de Tegucigalpa*). The Office of the Human Rights Prosecutor continued pressing for justice, but they have not been able to identify and bring those responsible to justice.

The case, known as 'Four Cardinal Points' (*Cuatro Puntos Cardinales*) because the bodies were found in different parts of Tegucigalpa, was presented in October 2000 to the InterAmerican Commission on Human Rights (IACHR) by Casa Alianza and the Centre for Justice and International Law (CEJIL, *Centro para la Justicia y el Derecho Internacional*). In November 2000, the IACHR assigned it case number 12331.

This case, which dates from 1995, shows a pattern of action which has been repeated in later human rights violations: illegal detention and torture by law-enforcement officials; extrajudicial execution with weapons used for law-enforcement and at point blank; getting rid of the bodies by simply abandoning them in isolated areas, without fear of being discovered; all of which indicates that the perpetrators showed little fear of being judged for these grave human rights violations.

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Marco Antonio Servellón García, Rony Alexis Betancourt Hernández, Diómedes Obed García and Orlando Alvarez Ríos, this is what you can do:

- ⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:
 - ✓ express great concern because, according to reports, these victims, were found dead with signs that they had been summarily executed, shortly after they had been in police custody;
 - ✓ urge them to ensure all those responsible for these extrajudicial executions are brought to justice, including all law-enforcement agents allegedly implicated;
 - ✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;
- ⇒ Help promote this case in the local and national press in your country;
- ⇒ Send this case to interested individuals or groups.

Addresses for appeals:

President of the Republic

Lic. Ricardo Maduro
Presidente de la República de Honduras
Casa Presidencial
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Palacio José Cecilio del Valle
Tegucigalpa, Honduras
Fax: +504 2214552
Salutation: Dear Preident/ Sr. Presidente

Minister of Security

Dr. Oscar Alvarez
Ministro de Seguridad Pública
Ministerio de Seguridad Pública
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APPEAL CASE

ÓSCAR DANIEL MEDINA CORTEZ, 16 and **JOSÉ LUIS HERNÁNDEZ**, 14

Óscar Daniel Medina Cortez and José Luis Hernández were cycling back home at around 6:30pm on 11 January 1998, when five heavily armed men stop them near a park in El Progreso, Yoro. The men, who were travelling in a pick-up truck, were identified by witnesses as agents of the Directorate of Criminal Investigations (DIGC, *Dirección General de Investigación Criminal*). Óscar Medina and José Luis Hernández were forced at gunpoint to climb on the back of the vehicle. A friend who was with them managed to escape and told Óscar Medina's mother what had happened. When Mrs. Cortez, the mother, went to the police station she was told to look for her son in the sugarcane fields and to go home and listen to the news on the radio. During the evening a neighbour told Mrs. Cortez that she had received a telephone call from people who had seen the vehicle in which her son had disappeared. Mrs. Cortez went again to the police station and with an officer looked for the vehicle, but could not find it.

Óscar Medina's and José Luis Hernández's bodies were found the following morning with signs that they had been tortured and mutilated, on the road to Mantecal, Lima Municipality, Cortés. According to reports, one of them had been shot between the eyes and had a bullet wound on the back. According to the testimonies of relatives of the victims, they had to wait for hours for the authorities to remove the bodies for forensic examination, as established by the law. When the police failed to do so, the relatives removed the bodies themselves.

In August 2001, Mrs. Cortez told the UN Special Rapporteur that she had tried to present a complaint against the agents, which had reportedly killed her son, but without success. She also said that no one was prepared to declare about what had happened.

Five years after the killing of Óscar Medina and José Luis Hernández, the crime has not been properly investigated and key witnesses have not been called to declare. The DGIC is responsible for carrying out this investigation.

In August 2002, Casa Alianza and the Centre for Justice and International Law (CEJIL, *Centro para la Justicia y el Derecho Internacional*) presented the case of Óscar Daniel Medina Cortés and José Luis Hernández to the InterAmerican Commission on Human Rights (IACHR).

