

# HONDURAS

## Human rights violations against children

Children, regardless of their social or ethnic origin, birth or other status, should be protected by society; the role of the authorities in this respect is of paramount importance. The cases presented in this document are not unique: they are just two among others. There are many instances of children, like Alexander Obando, who have been led for various reasons to live in the streets where they are targets for attacks, including being killed. They are often orphans or face family problems, usually linked to the difficult economic and social conditions prevailing in Honduras.

In other cases, they may have fallen into petty criminal activity or joined youth gangs which also make them targets of attacks. The lack of proper investigation and failure to bring to justice those responsible for the killings is not unique either: impunity has become ingrained in the justice system in Honduras in cases of human rights violations.

The Honduran government has signalled its commitment to the survival, development and protection of children by ratifying the United Nations Convention on the Rights of the Child (CRC). It also introduced a Childhood and Adolescence Code (*Código de la Niñez y la Adolescencia*), ratified by the National Congress in September 1996. The objective of the Code is to provide full protection to children according to the Constitution and the CRC. But putting these instruments into practice has still a long way to go.

<p><b>“All children ... shall enjoy the same social protection”</b></p> <p><b>Article 25, Universal Declaration of Human Rights</b></p>	<p><b>“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”</b></p> <p><b>Article 3, UN Convention on the Rights of the Child</b></p>	<p><b>“El derecho a la vida es inviolable”</b></p> <p><b>(The right to life is inviolable)</b></p> <p><b>Article 65, Honduras’ Constitution</b></p>
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**ALEXANDER OBANDO REYES**

On 10 April 1999 Alexander Obando Reyes, 17, was allegedly shot by an officer from the National Police force (*Policía Nacional*, PN).

Alexander Obando and another boy were at the La Merced Park in Honduras' capital city, Tegucigalpa, at around 10.00 pm, when a uniformed police officer came to the park and started an argument with the two youths. The officer then threatened them and shot in the air with his service weapon. Scared, the two boys ran away; Alexander stopped a passing taxi and got into it but the policeman shot at the vehicle. The driver stopped and as Alexander was getting out of the vehicle the police officer shot at him again, hitting him in the abdomen and chest. By this time they were on the banks of the Choluteca river and Alexander fell into the river. The police officer ran away. *It is important to note that, according to reports, the two youths were not engaged in any criminal or suspicious activity or carrying weapons.*

People who were in the area called the police and ambulance service who rescued Alexander and took him to hospital. He died the next day - despite two operations - as a result of damage to his lungs caused by the shots.

The Criminal Investigative Division (*División General de Investigación Criminal*, DGIC) agreed to assign three agents to investigate the death of Alexander. A physical search of the area of the killing was carried out and one bullet case was found.

Luis, the boy who was with Alexander at the time of the shooting, helped to produce an "identi-kit" (*retrato hablado*) of the perpetrator. Reportedly, two guards from the Central Bank of Honduras (*Banco Central de Honduras*) situated across from La Merced Park, also witnessed the shooting. Although they could not identify the face of the policeman from the identi-kit they confirmed that the attacker was a uniformed policeman.

On 27 April, with the help of the identi-kit-produced portrait, the DGIC identified two policemen as the possible agents responsible for the murder of the youth. Both were on duty on 10 April 1999. The main witness, Luis X, recognised one of them as the policeman who shot his friend.

The policeman was not arrested and he has not returned to his post since the day after the murder.

On 21 April Amnesty International wrote to Roy Edmundo Medina, Attorney General of Honduras, expressing its deep concern about the actions of a policeman, which led to the death of Alexander Obando. The organization called on the authorities to initiate a prompt investigation; to take the necessary steps to identify the person responsible for the death, to place him at the disposal of the criminal justice system and to suspend him from service while the investigation and trial were in progress. Amnesty International has not received a reply to this letter.



