

# @ "DISAPPEARANCES" IN HONDURAS: A wall of silence and indifference

**Fig.1 "We have been met by a wall of silence and indifference"**  
Rina Oyuela de Morales, former President of COFADEH<sup>1</sup>

## INTRODUCTION

On the first Friday of every month, a group of women, men and children gather in Tegucigalpa's *Las Mercedes* Park to voice a demand for justice that they have been making to the authorities for almost ten years. They are the mothers, relatives and friends of over 100 people who are

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<sup>1</sup> "Nos hemos encontrado con un muro de silencio y de indiferencia". COFADEH is the Comité de Familiares de Detenidos-Desaparecidos en Honduras, the Committee of the Families of Detained-Disappeared in Honduras.

believed to have "disappeared" at the hands of the state between 1979 and 1989. Their demand is that the authorities clarify what happened to their loved ones. Despite abundant evidence that the "disappeared" were abducted by members of the Honduran security forces as part of a strategy of the governments of the period, the authorities over the years have persistently denied that these people were ever detained. The fate of the "disappeared" has thus never been officially clarified and those responsible for their "disappearance" have still not been brought to justice.

Amnesty International has not had reports of any case of "disappearance" under the present government of President Rafael Leonardo Callejas, who took office on 27 January 1990. However, this government, like those before it, has not taken any effective measures to clarify the fate of the "disappeared". In his inaugural speech the President stated that his government was committed to the protection of human rights and that "the dark night of the disappeared would be left behind"<sup>2</sup>. But these and other public statements by government officials in 1990 and 1991, promising the reopening of investigations, have been interpreted as a mockery by relatives who despair at the failure of the authorities to match their words with actions. While the government seeks to consign the issue to the past, the anguish felt by the relatives and friends of the "disappeared" is still very present. They have not abandoned the search for their loved ones, though their tireless appeals to successive governments have met with silence, inaction or deliberate obstruction.

Ten years since the practice of "disappearance" became established in Honduras, Amnesty International believes that the authorities cannot go on concealing the truth about the "disappeared" from their relatives and loved ones. By doing so, the Honduran government is disregarding its obligations as established in international and national law. The organization is calling on the government to fulfil these obligations by:

- ◆ establishing a Commission of Inquiry to carry out an immediate, thorough and impartial investigation into the phenomenon of "disappearance" in Honduras in the last decade;
- ◆ bringing to justice those found responsible for these crimes, so as to ensure that the practice of "disappearance" is relegated to a closed chapter of Honduran history;
- ◆ issuing compensation as appropriate to the relatives of the "disappeared".

The twelve cases illustrated in this document represent a small proportion of the scores of individuals alleged to have "disappeared" at the hands of government forces over the last twelve years. They nevertheless bear witness to the continuing anguish caused by the unresolved "disappearance" of a loved one, and to the brutality of a phenomenon for which the current government has for too long evaded accountability.

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<sup>2</sup>"Quedará atrás la oscura noche de las desapariciones."

"There are thousands of cases like ours in the whole of Latin America... there is the grief of mothers, the hope of wives and the sorrow of children... and we will not give up because we believe in the right to life, the full respect of human rights, justice and peace."<sup>3</sup>

Gabriela Jiménez, wife of Eduardo Aníbal Blanco Araya who "disappeared" in 1981

### THE "DARK NIGHT" OF "DISAPPEARANCES": 1981 to 1984

The vast majority of "disappearances" occurred between 1981 and 1984. During this period Honduras returned from military to civilian rule. Nevertheless the civilian authorities remained subject to the power of the military, which in 1979 implemented a counter-insurgency strategy known as the National Security Doctrine to combat the perceived spread of leftist revolution in Central America. Under the command of General Gustavo Álvarez Martínez, the Armed Forces embarked on a deliberate policy to eliminate people suspected of having links with insurgent movements in Honduras and El Salvador or with the Sandinista government which had come to power in Nicaragua following a revolution in 1979.

A spate of "disappearances", extrajudicial killings and other human rights abuses followed. Prominent trade unionists, students, *campesino* leaders and left-wing political activists were taken from their homes or abducted in the street, often in broad daylight and in front of witnesses, by groups of heavily armed men in civilian clothing. The identity of those carrying out the abduction was often difficult to ascertain and the security forces would consistently deny any involvement.

However, irrefutable evidence exists that such operations were the work of regular members of the armed forces, and agents linked to them, acting under orders from the military hierarchy. Most frequently implicated were the *Dirección Nacional de Investigaciones* (DNI)<sup>4</sup>, the investigative branch of the *Fuerza de Seguridad Pública* (FUSEP), the Public Security Force, a specialized branch of the Armed Forces with wide law-enforcement responsibilities. Evidence also came to light that a military intelligence unit under the direct command of the head of the Armed Forces, known as the *División de Investigaciones Especiales* (DIES), Special Investigations Division, or *Batallón 3-16*, 3-16 Battalion, was entrusted with the task of targeting political suspects and carrying out their abduction, detention, torture and murder.

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<sup>3</sup>"Así como nuestro caso hay miles en toda América Latina... hay dolor de madres, esperanza de esposas y tristeza de hijos... y no nos detendremos porque creemos en el derecho a la vida, en el respeto total a los derechos humanos, en la justicia y en la paz."

<sup>4</sup>The National Directorate of Investigations.