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Óscar Medina and José Luis Hernández, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ express great concern because witnesses saw the victims being detained arbitrarily by members of the DGIC the day before their bodies were found with signs that they had been summarily executed;

✓ express concern because no one has been brought to justice for these extrajudicial executions;

✓ request that those responsible, including all law-enforcement officials allegedly implicated, are brought before a court of law;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

Addresses for appeals:

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APPEAL CASE

ALEXANDER OBANDO REYES, 17

According to the judicial file, at approximately 9:30pm on Saturday 10 April 1999, Alexander Obando Reyes and Luis Alberto Sosa Ardón were at La Merced park, in Tegucigalpa, when an uniformed police approached them and demanded they take their shoes off. When Alexander Obando Reyes refused, the police officer shot at them with their gun, a .38 calibre pistol, telling them he was going to kill them. Alexander Obando Reyes and Luis Alberto Sosa ran away. Alexander Obando Reyes jump into a taxi while the agent was shooting at him. When some of the bullets punctured the wheels of the taxi, the police officer took Alexander Obando Reyes out, but he struggled to free himself and ran away. The police officer, who was following him, shot him in the back. Alexander Obando Reyes fell on the Choluteca River and the policeman ran away. Alexander Obando Reyes was rescued from the river by the emergency services and taken to the Teaching Hospital (*Hospital Escuela*) where he died the following day from his wounds.

The Directorate of Criminal Investigations (DIGC, *Dirección General de Investigación Criminal*) assigned three agents to investigate Alexander Obando Reyes' death. A bullet casing was found at the scene of the crime and his friend Luis Alberto Sosa Ardón helped in the production of an Identikit of the alleged perpetrator. According to reports, two guards from the Central Bank across from the La Merced Park saw the incident. Although they could not positively identify the police officer's face, they confirmed that the alleged author was a uniformed policeman.

On 27 April 1999, the DGIC, with the help of the Identikit, identified two police officers as possible authors of the killing of Alexander Obando Reyes. Both were on duty the night of 10 April 1999. Luis Sosa identified one of them as the policeman who had shot against his friend. Forensic ballistic reports confirmed that the bullets that killed him came from the identified agent's weapon.

According to reports, the officer had left the crime scene, deserted from the police two weeks later and had not been seen since.

The court issued an arrest warrant against the officer on 10 December 2001 and according to Security Minister Óscar Álvarez, he had been detained "some months ago" (La Prensa, 8 October 2002).

Case at: *Juzgado de Letras Primero de lo Criminal* (First Criminal Court), File No 1741-02



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ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Alexander Obando Reyes, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ request more information on the judicial proceedings relating to the case of Alexander Obando Reyes. According to reports, a suspect has been detained. When was he brought before the courts? Ask to be kept informed of the progress of the investigations and the judicial proceedings;

✓ express concern that a firearm was used against Alexander Obando Reyes, a child who did not represent a danger to the police or any other persons, which could justify the action against him. Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states, among other things, that: "...intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life";

✓ express great concern because he was given no medical attention immediately after he was wounded;

✓ ask what measures have been taken to put in place a national code of conduct in conformity with UN principles, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, to avoid the repetition of cases such as this one;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

Addresses for appeals:

President of the Republic

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Salutation: Dear Minister/ Sr. Ministro

Copies to:

Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familias (CPTRT)