*Alexander Obando was an orphan and since 1997 had been a resident at Casa Alianza, an independent, non profit making organization dedicated to the rehabilitation and defence of street children.*

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**Alexander  
Obando Reyes**

- **Amnesty International's concern**

Amnesty International is concerned that *17 year-old Alexander Obando Reyes* was shot and killed by a law enforcement officer in circumstances that, according to reports:

- he was not armed;
- he did not pose a threat to the officer or anyone else;
- at no time did he attempt to attack the officer;
- that the officer followed Alexander;
- the incident was started by the officer.

### **NOÉ ALEJANDRO ÁLVAREZ RAMÍREZ**

Noé Alejandro Álvarez Ramírez, 14 years old, was allegedly killed by a prison guard on 21 May 1999. Noé Alejandro had been in custody at a juvenile detention centre, (*Complejo Pedagógico El Haltillo*), for two months, on a charge of petty theft. On 21 May he had been taken to the Juvenile Court (*Juzgado de la Niñez*) in Tegucigalpa, where a judge was to sign the order for his release. However, the relevant judge was not in court that day so the release order could not be signed and Noé Alejandro had to go back to the detention centre to wait for the next time when the release order could be signed. His mother, who was in court expecting her son to be released that day, was very upset as was Noé Alejandro himself, by this delay.

Noé Alejandro was put back in the bus, together with another 12 minors, to go back to the juvenile centre located in El Haltillo, some 24 kms (15 miles) from Tegucigalpa. The 12 were handcuffed together; Noé Alejandro was individually handcuffed as he was reportedly added to the group at the last minute. When the bus was on its way, about 5 kms from Tegucigalpa, he opened a window, jumped out and walked back to Tegucigalpa along the bank of the Chiquito river. The authorities at the General Penitentiary (*Penitenciaría Central*) were alerted about the situation and three guards from the institution were deployed to search for Noé Alejandro.

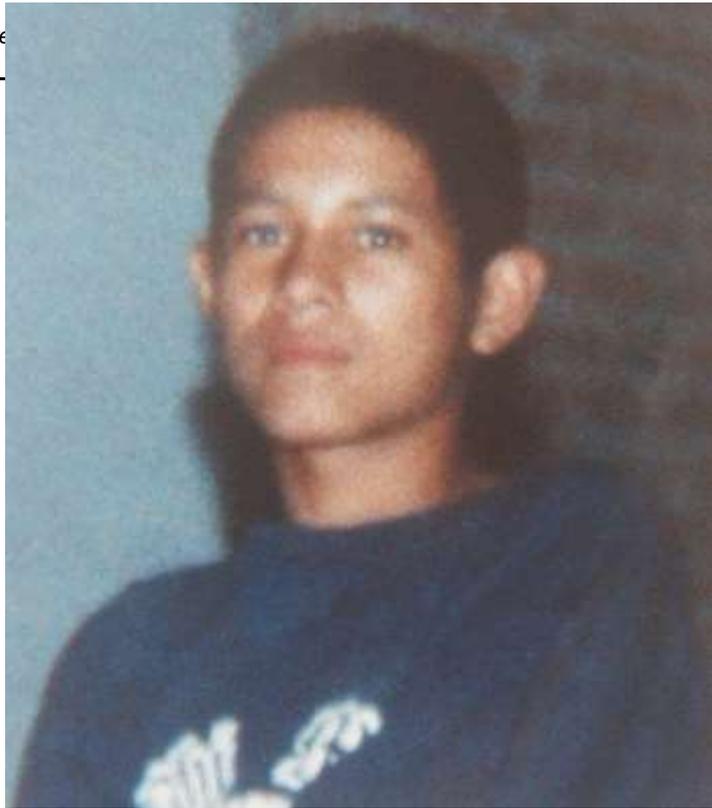
According to reports when they saw Noé Alejandro they shouted for him to stop, which he did by raising his hands and shouting OK! (*¡Ya!*). At that moment one of the guards shot at him and Noé Alejandro fell, wounded. The guards are reported to have provided no assistance to the wounded minor. About 30 minutes later an ambulance came and took him to the Teaching Hospital (*Hospital Escuela*) where he died shortly afterwards.