One of the few people to have survived abduction and temporary "disappearance", law student **Inés Murillo Schwaderer**, testified about her ordeal. In March 1983 she was abducted by armed men in plainclothes in Choloma, Cortés. For over two months the security forces repeatedly denied any knowledge of her whereabouts and she remained "disappeared". However, following intense international appeals, in May 1983 DNI officials finally admitted holding her and she was indicted on charges of terrorism. She later testified before a judge that she had been held and tortured in three different clandestine detention centres before being transferred to the DNI headquarters. Her allegations were never officially investigated nor her captors brought to justice.

Former members of the military have provided information on the practice of "disappearance" by the units of the armed forces. In 1987 **Florencio Caballero**, an ex-member of Honduran military intelligence, testified to having worked from 1979 to 1984 as an interrogator for the 3-16 Battalion and gave detailed information about the abduction and murder by the Battalion of several individuals reported to have "disappeared".

Amnesty International interviewed Florencio Caballero in detail about his allegations and found them to be consistent with the testimony of other ex-military sources and of former detainees. Victims of abduction were taken to clandestine detention centres for interrogation where they were often tortured. Some are said to have died under torture, but others are alleged to have been kept alive for days or even months for further interrogation. Some witnesses claimed that the bodies of those killed were disposed of in clandestine cemeteries or dismembered so as to hinder identification. Florencio Caballero's testimony corroborated already existing evidence that the United States' military authorities were instrumental in training, funding and designing the operational headquarters for the 3-16 Battalion<sup>5</sup>.

The 3-16 Battalion was also alleged to have collaborated with members of the Nicaraguan *contra*, armed rebels fighting the revolutionary Sandinista government of Nicaragua, in carrying out "disappearances" and extrajudicial killings of suspected Sandinista sympathizers on Honduran soil. In addition to the military training and assistance they received from agencies of the United States government, the *contra* relied on the Honduran army for logistic support. Numerous Nicaraguan civilians were reportedly abducted by the *contra* in Nicaragua and taken to *contra* camps in Honduras.

Survivors from *contra* detention camps, as well as former members of the *contra* and other witnesses, have provided evidence that some "disappeared" Hondurans and Nicaraguans were held captive and executed by the *contra* with the active complicity of the Honduran military authorities. For example, a former *contra* rebel alleged publicly in 1986 that **José Eduardo**

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<sup>5</sup>The body of evidence in support of these allegations is examined in detail in Amnesty International's 1988 report Honduras: Civilian Authority - Military Power (AMR 37/02/88).

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**Becerra Lanza**, the Honduran student abducted in 1982, was handed over to the *contra* forces by the commander of the 3-16 Battalion, on orders that he be killed.

## **FAILED EFFORTS TO INVESTIGATE**

### **The First Step: Petitions of *Habeas Corpus***

On learning of the abduction, anxious relatives would try to make use of the legal remedy of *habeas corpus*<sup>6</sup>. However, the *habeas corpus* mechanism proved almost wholly ineffective. Judges appointed to administer *habeas corpus* petitions frequently failed to deal promptly with them. Where judges attempted to investigate the whereabouts of a supposed detainee, they were hindered by an almost total lack of cooperation by the security forces. A *habeas corpus* writ presented in July 1983 on behalf of several "disappeared" people stagnated at the initial stages of presentation of evidence because many witnesses were terrified of giving evidence knowing that no guarantees existed for their personal safety.

The tactic of "disappearance" by definition removes the victim from the law's protection, bypassing the state's duty to recognize the victim's legal rights. The manner in which abductions were carried out and subsequently covered up appeared to be carefully designed to eradicate all trace of official involvement. It thus became a convenient method for the security forces to suppress what they saw as subversive opposition while evading all accountability for their acts.

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<sup>6</sup>A legal procedure whereby the individual, or someone acting on his or her behalf, tests before a court the legality of that individual's detention. Article 182 of the Honduran Constitution guarantees the right of *habeas corpus* or *exhibición personal* and requires judges to "immediately take steps to end the violation of [the right to] personal freedom or security".

### The Armed Forces' Special Commission

**"It was not possible to determine with certainty whether military personnel were involved in the cases of "disappearance".<sup>7</sup>**

Conclusion N° 1 of the Special Armed Forces Commission, March 1985

Following the dismissal of General Álvarez Martínez in 1984, the new military authorities established a Special Armed Forces Commission to look into the more than 100 cases of "disappearance" already documented since 1980. The Commission issued reports in June and December 1984, and made its conclusions public in March 1985. Of the 112 documented cases presented, the Commission only presented findings on eight, including several Salvadorians, stating that the people in question were either living in Honduras, or had been deported to their country of origin. No specific information was given on the fate of the remaining 104. The Commission stated that it had been unable to determine their whereabouts. Nevertheless it said there was no evidence to suggest that the armed forces were responsible for their "disappearance", nor had any of them been held by military or security units. It suggested that some "disappearances" might have occurred as a result of vendettas between non-Honduran irregular armed leftist and rightist groups.

Amnesty International believes the investigations of the Special Commission were not conducted thoroughly and impartially. Composed entirely of members of the military, its findings were based largely on interviews with former army officials and members of the DNI, some of whom had been named as responsible for the "disappearances" by local human rights groups. The Commission appeared not to have examined key evidence, such as indications of the existence of secret detention facilities and clandestine burial sites, and much of the evidence put forward by relatives and human rights organizations.

**"With this `report' the armed forces sought to exonerate all the murderers... To expect a fair and impartial investigation in those conditions was like hoping to cover the sun with your finger."<sup>8</sup>**

November 1985 Communiqué by CODEH<sup>9</sup> and COFADEH

<sup>7</sup>"No fue posible determinar con certeza que elementos militares hayan tenido participación en los casos de desaparecimientos."