A.P. 5377
Tegucigalpa MDC, Honduras
Fax: +504 232 4204

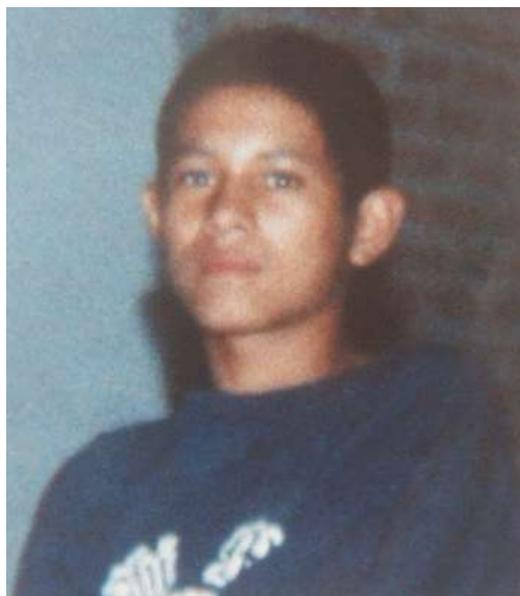
APPEAL CASE

NOÉ ALEJANDRO ÁLVAREZ RAMÍREZ, 14

In the afternoon of 25 May 1999, Noé Alejandro Álvarez Ramírez was being taken from the Juvenile Court in Tegucigalpa to the Juvenile Detention Centre in El Haltillo, 24 kms away. The Judge who should have signed his release papers had not been in court that day and Noé Álvarez was being returned to the detention centre with 12 other minors. They were handcuffed to each other, except Noé Álvarez who was handcuffed by himself. Five kilometres outside of Tegucigalpa, near Casamata and the Chiquito River, Noé Álvarez jumped out of the window of the vehicle. Guards at the former national penitentiary in Tegucigalpa were sent to look for him. According to reports, the guards found him at La Hoya neighbourhood in Tegucigalpa and shouted for him to stop. Noé Álvarez lifted his arms and shouted 'OK!' (*¡Ya!*), but one of the guards shot him on the right side of his abdomen. The guards did not assist him while waiting for the ambulance, which arrived half an hour later. Noé Álvarez later died at the Teaching Hospital (*Hospital Escuela*).

An arrest warrant was issued against the guard responsible for shooting Noé Álvarez and legal proceedings were opened in this case, but the court (*Juzgado de Primera Instancia*) later dismissed it. At the end of 2002, the case was at the Appeals Court after the Office of the Special Prosecutor for Human Rights appealed against the decision of the court.

Case at: *Juzgado de Letras Primero de lo Criminal* (First Criminal Court), File No 322-99



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ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Noé Alejandro Álvarez Ramírez, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ request more information on the judicial proceedings relating to the case of Noé Alejandro Álvarez Ramírez. According to reports, the courts had dismissed the case and this was being appealed by the Office of the Special Prosecutor for Human Rights. Express concern because nobody has been brought to justice for this human rights violation. Ask to be kept informed of the progress of the investigations and the judicial proceedings;

✓ express concern that a firearm was used against Noé Alejandro Álvarez Ramírez, a child who did not represent a danger to the police or any other persons, which could justify the action against him. Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states, among other things, that: "...intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life";

✓ express great concern because he was given no medical attention immediately after he was wounded;

✓ ask what measures have been taken to put in place a national code of conduct in conformity with UN principles, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, to avoid the repetition of cases such as this one;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

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APPEAL CASE

ANTONIO RAMÓN CALERO DÍAZ, 17

Antonio Ramón Calero Díaz was detained on 23 November 1999 accused of stealing and taken to Los Pinos police station. He was kept overnight at the local Directorate of Criminal Investigations (DGIC, *Dirección General de Investigación Criminal*) in Comayagüela. On 24 November, Antonio Calero was being transferred to the Juvenile Court by DGIC agents when another minor and him tried to escape by jumping from the vehicle. The other child managed to escape but Antonio Calero hid in some bushes under the Guacerique Bridge. When he was discovered, Antonio Calero ran away and a DGIC agent shot him with his mini uzi 9mm gun, hitting him on the leg and abdomen. The alleged perpetrator declared that he had fired only 'warning shots'. Antonio Calero died at the Teaching Hospital (*Hospital Escuela*), on 3 December 1999.

According to the file, the alleged author admits having fired 'warning shots' against the floor, but he "hadn't realized the mini uzi's trigger had moved to the quick fire position."