According to a report from the General Directorate of Criminal Investigations (*Dirección General de Investigación Criminal*), the guard responsible for the death of Noé Alejandro was identified and the case is reported to have been submitted to the First Criminal Court (*Primer Juzgado de Letras de lo Criminal*) in Tegucigalpa on 9 July. In late October, the guard was arrested, charged with the murder of Noé Alejandro Álvarez Ramírez and remains in prison pending trial.

- **Amnesty International's concern**

Amnesty International is concerned that 15 year-old Noé Alejandro Álvarez Ramírez was shot by a prison guard in circumstances that, according to reports, including an official report:

- he was not armed;
- he posed no threat to anyone;
- he did not even attempt to attack the prison guards or anyone else;
- he had given himself up.



A further concern to the organization is the fact that no measures were taken to seek immediate medical attention for the wounded  
© Casa Alianza **Noé**  
**Alejandro Álvarez Ramírez**  
minor.

- **The right to reparation**

Violations of human rights trigger the obligation of the state under international human rights law to provide reparation. This entails: compensation, restitution, rehabilitation and satisfaction (eg full and public disclosure of the truth, an apology, including public acknowledgment of the facts and acceptance of responsibility). The state should act promptly to fulfill these obligations, especially where state officials are suspected to be responsible for human rights violations. In the cases included in this document the first steps should be the verification of the facts and the determination of responsibility.

- **International instruments**

The actions of those responsible for the killing of Alexander Obando and Noé Alejandro Álvarez Ramírez are incompatible with human rights treaties to which Honduras is a party and other international standards.

Δ **Convention on the Rights of the Child**

Article 2 (1): “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”.

Article 6: “States Parties recognize that every child has the inherent right to life”.

Δ **International Covenant on Civil and Political Rights**

Article 6(1): “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.

Δ **American Convention on Human Rights**

Article 4: Right to Life

1. “Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life”.

Δ **Code of Conduct for law enforcement officials**

Article 2: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3: Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Δ **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**

Principle 4: “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result”.

Principle 9: “Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life”.

Principle 11: “Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

(e) “Provide for warnings to be given, if appropriate, when firearms are to be discharged”.

- **Training**

Honduran authorities should ensure effective training in the basic principles of international human rights law for all law enforcement and prison personnel, among others, and that they are familiar with those international treaties which the government of Honduras is bound by. Particular emphasis should be placed on training on the use of force and firearms in accordance with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Also, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions should be part of the training for all law enforcement and prison personnel. Furthermore, authorities must ensure that:

- thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions are carried out;
- anyone suspected of being responsible of such acts will be brought to civilian courts and will be suspended from duty while judicial proceedings are in progress;
- take all necessary measures to prevent extrajudicial executions;
- dependants of victims of extrajudicial executions should be entitled to receive fair and adequate redress from the state, including financial compensation.

# WHAT YOU CAN DO

You can write to the authorities listed below:

-  expressing Amnesty International's concern for the deaths of Alexander Obando Reyes and Noé Alejandro Álvarez Ramírez, shot dead by law enforcement officials;
-  requesting information about the process to bring to justice those responsible for the death of Alexander Obando Reyes; have investigations been initiated, have charges been made, has anyone allegedly responsible for his death been suspended from duties pending proceedings;
-  welcoming the reported arrest of the guard charged with the murder of Noé Alejandro Álvarez Ramírez and urging that judicial procedures take place promptly;
-  noting that, according to reports, neither youth presented a danger to the police or prison guards or anyone else, which could have justified the drastic action taken;
-  urging the relevant authorities to ensure that law enforcement officials are aware of the international instruments they have to observe in the course of carrying out their work;
-  urging the authorities to take immediate steps to ensure that victims of human rights violations and their relatives receive appropriate reparation.

Letters to:

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**Dr. Roy Edmundo Medina**  
**Fiscal General de la República**  
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