<sup>8</sup>"Con este "informe" las Fuerzas Armadas buscan librar de culpabilidad a todos los asesinos...En esas condiciones, esperar una investigación justa e imparcial, era como esperar tapar el sol con un dedo."

<sup>9</sup>CODEH is the *Comité para la Defensa de los Derechos Humanos en Honduras*, the Committee for the Defence of Human Rights in Honduras.

In its recommendations the Commission emphasized that accusations against people held responsible for "disappearances" could be brought before the appropriate judicial authorities. Following the release of the Commission's report, relatives of some of the "disappeared" filed a complaint in the courts against General Gustavo Álvarez Martínez and other senior officers, accusing them of murder, torture and abuse of authority in connection with the cases of **Jorge Israel Zavala Eurake, Rolando Vindel González, José Eduardo Becerra Lanza** and others. However, in January 1986, the First Criminal Court ordered the case against the accused to be closed, despite the fact that the judge had not subjected any of the accused to thorough questioning and had ruled inadmissible key evidence, including the testimony of a retired army colonel which implicated General Álvarez in the "disappearances". Gustavo Álvarez Martínez never appeared before a judicial authority and remained out of the country until 1988<sup>10</sup>.

"Disappearances" decreased sharply following the removal of General Álvarez Martínez in 1984. Nevertheless, the military structures which had carried out or facilitated these abuses remained intact, as did the immunity from prosecution enjoyed by the perpetrators. Consequently, suspected government opponents continued to be victims of "disappearance" and extrajudicial execution under the administration of President José Azcona Hoyo (1986-1989). Moreover, human rights workers and other prominent opponents of government policies suffered bomb attacks, death threats and other forms of harassment, widely attributed to the Battalion 3-16. The absence of official investigations into these incidents reinforced the sense that they were committed with the consent of the military and civilian authorities.

### **The Inter-American Court Rulings**

With internal remedies exhausted, relatives and Honduran human rights groups turned to the international fora in order to continue their struggle for truth and justice. Numerous cases were presented to the Inter-American Commission of Human Rights (IACHR), a body of the Organization of American States (OAS). The IACHR referred four cases of "disappearance" to the Inter-American Court of Human Rights (the OAS tribunal in San José, Costa Rica whose full jurisdiction Honduras has recognized) for a decision as to whether there had been violations of the rights to life, personal security and personal freedom. The cases concerned two Costa Ricans, **Francisco Fairén Garbi** and **Yolanda Solís Corrales**, who "disappeared" in December 1981, Honduran student **Angel Manfredo Velásquez** and teacher **Saúl Godínez Cruz**, "disappeared" in December 1981 and July 1982 respectively.

In response to these proceedings, the government of President José Azcona Hoyo created the *Comisión Interinstitucional de Derechos Humanos* (CIDH), the Inter-Institutional Commission of Human Rights, to gather information on these cases and to respond to the

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<sup>10</sup>Retired General Gustavo Álvarez Martínez was assassinated 25 January 1989. The armed opposition group *Movimiento Popular de Liberación "Cinchoneros"*, "Cinchoneros" Popular Liberation Movement claimed responsibility for the killing.

international criticism that the practice of "disappearance" and other human rights violations in Honduras had attracted. However, the Commission, headed by the Attorney General, did not undertake thorough investigations into any of the cases of "disappearance" and its independence was compromised by the fact that it was composed solely of representatives of the civilian and military authorities.

Although the Inter-American Court asked the Honduran government to provide guarantees for the protection of witnesses involved in the Inter-American Court proceedings, many witnesses received death threats. **Miguel Angel Pavón**, member of the Honduran Congress and vice-president of CODEH, was murdered with his colleague **Moisés Landaverde** in San Pedro Sula on 14 January 1988, several months after testifying before the Court. His family, his colleagues in CODEH and former members of the military attributed the killing to the 3-16 Battalion. However, to date those responsible for his death have not been brought to justice.

In unprecedented rulings in July 1988 and January 1989, the Inter-American Court found the Honduran government responsible for the "disappearances" of Angel Manfredo Velásquez and Saúl Godínez Cruz. Among its findings the Court stated that "disappearances" attributable to the Honduran Armed Forces, were a systematic practice in the country from 1981 to 1984. It found the government of Honduras to be in violation of the rights to personal freedom, humane treatment and the right to life, according to articles four, five and seven of the American Convention on Human Rights, and ordered it to pay compensation to the families<sup>11</sup>.

The landmark rulings by the Court seemed to represent a victory for the relatives, whose tenacity had brought to light the truth about the governmental practice of "disappearance". But although the government finally paid some compensation to the families, it has yet to comply with the Court's most important recommendation: to investigate and bring to justice those responsible for the practice of "disappearance". The Court's 1988 ruling on the case of Angel Manfredo Velásquez noted that:

"The state is obligated to investigate every situation involving a violation of the rights protected by the [American] Convention [on Human Rights]. If the State apparatus acts in such a way that the violation goes unpunished and the victim's full enjoyment of such rights is not restored as soon as possible, the State has failed to comply with its duty to ensure the free and full exercise of those rights to persons within its jurisdiction."<sup>12</sup>

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<sup>11</sup> See Honduras: Government found responsible for "disappearances" (AMR 37/11/88) and Honduras: New decisions on "disappearances"; new cases of "disappearances" (AMR 37/03/89)

<sup>12</sup>"El Estado está... obligado a investigar toda situación en la que se hayan violado los derechos humanos protegidos por la Convención [Americana sobre Derechos Humanos]. Si el aparato del Estado actúa de modo que tal violación quede impune y no se restablezca, en cuanto sea posible, a la víctima en la plenitud de sus derechos, puede afirmarse que ha incumplido el deber de garantizar su libre y pleno ejercicio a las personas sujetas a su jurisdicción."