While in hospital, Antonio Calero gave a statement to the investigating agent that the policeman had shot him four times on the back, hitting him twice on the legs and twice on the abdomen. Moreover, he claimed that after being wounded, he had been kicked in different parts of the body and thrown on to the floor of the police car, "like an animal" before being taken to the Teaching Hospital.



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The arrest warrant against the DGIC officer was issued on 21 February 2000, for homicide, (*homicidio simple*) which was later changed to manslaughter (*homicidio culposo*). According to reports, the Public Prosecutor's office filed an appeal against the change in charges. In their October 2002 report, the Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families (CPTRT, *Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares*), state that Antonio Ramón Calero Díaz's case file could not be found at the courts.

Case at: *Juzgado de Letras Segundo de lo Criminal* (Second Criminal Court), File No 16636-02

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Antonio Ramón Calero Díaz, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ request more information on the judicial proceedings relating to the case of Antonio Ramón Calero Díaz. According to reports, the case file had been lost by the court. Express concern because nobody has been brought to justice for this human rights violation. Ask to be kept informed of the progress of the investigations and the judicial proceedings;

✓ express concern that a firearm was used against Antonio Ramón Calero Díaz, a child who did not represent a danger to the police or any other persons, which could justify the action against him. Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states, among other things, that: "...intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life";

✓ express great concern because, instead of being given medical attention after he was wounded, according to his own testimony before he died, he was ill-treated by police officers inside a police vehicle;

✓ ask what measures have been taken to put in place a national code of conduct in conformity with UN principles, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, to avoid the repetition of cases such as this one;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

Addresses for appeals:

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Fax: +504 232 4204

APPEAL CASE

OSCAR DANERY RAMOS GARCÍA and CARLOS MAURICIO RAMOS GARCÍA, 17

On the evening of 1 April 2000, Carlos Mauricio Ramos García and his brother Oscar Danery Ramos García were playing with a group of friends at the corner of the “Don José” store, in Colonia Villafranca, Comayagüela. When officers from the National Police arrived around midnight and ordered a random search of those playing, they all ran away. The police officers went after them and a policeman fired a warning shot in the air. According to reports, the officers could not catch any of the youths and returned to the police car. At that moment, shots were heard from the direction where Carlos Mauricio Ramos García and Oscar Danery Ramos García had escaped, but the police officers decided to drive away in their car.

Approximately at half past midnight the same police car was sent to investigate if there had been a shooting in the area. The body of Oscar Danery Ramos García was found at the far end of an alleyway. At 6:00 am on 2 April, the body of Carlos Mauricio Ramos García was found in the garden of an off-duty police officer. According to testimonies from their case file, when Carlos Mauricio Ramos García and Oscar Danery were running away, they had jumped a fence into the garden of the off-duty policeman and he had shot them, killing them both. The police officer and another person also present at the moment of the killing, ran away in the morning of 2 April.

According to the post-mortem examination, the shots were fired at point blank. Oscar Ramos had two wounds on the right side of his thorax and Carlos Ramos one on the front of the neck and another one on the right thigh. The type of weapon used was not identified.

Despite knowing the identity of the alleged perpetrator, the authorities have failed to issue an warrant for his arrest.

Case at: *Juzgado de Letras Segundo de lo Criminal* (Second Criminal Court), File No 12715-02

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Oscar Danery Ramos García and Carlos Mauricio Ramos García, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ request more information on the judicial proceedings relating to this case. Express concern that no one has been brought to justice for this human rights violation, despite the fact that the alleged perpetrator was an off-duty police officer. Ask to be kept informed of the progress of the investigations and the judicial proceedings;

✓ express concern that a firearm was used against them and that at least one of them was a child and did not represent a danger to the police or any other persons, which could justify the action against him. Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states, among other things, that: "...intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life";

✓ express great concern because they received no medical attention after being wounded;

✓ ask what measures have been taken to put in place a national code of conduct in conformity with UN principles, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, to avoid the repetition of cases such as this one;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

Addresses for appeals:

