

MEXICO

Killings of gay men in Chiapas: the impunity continues

INTRODUCTION

Between June 1991 and February 1993, at least 11 gay men were killed in the locality of Tuxtla Gutiérrez, state of Chiapas. According to evidence gathered by gay and lesbian rights groups, all the crimes presented similar characteristics, indicating a pattern of violence directed specifically at the gay community in the area. Some witnesses claim that at least another four violent deaths could conform to this pattern of violence, although this was not acknowledged by the authorities (see page 4). Common to all these crimes is the fact that the victims belonged to a marginalized and, on the whole, economically deprived sector of Mexican society, a sector which has for many years suffered harassment and abuses. Lesbians, gays, transvestites and transsexuals are not the only targets of this type of abuse in Mexico, but they are often targeted solely on the basis of their sexual orientation.

The investigations have been riddled from the start with administrative and other serious irregularities. According to information received by Amnesty International, at least three of those detained in connection with these killings claim they were tortured or ill-treated in order to make them confess that they were involved. Four of the officials allegedly implicated are reported to have been promoted and to be working for various government bodies in Chiapas and other states. The special prosecutor appointed in April 1994 by the governor of Chiapas to continue investigations resigned in June 1994, on the grounds that he had not received any support from the local authorities.

The killing in May 1994 of another man in circumstances consistent with the pattern of killings of gays, underlines the ineffectiveness of the measures taken to date by the Chiapas authorities to protect the gay population and the witnesses to these crimes.

In view of the serious procedural and administrative irregularities which have marked these investigations since the beginning - including the arbitrary imprisonment of three people and the torture and ill-treatment of these and others allegedly accused - Amnesty International has grounds to believe that the Chiapas authorities have failed in their obligation to investigate these crimes impartially, thoroughly and promptly, thus granting virtual impunity to those responsible. Despite the lack of incontrovertible evidence that the Mexican authorities were directly responsible for these crimes, the systematic failure to bring those truly responsible to justice suggests that the perpetrators have acted with the tolerance and even the possible complicity of the state authorities.

CASE SUMMARIES

Raúl CORZO CRUZ, aged 35, was found dead in a motel room in the city of Tuxtla Gutiérrez on 3 June 1991. He had been stabbed twice - once in the chest and again in the neck.

On 8 June 1991 the bodies of **Rodrigo BERMÚDEZ PADILLA** (known as Tatiana), **Raúl Adolfo VELASCO VÁSQUEZ** and another unidentified man were found on the road from Tuxtla Gutiérrez to San Cristóbal de las Casas. The three had been shot, apparently with automatic weapons. Aged between 19 and 22, they were transvestites and sex workers. The body of the unidentified victim was buried in a common grave.

Twenty-five-year-old **Vicente TORRES TOLEDO** (also known as María Fernanda or Chentilla) and **Víctor SUÁREZ CASTILLEJOS** (known as Gaby), aged 23, were last seen alive in Tuxtla Gutiérrez on 8 November 1991 getting into a car with two other men. The next day their bodies were found near the road from Tuxtla Gutiérrez to Berriozábal, half an hour from Tuxtla Gutiérrez, with bullet wounds from a 9mm calibre weapon. Both took part in transvestite shows and Víctor Suárez was a sex worker.

Jordán BALBUENA GÓMEZ, aged about 25, was shot dead in the municipality of Chiapa del Corzo, near Tuxtla Gutiérrez, on or around 4 March 1992. Although the authorities recognized that the

case was consistent with the pattern of killings of gay men, they denied gay and lesbian rights groups access to the files pertaining to the investigation.

Jorge Darinel MALDONADO CASTELLANOS, a 24-year-old student, was found dead on the road between Berriozábal and Ocozocuaútla on 15 July 1992. He had been shot four times with a 38mm calibre weapon. Neither his money, his watch nor his gold chain had been removed. The investigation into his case was closed on 17 July 1992, two days after the body was found, and was not re-opened until 4 September 1992.