For the relatives of the "disappeared", the ruling will only represent a breakthrough in the protection of human rights when the government fulfils its obligation to bring to justice those involved in "disappearances":

**"Our struggle is to see our family members alive, which would be our greatest satisfaction, or at least that they tell us where they killed and buried them. This is the uncertainty that tortures us, and we want to see those responsible punished."<sup>13</sup>**

Alejandrina Cruz de Godínez, mother of Saúl Godínez Cruz

**"The essential thing was to set a precedent which would be a warning to these criminals. But there has been neither investigation nor punishment of those responsible."<sup>14</sup>**

Zenaida Velásquez, sister of Angel Manfredo Velásquez

## **THE CALLEJAS GOVERNMENT: A LEGACY OF IMPUNITY**

Despite the highly publicized rulings of the Inter-American Court, the Callejas government like those before it has failed to comply with its duty to provide relatives with a full account of what happened to these and other "disappeared" and to prosecute and punish those responsible.

On 10 December 1990, to mark International Human Rights Day, the former Interior Minister was reported to have announced publicly that a new commission of inquiry into the "disappeared" would be established. On 14 December Amnesty International requested further information from the government. No reply was received. Enquiries by Amnesty International to government representatives at the end of 1991 revealed that no steps had been taken since the previous year to create such a commission.

In June 1991, following the publication of Amnesty International's report Honduras: Persistence of Human Rights Violations (AMR 37/04/91), President Callejas publicly announced that he had issued instructions at all levels that "anyone who violates individual guarantees will be

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<sup>13</sup>"Nuestra lucha es ver con vida a nuestros familiares, que sería nuestra mayor satisfacción, o siquiera que nos digan dónde los mataron y enterraron. Esa es la incertidumbre que nos tortura y, además, queremos que se castigue a los culpables."

<sup>14</sup>"Lo esencial fue sentar un precedente que sirva de escarmiento a estos criminales. Pero no ha habido ni investigación ni castigo para los responsables."

sanctioned according to the law"<sup>15</sup>. However, less than a month later, President Callejas approved a sweeping amnesty law (Decree 87-91) granting broad and unconditional amnesty to those prosecuted or liable to prosecution for certain political crimes or common crimes linked to them. Political prisoners accused of arms trafficking and land occupations were released as a result of the amnesty. Also covered by the law were the crimes of murder, torture and unlawful arrest committed by police and military personnel.

The law was passed with the stated intention of contributing to a "climate of harmony and peaceful coexistence" among all sectors of Honduran society. In addition to the release of political prisoners following the amnesty law, several Honduran political exiles returned from abroad with the assurance from the government that their security would be guaranteed. However, Amnesty International is concerned that by preventing investigations into "disappearances" and other human rights abuses by former or current government officials, the amnesty law has fomented a climate of impunity conducive to further abuses. Impunity is the negation of the values of truth and justice, the only foundations on which a true process of national reconciliation can be founded. Amnesty International expressed its concerns regarding the amnesty law in a letter to President Callejas in 23 July 1991.

The *Comisión Interinstitucional de Derechos Humanos* informed Amnesty International on 22 August 1991 that the Attorney General had taken steps to obtain the report by the Armed Forces Special Commission set up to investigate denunciations of "disappearance" in 1984. The Attorney General's publication of the preliminary and interim reports issued by the Commission drew attention once again to the lack of thoroughness and impartiality that characterized the military investigation, the conclusions of which had been made public in 1985. In its letter, the *Comisión Interinstitucional de Derechos Humanos* claimed it had been unaware of the report's existence and gave no information regarding the steps that would be taken to reopen investigations. The letter did not respond to Amnesty International's concerns regarding the amnesty law, although it gave information regarding the creation of a police monitoring body within the security forces and human rights education programs within the judiciary.

At its thirty-fifth session in December 1991, the United Nations Working Group on Enforced or Involuntary Disappearances was informed by the Attorney General that the Honduran police was cooperating with the *Comisión Interinstitucional de Derechos Humanos* in the search for "disappeared" persons and that investigations were continuing, with more results expected in the future. The Commission had made proposals to the President of Honduras with a view to obtaining further progress in the investigations, through the checking of military records. In relation to the amnesty law, the Attorney General stated human rights violations fell under the category of common offences, which he argued were not covered by the amnesty law<sup>16</sup>.

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<sup>15</sup>"que sean sancionadas en base a derecho todas aquellas personas que violen las garantías individuales"

<sup>16</sup>The text of the amnesty law explicitly includes offences committed by military or police personnel such as unlawful killings, maintaining detainees illegally in incommunicado detention, harassment and torture. It also applies to judges and magistrates who failed to process *habeas corpus* petitions in accordance with the law.