President of the Republic

Lic. Ricardo Maduro
Presidente de la República de Honduras
Casa Presidencial
Boulevard Juan Pablo Segundo
Palacio José Cecilio del Valle
Tegucigalpa, Honduras
Fax: +504 221 4552
Salutation: Dear President/ Sr. Presidente

Minister of Security

Dr. Oscar Alvarez
Ministro de Seguridad Pública
Ministerio de Seguridad Pública
Edificio Poujol, 4º. piso
Col. Palmira (Blvd. Morazán)
Tegucigalpa, Honduras
Fax: + 504 220 4352
Salutation: Dear Minister/ Sr. Ministro

Copies to:

Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas
de la Tortura y sus Familias (CPTRT)
A.P. 5377
Tegucigalpa MDC, Honduras
Fax: +504 232 4204

APPEAL CASE

CINTIA WALESKA RIVERA, 14

On 23 May 2001, the bodies of Cintia Waleska Rivera and her friend Wendy (15, surname unknown) were found in a ravine at the El Estiquirín hill, near La Pradera and Altos de Tiloarque colonies, in Comayagüela. Both were reported to have been members of the “18” gang.

According to the forensic examination, their bodies were in an advanced state of decomposition and it was believed they had died 48 hours earlier. The bodies were found 20 metres below the surface with signs that they had been raped and tortured. Wendy had her hands tied with Cintia’s shoelaces. The last time anyone saw them alive was at a party on the night of Saturday 19 May.

In response to a query from the UN Special Rapporteur on this case, the Honduras Government stated that it was being investigated and that according to the police file Cintia Waleska Rivera could have been killed by members of the “18” gang. According to reports, both children had been shot on the head after being raped.

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Cintia Waleska Rivera and Wendy, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ request more information on the judicial proceedings in the case of Cintia Waleska Rivera. Express concern that no one has been brought to justice for this human rights violation. Ask to be kept informed of the progress of the investigations and the judicial proceedings;

✓ express concern that Cintia Waleska Rivera and her friend Wendy (surname unknown) were raped and then shot;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

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Fax: + 504 220 4352
Salutation: Dear Minister/Sr. Ministro

Copies to:

Casa Alianza

Esq. Av. Cervantes y Calle Morelos (frente a óptica Matamoros)
Apartado 2401
Tegucigalpa M.D.C.
Honduras
Fax: +504 221 5883 / 237 1772

APPEAL CASE

JUAN RAMÓN ANTÚNEZ ALVARADO, 16

On 20 July 2001, Juan Ramón Antúnez Alvarado and his friends Miguel Ángel Mendoza Castañeda (18) and José Germán Coello Medina (15) were drinking at a bar near the San Isidro market, in the El Centavo neighbourhood, Comayagüela. At around 11pm officers from the National Police arrived at the bar and asked them for their identification papers. As Juan Ramón Antúnez Alvarado and another friend were minors, one of the police officers told them to go home, warning them they would be arrested for underage drinking if he saw them at the bar again.

The friends stayed at the bar until closing time. When they were leaving, other police officers arrived, as well as the agent who had sent Juan Antúnez and his friend home. While the police officers had an argument with the young men, José Germán Coello and Juan Antúnez ran out of the bar. The police agents ran after them, taking out their weapons and shooting twice. Juan Antúnez was shot in the back and José Germán Coello fell inside a cart. The police officers, who failed to give Juan Antúnez any medical help, left in their vehicle abandoning his body where he had fell.

Miguel Ángel Mendoza went to see where his two friends had fallen, thinking both were dead. However, at that moment, José Germán Medina got up from the cart and said he was unhurt but that the police officers had shot him.

Juan Ramón Antúnez Alvarado died later in hospital. According to his mother's testimony to the Special Rapporteur on extrajudicial, summary or arbitrary killings, Juan Ramón Antúnez Alvarado was studying at a private technical college and was not a member of any gang.

According to reports, there has been little progress in the investigation by the Prosecutor's office or in any other judicial proceedings, despite there being witnesses and having identified the police officers responsible for the death of Juan Ramón Antúnez Alvarado.