According to eye-witnesses, on 28 October 1992, 21-year-old **Martín ORDOÑEZ VÁSQUEZ** (also known as Martina) and 18-year-old **Miguel Ángel GERÓNIMO SEGURA** (known as Alejandra), got into a car with two men who took them to the outskirts of Tuxtla Gutiérrez. Both were sex workers. According to the testimony of Miguel Ángel Gerónimo Segura, when they reached an open space near the market, the driver had sexual relations with Martín Ordóñez and then shot him four times with a 45mm calibre weapon. Miguel Ángel Gerónimo Segura tried to escape but was shot in the left ankle. His attackers then came up to him and shot him twice in the chest, leaving him for dead. Miguel Ángel Gerónimo heard one of the men say to the other "Let's go, Martín, the job is done." Miguel Angel Gerónimo survived the shooting as none of his vital organs were damaged.

In the early hours of 4 November 1992, José Luis DOMÍNGUEZ HERNÁNDEZ (also known as Verónica), a 21-year-old sex worker, reportedly got into a taxi with two unidentified persons in Tuxtla Gutiérrez. His body was found later in another part of the city. He had been shot in the head with a 25mm calibre weapon.

In the early hours of 6 February 1993, **Neftalí RUIZ RAMÍREZ**, known as Vanessa), a sex worker and transvestite performer, was shot in the left cheek while standing on a street corner in Tuxtla Gutiérrez.

The shot, apparently from a 38mm calibre gun, was fired from a passing car. Eye witnesses claimed that the individual who fired the shot worked for the State Judicial Police. Neftalí Ruiz was vice-president of the Tuxtla Gutiérrez Gay Transvestite Group (*Grupo Gay Travesti de Tuxtla Gutiérrez*) and was reported to have seen Vicente Torres Toledo and Víctor Suárez Castillejos accompanied by

two men on 8 November 1991, the day before they were found dead in the outskirts of Tuxtla Gutiérrez. Neftalí Ruiz had taken part in several marches protesting against the killing of gay men in Chiapas.

On 12 May 1994, representatives of the Chiapas State Attorney General's office (*Procuraduría General de Justicia del Estado de Chiapas*) found the body of **Raymundo FIGUEROA PINTO** in his home in the city of Comitán. It was estimated that he had been beaten to death 14 days before being found. To date, no-one has been detained in connection with this killing and investigations are continuing.

Cases not included in the official investigation

The following cases were not acknowledged by the authorities as forming part of the pattern of killings of gay men in Chiapas, despite the fact that witnesses in the gay community have indicated that those mentioned were homosexual and that their killings are linked to the other twelve.

Eredin YABEN ARREOLA, aged 21. His body was found on the banks of the Sabinal river in the city of Tuxtla Gutiérrez on 14 September 1991. He had been shot five times in the torso with a 28mm calibre weapon.

Eighteen-year-old **Freddy CHACÓN RODRÍGUEZ** was killed between 22 and 23 April 1992. His body was found near the Berriozábal-Ocozocuaútla road, with two 10mm calibre bullet wounds in the chest.

Roque JIMÉNEZ QUEVEDO, a dance teacher, was shot dead on 30 July 1992.

Miguel LÓPEZ AGUSTÍN was found dead on 19 November 1992 in a hotel room in Tapachula some 225km from Tuxtla Gutiérrez, near the border with Guatemala. According to reports, he had arrived at the hotel the night before with two individuals who beat him and stole his valuables.

IRREGULARITIES IN THE INVESTIGATIONS

From an early stage the Chiapas authorities gave a commitment before the press and gay and lesbian rights groups to investigate these crimes promptly and impartially.

On 5 November 1992, the day after the killing of José Luis Domínguez Hernández, the new State Attorney General, Rafael González Lastra, announced at a press conference the creation of a specialized group of investigators. The head of the group was to be Ignacio Flores Montiel, head of the Chiapas State police corps. Ignacio Flores Montiel stated at the same press conference, "We will fulfil our

responsibility within the norms and guidelines in force". However, to date - more than three years after the first killing - none of these crimes has been clarified and the serious irregularities identified in the investigations have not been rectified. Ignacio Flores Montiel, head of the Chiapas state police corps and head of the special group which investigated the killings of gay men, has been repeatedly identified by gay and lesbian rights groups as one of those most responsible for covering up the serious irregularities and abuses (including the torture of suspects) carried out during the investigation into these crimes.