However, in meetings in December 1991 and January 1992 with Honduran diplomatic representatives in the United Kingdom, the United States and the United Nations, Amnesty International learned that no concrete steps appeared to have been taken to undertake investigations into cases of "disappearance". In response to enquiries by relatives of the "disappeared", the Attorney General was reported to have stated that there was nothing further that could be done, particularly given that so much time had passed, but that the issue should be taken up by the *Comisión Nacional de Reconciliación* (CNR), the National Reconciliation Commission, a body created under the Central American peace accord in 1987, which Amnesty International understands has ceased to function. The president of the CNR, Archbishop Héctor Santos, clarified publicly that the CNR was no longer active.

Amnesty International is concerned that since taking office the government of President Callejas has only offered a plethora of vague and unfulfilled promises to the relatives of the "disappeared", without taking any concrete steps to comply with the obligations incumbent upon it to clarify these cases and restore to the relatives their full rights.

Moreover, while there have been no cases of "disappearance" since President Callejas took office in 1990, the government has yet to send a clear message that such human rights violations will not be tolerated. Its failure to act effectively on the issue of the "disappeared" may have contributed to the persistence of other human rights violations by members of the armed forces who feel they can operate with impunity.

## **Human Rights Violations Continue**

Since 1990 Amnesty International has been concerned at a number of killings of trade union and rural workers (*campesino*) activists carried out in circumstances bearing resemblance to the killings and abductions by government forces in the early 1980s. Although the number of political killings has declined considerably since the early 1980s, the same sectors of the population which were targets of "disappearance" at that time continue to be the object of other types of abuses, often perpetrated by undercover groups operating with complete impunity. Students, human rights workers and others have also received death threats or been the object of physical attacks believed to have been carried out by members of the armed forces or individuals linked to them. None of these cases has been fully investigated nor clarified by the authorities<sup>17</sup>.

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<sup>17</sup>For further information regarding the human rights situation since 1990, see [Honduras: Persistence of Human Rights Violations](#) (AMR 37/04/91), [Honduras: New Amnesty Law comes into force](#) (AMR 37/12/91), [Honduras: Killing of Five Campesinos in Agua Caliente](#) (AMR 37/06/91) and [Honduras: Lack of Investigations into the Killing of Manuel de Jesús Guerra](#) (AMR 37/03/92).

Moreover, the Armed Forces have continued to hold political suspects in unacknowledged, incommunicado detention for periods well in excess of the legal limit. This gives rise to fears that the detainee may be "disappeared" or killed, and greatly increases the risk of torture and ill-treatment in police or military custody. **Manuel Castillo Reyes**, a merchant accused of trafficking arms to armed opposition groups in El Salvador, was held for five weeks in incommunicado detention in April and May 1990. He alleged he was interrogated at several military installations by members of the *Batallón de Contrainteligencia*, Counter-Intelligence Battalion, believed to be a successor of the Battalion 3-16. He claimed that intelligence officers threatened to make him "disappear" if he didn't collaborate. **Victor Manuel** and **José Leonidas Ramírez**, arrested by police and military in February 1991 and accused of being members of the "Cinchoneros" armed opposition group, were held incommunicado for three days by the FUSEP in Danlí, El Paraíso. They alleged they were tortured during interrogation. These cases illustrate the need for effective safeguards to ensure that the practice of prolonged detention, torture and "disappearance" is discontinued.

As in the early 1980s, any investigations into human rights abuses that are carried out are frequently obstructed by claims by military courts for jurisdiction in cases of unlawful killings and other abuses by security force personnel. Proceedings were initiated in a military court against a colonel alleged to have ordered the killing on 3 May 1991 of five *campesinos* involved in a land dispute in Agua Caliente, department of Atlántida. Although the head of the Armed Forces publicly stated that the colonel was not fulfilling any military function at the time and that the murder was a common crime, the Armed Forces have refused to hand the colonel over to be tried by a civilian court. The Supreme Court has yet to rule on the constitutionality of military jurisdiction in this and other cases concerning human rights violations by military and security force personnel. In July 1991, police refused an order by a civilian court to arrest a colonel and captain suspected of killing 17-year-old student **Riccy Mabel Martínez**, stating that the case should be heard by a military court. Only after an honourable discharge in September were the officers eventually taken before a civilian court.

The *Comisión Interinstitucional de Derechos Humanos* informed Amnesty International that some of the cases included in AI's June 1991 report were under investigation by the courts. It also claimed that members of the security forces had been brought before the courts and were serving sentences in connection with 234 cases of human rights violations. It also gave information on the function of the *Comisión Coordinadora Nacional*, the National Coordinating Commission, made up of representatives of the police, judiciary and attorney general's office, which monitors and investigates allegations of abuses by government officials. Amnesty International also noted with interest the setting up of the *Oficina de Responsabilidad Profesional* (ORP), Office of Professional Responsibility, a police monitoring body within the FUSEP, and the proposed restructuring of the police force with a view to "minimizing substantially the violation of fundamental human rights."

While Amnesty International welcomes these initiatives, it remains concerned that in practice the vast majority of human rights violations committed under this and previous

governments have remained unpunished. Some of the members of the armed forces allegedly involved in "disappearances" and other human rights violations have not only enjoyed complete impunity for their actions, but have been promoted in rank. Meanwhile relatives involved in the search for the "disappeared" have been subjected to threats and harassment. Exactly a year after the government promised to reopen investigations into the "disappeared", the promotion of a former DNI director widely implicated in "disappearances" in the early 1980s was approved by the National Congress. After publicly denouncing the promotion, Gertrudis Lanza, mother of "disappeared" student José Eduardo Becerra Lanza, reported receiving anonymous death threats.