Case at: *Juzgado de Letras Segundo de lo Criminal* (Second Criminal Court), File No 15139-02

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Juan Ramón Antúnez Alvarado, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

√ request more information on the judicial proceedings relating to this case. Express concern that no one has been brought to justice for this human rights violation, despite the fact that the alleged perpetrator are law-enforcement officers. Ask to be kept informed of the progress of the investigations and the judicial proceedings;

√ express concern that a firearm was used against Juan Alvarado, a child who did not represent a danger to the police or any other persons, which could justify the action against him. Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states, among other things, that: "...intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life";

√ express great concern because he received no medical attention after being wounded;

√ ask what measures have been taken to put in place a national code of conduct in conformity with UN principles, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, to avoid the repetition of cases such as this one;

√ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

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APPEAL CASE

DARWIN ROBERTO SAUCEDA FLORES, 16

Darwin Roberto Saucedo Flores' body was found, with signs that he had been summarily executed, on 17 February 2002 at Colonia La Trinidad, in Comayagüela. According to reports, Darwin Saucedo, who had been in prison several times, was being harassed by a police officers from the Guasalona station, in La Trinidad. This police officer had allegedly detained Darwin Saucedo for 'illicit association' in a number of occasions. According to the police register, Darwin Saucedo had been arrested on 16 May 2001. His mother went to see him at the Trinidad station but the police officer in question denied having her son there. Darwin Saucedo had heard her mother's voice and had called her. According to Darwin Saucedo's mother, the policeman told her that he would arrest him every time he deemed it necessary and that he would eventually have to kill him. He was arrested again in June 2001 but the police officer denied his arrest. Witnesses maintain Darwin Saucedo had been transferred to another police station by the police officer who was harassing him. Darwin Saucedo was again arrested in September 2001 by the same police officer and sent to the fifth police station. When his mother found him, Darwin Saucedo told her the police officer who harassed him had beaten him. Darwin Saucedo presented a complain against the police officer for torture.

On 14 February 2002, police officers from La Trinidad detained Darwin Saucedo and sent him to the old hacienda station and then to the Directorate of Criminal Investigations (DGIC, *Dirección General de Investigación Criminal*) before sending him to the juvenile court. According to reports, Darwin Saucedo told his mother police officers at La Trinidad had beaten him. He was released on 16 February 2002 and according to his mother's testimony, he was seen alive for the last time in the afternoon of 17 February. She had told the police officer who harassed her son that if something happened to Darwin, she would kill him (the officer) herself and that the bullets would form a cross on his chest. According to reports, the gunshot wounds on Darwin Saucedo's chest formed a cross.

The Centre for Prevention, Treatment and Rehabilitation of Victims of Torture and their Relatives (CPTRT, *Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares*), published in October 2002 a report which indicates that in Darwin Saucedo's case file there is only a "Por Cuanto", a document indicating there has been a violent death.

Case at: *Juzgado de Letras Segundo de lo Criminal* (Second Criminal Court), no case number assigned, investigation by the DGIC has not concluded.

ZERO TOLERANCE... FOR IMPUNITY: WHAT YOU CAN DO

If you would like to campaign on behalf of Darwin Roberto Saucedo Flores, this is what you can do:

⇒ Write to the Honduras authorities and the Embassy of Honduras in your country highlighting the following:

✓ request more information on the judicial proceedings relating to this case. Express concern that no one has been brought to justice for this human rights violation. Ask to be kept informed of the progress of the investigations and the judicial proceedings;

✓ state that Darwin Saucedo had been detained several times before and had been ill-treated while in detention in at least two occasions. Mention that his body was found a day after being released from police detention;

✓ urge the Honduras Government to implement the comprehensive domestic and international legislation already in place, including the Convention on the Rights of the Child, in order to bring to justice all law-enforcement officials connected directly or indirectly with these human rights violations;

⇒ Help promote this case in the local and national press in your country;

⇒ Send this case to interested individuals or groups.

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