The governmental *Comisión Nacional de Derechos Humanos (CNDH)*, National Human Rights Commission, whose main function is to receive and investigate reports of human rights violations and make recommendations for action to the appropriate authorities based on their conclusions¹, issued recommendation 113/93 on 20 July 1993 to the then Governor of the State of Chiapas, Elmar Seltzer Marseille, setting out a series of irregularities identified in the investigations.

Although Amnesty International recognizes the importance of the CNDH's recommendation in this case, the organization considers that the CNDH lacks the effective means to overcome the serious flaws in the Mexican judicial system - especially as regards the judiciary's responsibility to carry out appropriate investigations and to bring to

¹ See *Mexico: Torture with impunity*, AI Index AMR 41/04/91, September 1991, pages 30 to 36, where the role of the CNDH is discussed in greater depth.

justice those responsible for serious human rights violations. The CNDH's recommendations are not binding and the authorities can ignore them without fear of legal consequences.

Among the irregularities identified by the CNDH were serious flaws in seven of the ten preliminary investigations (*averiguaciones previas*), including the use of inadequate forensic techniques, and delays in initiating proceedings in at least three preliminary investigations.

The CNDH concludes that "Indeed, as the necessary steps have not been taken to clarify the crimes, we find that there has been a violation of human rights, as this omission has encouraged impunity for those responsible for such serious crimes as the taking of a person's life."

None of the officials identified by the CNDH has been the subject of an investigation by the authorities. According to reports, in December 1993 at least three officials responsible for the preliminary investigations in which there were serious administrative irregularities were promoted.

The "fabrication" of guilt

Torture continues to be very widely applied in Mexico in the context of criminal investigations. Above all, its aim is to intimidate detainees and obtain confessions. These continue to be valid as evidence before the courts and in many cases a confession has been the sole evidence on the basis of which the accused has been convicted, despite claims by the accused that their statements were obtained under torture. In spite of amendments introduced in 1992 to the Federal Law to Prevent and Punish Torture (*Ley Federal para Prevenir y Sancionar la Tortura*), setting harsher penalties for all those who are found guilty of such practices, almost any detainee continues to be at risk of torture².

Raul MACAL MORENO and **Hugo VERA PÉREZ** were detained on 19 July 1991 and released the next day. Both claim they were coerced by an official of the Public Ministry (*Ministerio Público*) in Chiapa del Corzo to confess to the killing of Raúl Adolfo Velasco Vásquez, Rodrigo Bermúdez Padilla and another unidentified man. A certificate of physical integrity issued by a Public Ministry official on 20 July 1991 reportedly confirmed cuts consistent with Hugo Vera Pérez' claims that he was tortured.

Martín Ramón MOQUEL LÓPEZ was detained without an arrest warrant and in front of his 4-year-old daughter by the Chiapas State

² See Mexico: the persistence of torture and impunity, AI Index AMR 41/01/93, published June 1993.

Judicial Police on 24 November 1992. He was also accused of killing Raul Adolfo Velasco Vásquez, Rodrigo Bermúdez Padilla and another unidentified man. According to his statements to the CNDH, Martín Moguel López was tortured until he signed a statement accusing himself and Germán Jiménez Gómez, former federal deputy of the ruling Institutional Revolutionary Party (PRI), *Partido Revolucionario Institucional*, of the killing of at least five homosexuals (the above mentioned three together with Vicente Torres Toledo and Victor Suárez Castillejos).

According to his statements to the press, on the day of his arrest Martín Moguel López was taken to a house in Chiapa de Corzo where he was blindfolded, beaten and subjected to the "tehuacanazo": "They lay me on my back, my head unsupported. They put a wet cloth on my face, like a mask. They wet the cloth with tehuacán [carbonated mineral water] and hot chili. Whenever I breathed in I absorbed the liquid. I was held like this for a long time, they said they had all night and all morning...". They told him to declare that he was guilty of the killing of five homosexuals: "I didn't give in, but when they took me to the Attorney's office in Tuxtla Gutiérrez and brought me before my 4-year-old daughter and told me to sign or think of her, then I didn't even look over the documents, I just signed them."

Martín Moguel López was formally accused of the killing of the five gay men and taken to Cerro Hueco prison. Despite his statement that he had been tortured in order to confess, he was sentenced to 16

years in prison on 26 November 1993. The sentence was appealed before the Supreme Court of Justice in Chiapas and on 4 February 1994 the sentence was revoked and his immediate release was granted.