The home of COFADEH worker Rina Oyuela de Morales, wife of **Gustavo Morales Funez**, was raided in August and she received a phone call telling her to leave because they knew who she was working for. Days earlier, in a press conference by COFADEH, she had implicated the current head of the Armed Forces in the "disappearance" of her husband.

## CONCLUSION

At the root of these continuing practices is the present government's failure to put an end to the impunity with which the Honduran Armed Forces have carried out such crimes. In its 1990 report, the United Nations Working Group on Enforced or Voluntary Disappearances concluded that "perhaps the single most important factor contributing to the phenomenon of disappearances may be that of impunity" and that "perpetrators of human rights violations, whether civilian or military, will become all the more brazen when they are not held to account before a court of law."

Until the government deals effectively with the legacy of impunity it inherited, the families of the "disappeared" will have only a legacy of grief to pass on to their children. Years after the majority of "disappearances" occurred, the sequelae left by these repressive acts are still visible in the families concerned. In most cases their grief is compounded by the material and economic hardship of living without a family member. A study of the physical and mental health of the families of the "disappeared" in Honduras, carried out in 1990 by the International Association Against Torture, in conjunction with COFADEH, revealed that relatives suffered from a broad range of stress-related health problems long after the "disappearance" of the loved one. These included sleep disorders, multiple anxiety symptoms and developmental delay in children.

The government can no longer leave unattended the urgent needs of the families the state has so aggrieved. Despite more than ten years of government inaction, the organization of the relatives of the "disappeared" in Honduras believe now more than ever that the issue must not be buried under the pretext of forgetting the troubles of the past.

**"One day the murderers will hang up their uniforms, but the crimes that they committed will never expire, until those responsible pay for their offenses ... We will continue our struggle for the guaranteed respect for human rights in**

Honduras and for the prosecution and punishment of those responsible, not for revenge, but for justice.<sup>18</sup>

COFADEH - Response to Armed Forces Commission Report 1985

## THE "DISAPPEARED": THE FACES BEHIND THE WALL OF DENIAL

*The twelve cases illustrated in this document represent a small proportion of the scores of individuals alleged to have "disappeared" at the hands of government forces over the last twelve years. They nevertheless bear witness to the continuing anguish caused by the unresolved "disappearance" of a loved one, and to the brutality of a phenomenon for which the current government has for too long evaded accountability.*

**Tomás NATIVÍ GÁLVEZ, 33**

Teacher, journalist and trade union activist, "disappeared" 11 June 1981

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<sup>18</sup>"... un día [los asesinos] llegarán a colgar su uniforme, pero los delitos que cometieron no caducarán nunca, hasta que los culpables paguen por su culpa... continuaremos nuestra lucha por hacer que en Honduras se garantice el respeto a los derechos humanos y se enjuicie y castigue a los culpables, no por venganza, sino por justicia."

"I felt that they wanted us to `wipe the slate clean' of the tragedy of the `disappeared' because it took place under previous liberal governments... this will not be possible, only perhaps if they kill us could we do this."<sup>19</sup>

Fig. 2 Tomás Nativí Gálvez

(Bertha Oliva, companion of Tomás Nativí and COFADEH member, after a meeting with the Secretary for the Presidency, February 1990)

According to the testimony of Bertha Oliva, at 2.30 in the morning of 11 June 1981, she was woken by the sound of three gunshots and a moan in the room next door, where her friend Fidel Martínez was sleeping. Six heavily armed and masked men then entered the room she was sharing with her partner, Tomás Nativí Gálvez, whom they kicked and dragged away into a waiting vehicle. This was the last time Bertha Oliva saw her companion Tomás. She was three months pregnant at the time. Before leaving the unidentified men tied and gagged Bertha Oliva. At that moment she saw the body of Fidel Martínez being carried out wrapped up in a curtain. He appeared to have multiple bullet wounds in the face and neck.

Though it was impossible to establish the identity of the aggressors, the fact that Tomás Nativí, a professor and political activist, had been a frequent target of arbitrary arrest and

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<sup>19</sup>"Presentí que querían que nosotros hiciéramos del drama de los desaparecidos `borrón y cuenta nueva' porque dicen que esto fue en gobiernos liberales anteriores... Eso no será posible, sólo tal vez que nos liquidaran podríamos hacer eso."

torture on account of his political activity suggests that the abductions were carried out by members of the security forces. He had been imprisoned on a number of previous occasions. In March 1979 he was detained with 150 trade unionists in connection with the strike at the Bemis Handal textile factory in San Pedro Sula. During the strike, on 6 March 1979, the factory was set on fire and Tomás Nativí was arrested and charged with arson. Trade union sources, however, accused the Honduran security forces of burning down the factory, which killed four workers and injured others. He was released in December 1979.

Tomás Nativí was re-arrested on 15 August 1980 following the occupation of the offices of the Organization of American States by a group calling itself the *Unión Revolucionaria del Pueblo* (URP), the Revolutionary Union of the People, which appointed Nativí as their official negotiator. Released on 7 September, the beneficiary of an amnesty decreed by the constituent assembly, he was re-arrested the same day, at which time Amnesty International initiated an appeal on his behalf. He was apparently released shortly afterwards but re-arrested once again on 23 December by agents of the DNI. He was held in incommunicado detention, reportedly subjected to severe torture and 'released' three days later when he was left for dead at the side of a road.

In response to inquiries by relatives, FUSEP issued a public statement denying any involvement in Tomás Nativí's "disappearance" and adding that it was for the courts of justice to clarify the situation. However, legal recourses proved ineffective. A petition of *habeas corpus* presented by the sister of Tomás Nativí, Melida Nativí Gálvez, shortly after his abduction yielded no results.