Carlos CRUZ BAUTISTA, aged 24, was detained on 22 December 1992 by members of the State Judicial Police who, according to his statement to the press, "tortured him for 15 minutes in a room...where they applied the classic *tehuacanazo*. After implicating himself and after being pointed out by a taxi driver [in an identification parade]..., he was brought before a judge." Carlos Cruz Bautista was accused of killing José Luis Domínguez Hernández and sentenced to 8 years in prison in June 1993. The sentence was ratified on 10 December 1993 by the Supreme Court of Justice in Chiapas. In February 1994, the Chiapas Bar Association took up the defence of Carlos Cruz bautista and presented an appeal on his behalf.

As a result, Carlos Cruz Bautista was released at the end of March 1994.

On 21 February 1993 **Jorge Alejandro GUTIÉRREZ ESPONDA** was detained without an arrest warrant by members of the Chiapas State Judicial Police and formally accused the next day before the Fourth Criminal judge of Tuxtla Gutiérrez of the killing of Neftalí Ruiz Ramírez. He was imprisoned in Cerro Hueco prison. According to the gay and lesbian rights group *Círculo Cultural gay*, Enrique Corzo Henning and Alonso Coutiño Argüello, two of the witnesses who identified Jorge Gutiérrez Esponda as the killer of Neftalí Ruiz

Ramírez, subsequently retracted their statements and said they feared for their lives, as their statements had been "extracted under coercion of various kinds" by the authorities. Jorge Gutiérrez Esponda was released without charge in October 1993 due to lack of evidence.

Similarly journalists who have followed developments in the investigations have received anonymous death threats. For example, Francisco Ramírez Solís, editor of *El Observador de la Frontera Sur*, apparently received a death threat by telephone on 20 January 1993. *El Observador de la Frontera Sur* had been covering the killings of gay men in Chiapas and had been critical of the way in which the investigations were being handled.

CURRENT STATE OF THE INVESTIGATIONS

Following the release of the three people unjustly accused of these crimes, gay and lesbian rights groups renewed their calls for a special prosecutor to be appointed to carry out impartial investigations.

At the same time, there was increased pressure to implement thoroughly recommendation 113/93 of the CNDH, which urged the governor of Chiapas to establish responsibility for the serious administrative irregularities in nine of the ten preliminary investigations.

According to press reports, on 26 January 1994, Ignacio Flores Montiel, former coordinator of the Chiapas security services, was detained and accused of arms trafficking, kidnapping and murder. However, the authorities have not confirmed that he is in detention nor the charges against him, despite repeated complaints against him made by gay and lesbian rights groups.

Ramón Herrera Bautista, former regional subcommander of the Chiapas State Judicial Police, was detained on 5 April 1994, accused of forced entry and illegal detention. The Chiapas state Attorney General's office stated to the press on the day of his detention that Ramón Herrera Bautista was under investigation in connection with the interrogation of Martín Moguel López. The latter had pointed out that Ramón Herrera Bautista had tortured him during his interrogation. However, the authorities have not confirmed the charges against him.

Despite these arrests, the investigations have not yielded positive results leading to the clarification of these crimes, which remain unresolved. In April 1994, the lawyer Jorge Gamboa Borraz was appointed by the Chiapas government as special prosecutor to investigate these killings. Jorge Gamboa Borraz resigned from his post on 24 June, on the grounds that he had not received support from state authorities and officials to enable him to carry out his task.

In a speech made at the end of Lesbian and Gay Cultural Week on 24 June 1994 in Mexico City, Jorge Gamboa Borraz said, "Despite the fact that the head of the local executive power [Javier López

Moreno, Governor of Chiapas] has supposedly accepted the various proposals made to him both verbally and in writing... to date I have not even received written confirmation of my appointment, an indispensable prerequisite to validate any judicial action carried out." To date, no-one had been appointed to replace the special prosecutor and to continue with the investigations into the killings.

RECOMMENDATIONS

Amnesty International urgently appeals to the Mexican federal and state authorities to:

1) Designate a new special prosecutor to take necessary steps to rectify the irregularities present in the investigations into the killing of gay men in Chiapas. This appointment should be accompanied by the human, logistical and financial resources necessary to continue the investigations in a prompt and thorough manner. The investigations should conform to recognized international principles, such as the United Nations Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions (see Appendix on page 10).