In August 1987, the Armed Forces Head of Public Relations claimed that Tomás Nativí and other people listed as "disappeared" were probably living in the Soviet Union, basing his allegations on reports that the sons of Tomás Nativí and Rolando Vindel, President of the National Electricity Worker's Union at the time of his "disappearance" in March 1984, were studying there. Alba de Mejía for the *Comité Hondureño de Mujeres por la Paz "Visitación Padilla"*, Honduran Women's Committee for Peace "Visitación Padilla", replied publicly that "If they were in Russia, how wonderful that would be!"<sup>20</sup>

## **Oscar Alexis COLINDRES CAMPOS, 24**

**Student of electrical engineering, computer programmer, "disappeared" 4 September 1981**

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<sup>20</sup>"¡si estuvieran en Rusia, que maravilla!"



"...we come to request of you and all those who govern our beloved Honduras, that you do this with justice, respect human rights and not violate the principles of our constitution... We believe that Honduras can still free itself of the repressive social and political violence... and it behoves you and all those in power to fight for our democratic system, where peace and justice reigns..."<sup>21</sup>

Fig. 3 Oscar Alexis Colindres Campos

(1981 letter of the Permanent Committee of Choluteca for the Defense of Human Rights to former President General Policarpo Paz García)

Twenty-four-year-old Oscar Alexis Colindres Campos "disappeared" in the neighbourhood of Comayagüela, Tegucigalpa as he was driving to his office on 4 September 1981. He was last seen as he left his home at about 8.00 am in his car, a yellow and cream Volkswagen, registration number P-2849. He never arrived at his office nor returned home, and his car was never found.

At the time of his "disappearance" he was a fourth-year student of electrical engineering at the *Universidad Nacional Autónoma de Honduras* (UNAH), the National Autonomous

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<sup>21</sup>"...acudimos para pedirle a usted y a todos los que gobiernan nuestra querida Honduras, que lo hagan con justicia, respetando los derechos humanos y no se violen los más elementales principios de nuestra constitución... Creemos General que todavía Honduras se puede librar de esa violencia represiva, social y política... y toca a usted y a todos los que tienen el poder luchar por nuestro sistema democrático donde impera la paz y la justicia..."

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University of Honduras, and had been working as a computer analyst at the *Consejo Superior de Planificación Económica* (COSUPLANE), a government planning office for two years.

In response to inquiries by the Colindres family, both the DNI and the FUSEP denied that he had been detained. The family approached the transportation authorities which issued an order that the Volkswagen be detained if found to be circulating in the Tegucigalpa area. No such car was found. For fifteen days, the family publicized Oscar Colindres' "disappearance" in the Honduran press, hoping to receive information that might reveal his whereabouts, but none was received. On 21 July 1982, a petition of *habeas corpus* was presented to the Honduran Supreme Court, but the authorities again denied holding him.

His case was immediately reported to the Inter-American Commission of Human Rights and to the United Nations Working Group on Disappearances.

The Honduran government subsequently provided information to the Working Group, which claimed that Oscar Colindres entered Costa Rica on 8 October 1981 and had not subsequently left. The government referred to a certificate issued by the Costa Rican Ministry of Public Security as documentary proof of his entry into Costa Rica on that date. However, the document in question referred not to Oscar Alexis Colindres Campos, but to a different person, Oscar Manuel Colindres Carias.

A certificate issued by the Costa Rican Ministry of Public Security reportedly stated that there were no records of Oscar Alexis Colindres Campos having entered the country. In several cases of "disappearance" Honduran government authorities have claimed that the "disappeared" had left the country.

## **Jorge Israel ZAVALA EURAKE, 34**

**Public accountant, grain merchant and former student leader, "disappeared" 8 September 1981**

"All the family continues to hope to determine the fate of my husband, particularly his children who year after year grow up with this uncertainty about their father."<sup>22</sup>

Fig. 4 Jorge Israel Zavala Eurake

(Iris Reyes de Zavala, wife of Jorge Zavala Eurake)

At around 10.00 am on 8 September 1991, the woman who ran the grocery store in Tegucigalpa's La Leona neighbourhood saw Jorge Zavala Eurake leaving his house to go shopping. She knew Jorge Zavala well, since he was a regular customer at the store, and a public accountant and local grain merchant. He had walked about half way down the block when she noticed that he was stopped by a group of men in plainclothes. She looked on incredulously as the men, about five of them, all armed, grabbed him, pushed him violently into a waiting yellow car and drove him away.

Once notified, Jorge Zavala's family visited all the security posts of the FUSEP but found no trace of him. They also made inquiries in hospitals and morgues, but to no avail. Petitions of *habeas corpus* were presented to several branches of the security forces, but all denied holding him. It is not clear why Jorge Zavala should have been abducted by the

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<sup>22</sup>"Toda nuestra familia sigue con la esperanza de conocer la situación de mi esposo, principalmente sus hijos, que año a año van creciendo con esa incertidumbre sobre su papá."

security forces but his case illustrates the fact that the technique of "disappearance" was not only used against suspected political activists.

A major breakthrough in the family's search came in October 1982, when a retired army colonel gave a taped press conference in Mexico City in which he affirmed that Jorge Zavala Eurake and other "disappeared" people had been abducted and executed by the head of Battalion 3-16 on the orders of General Gustavo Álvarez Martínez. The former head of Battalion 3-16 wrote a letter to Jorge Zavala's mother, Mercedes Eurake, in May 1984 in which he denied any involvement in the "disappearance" and promised to investigate the case. The allegations against him were never investigated by the judicial authorities.