2) Bring to justice those found responsible for these killings, while guaranteeing respect for their rights in accordance with the UN Body

of Principles for the protection of persons under any form of detention or imprisonment;

3) exhaustively investigate the allegations of torture by individuals detained in connection with these crimes; those found responsible for these crimes should be brought before the courts immediately. Hugo Vera, Martín Moguel López, Carlos Cruz Bautista and Jorge Alejandro Gutiérrez Esponda, and their relatives, should be compensated as appropriate.

4) adopt necessary measures to guarantee the physical integrity of members of the gay community in Chiapas and of all witnesses to these and other possible human rights abuses in the community.

5) to revise laws and practice in order to guarantee that all reports of torture, deliberate and arbitrary killings, death threats and other serious abuses committed against people for their sexual orientation are immediately and impartially investigated. Special care should be taken to guarantee adequate protection to those involved in the defence of the human rights of homosexuals or those whose work in the area of women's rights or HIV³/AIDS education places them at risk of attack for being perceived as lesbian or gay⁴.

³ Human Immune-deficiency Syndrome

⁴ See *Breaking the Silence: Human Rights Violations based on sexual orientation*, published originally in English by Amnesty International USA in February 1994.

PRINCIPLES ON THE EFFECTIVE PREVENTION AND INVESTIGATION OF EXTRA-LEGAL, ARBITRARY AND SUMMARY EXECUTIONS

At its 15th Plenary Meeting the United Nations Economic and Social Council (ECOSOC) by Resolution 1989/65 of 24 May 1989 recommended that the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions annexed to the Resolution be taken into account and respected by governments. The United Nations General Assembly subsequently endorsed the Principles by Resolution 44/162 of 15 December 1989. The text of the Principles is given below.

Prevention

1. Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or a person acting at the instigation, or with the consent or acquiescence of such person, and situations in

which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.

2. In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for the apprehension, arrest, detention, custody and imprisonment as well as those officials authorized by law to use force and firearms.

3. Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extra-legal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions.

4. Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

5. No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country.

6. Governments shall ensure that persons deprived of their liberty are held in officially recognized places of custody, and that accurate

information on their custody and whereabouts, including transfers, is made promptly available to their relatives and lawyer or other persons of confidence.

7. Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.

8. Governments shall make every effort to prevent extra-legal, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices. Governments, including those of countries where extralegal, arbitrary and summary executions are reasonably suspected to occur, shall co-operate fully in international investigations on the subject.

Investigation

9. There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions,

including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

10. The investigative authority shall have the power to obtain all the information necessary to the inquiry. Those persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same shall apply to any witness. To this end, they shall be entitled to issue summons to witnesses, including the officials allegedly involved, and to demand the production of evidence.

11. In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an

independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.

12. The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology. Those conducting the autopsy shall have the right of access to all investigative data, to the place where the body was discovered, and to the place where the death is thought to have occurred. If the body has been buried and it later appears that an investigation is required, the body shall be promptly and competently exhumed for an autopsy. If skeletal remains are discovered, they should be carefully exhumed and studied according to systematic anthropological techniques.

13. The body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out. The autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent possible. Detailed colour photographs of the

deceased shall be included in the autopsy report in order to document and support the findings of the investigation. The autopsy report must describe any and all injuries to the deceased including any evidence of torture.

14. In order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations or entities.

15. Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those potentially implicated in extra-legal, arbitrary or summary executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.

16. Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death shall be posted, and the family or relatives of the deceased immediately informed. The body of the deceased shall be returned to them upon completion of the investigation.

17. A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred, and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.

Legal proceedings

18. Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice. Governments shall either bring such persons to justice or co-operate to extradite any such persons to other countries wishing to exercise jurisdiction. This principle shall apply irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed.

19. Without prejudice to Principle 3 above, an order from a superior officer or a public authority may not be invoked as a justification for extra-legal, arbitrary or summary executions. Superiors, officers or other public officials may be held responsible for acts committed by officials under their hierarchical authority if they had a reasonable opportunity to prevent such acts. In no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions.

20. The families and dependants of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.