### **Eduardo Aníbal BLANCO ARAYA, 23**

**Costa Rican mechanic, former sociology student and Methodist human rights activist, "disappeared" 14 November 1981**

**"I cry for him, for the dearest son who one day disappeared, in a country they called friendly. He left to seek his fortune and never came back; governmental entities told us they knew nothing, that they were not responsible for anything."<sup>23</sup>**

**Fig. 5 Eduardo Aníbal Blanco Araya**

(Roberto Blanco, father of Eduardo Aníbal Blanco Araya)

In June 1981 Eduardo Aníbal Blanco Araya and his wife, Gabriela Jiménez, left their native Costa Rica in search of employment in Honduras. In November of that year, he "disappeared". Before coming to work as a mechanic in Honduras, he had studied sociology at the University of Costa Rica and had been active in human rights programmes of the Methodist church in his country.

At around midday on 14 November 1981, Eduardo Aníbal Blanco drove off from his home in Comayagüela, to pay the water and telephone bills, telling his wife that he would be back by 7.00 pm. Three hours after he had left home, three men in plain clothes who identified themselves as agents of the DNI called at the house where they questioned Gabriela and searched the house before leaving. Eduardo Aníbal Blanco did not return that night. His wife called the Costa

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<sup>23</sup>"Estoy llorando por él por el hijo más querido que un día desapareció, diz que en un país amigo. Salió a probar fortuna y nunca jamás volvió; nos dijeron entidades del gobierno que ahí funge que no se sabía nada que no respondían por nada."

Rican Embassy in Honduras but they knew nothing of his whereabouts. Alarmed, she proceeded to visit all the hospitals, police stations and military outposts. The Honduran authorities denied that he had been detained and members of the FUSEP stated that they knew nothing of that would justify his detention.

After receiving anonymous death threats Gabriela Jiménez and her four-month-old son returned to Costa Rica on 24 November 1981. No further news of Eduardo Aníbal Blanco's whereabouts was received until 1 December 1981 when a released prisoner reported having talked to him on 20 November in the General Casamata barracks, a detention centre in Tegucigalpa used by the FUSEP. Honduran government representatives subsequently informed Amnesty International that Eduardo Aníbal Blanco had not been detained either by the DNI or FUSEP, but that following a search of the Blanco home, after Gabriela Jiménez had left for Costa Rica, illegal weapons and ammunition had been discovered. Relatives and others denied the arms allegation and said that he was not involved with any organization that used or advocated violence.

Amnesty International received further reports in March 1982 which indicated that Aníbal Blanco was still alive and in the custody of the Honduran security forces. In response to Amnesty International's inquiries about these reports, the Honduran Foreign Affairs Ministry stated that investigations would continue. In March 1982 the Costa Rican Parliament appointed a special commission to investigate the "disappearance" of three Costa Rican nationals in Honduras, including Eduardo Aníbal Blanco. The Commission met and heard evidence in May 1982. However, the Commission failed to discover the fate or whereabouts of the three Costa Ricans, and did not travel to Honduras to continue its investigations there, as the relatives had expected.

In April 1984, his parents in Costa Rica brought a legal action for illegal arrest against retired General Gustavo Álvarez Martínez, who had been in charge of army intelligence at the time of Eduardo Aníbal Blanco's "disappearance". General Álvarez left for Costa Rica in March 1984 upon his dismissal as commander-in-chief of the Honduran Armed Forces. A legal injunction preventing him from leaving Costa Rica was obtained from the court but before it could be executed, he had already left the country for Miami.

## **María Ediltrudis MONTES GIRÓN, 25**

**Economics student, "disappeared" 24 January 1982**

"What despairs me most and keeps me awake with anxiety is not to know where [my daughter] is, or if they killed her where have they left her remains... and to know the reason why they had to do what they did to her"<sup>24</sup>

Fig. 6 María Ediltrudis Montes Girón

(Lucila Girón, mother of María Ediltrudis Montes)

María Ediltrudis Montes Girón was travelling from Managua, Nicaragua to Tegucigalpa to see her family when the TICA BUS she was riding was stopped by Honduran police at the border town of El Guasaule. The other passengers watched nervously as Honduran security agents boarded the bus and detained Ediltrudis together with Julio Cesar Méndez Zavala, Francisco Samuel Pérez Borjas and Enrique López Hernández.

All four were never to be seen again. The Honduran authorities denied any knowledge of her fate or whereabouts.

Ediltrudis' sister Cristina Montes Girón de Domínguez obtained from the Nicaraguan Foreign Ministry a document certifying that Ediltrudis Montes had left Nicaragua on 24

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<sup>24</sup>"Lo que más me desespera y es motivo de desvelos es no saber dónde está o han quedado los restos de mi hija... si es que la mataron y cuál fué la causa para que procedan con ella así."

January 1982 through El Guasaule. Moreover, records kept by the Honduran immigration authorities also show that Ediltrudis Montes entered Honduras by El Guasaule that day.

Cristina de Domínguez claims to have seen the TICA BUS passenger list with Ediltrudis' name and the names of the other three "disappearance" victims. Eyewitnesses, who refused to testify officially, claimed that the armed agents identified themselves as members of the DNI and proceeded to treat the four detainees with excessive force.

While the reasons for her "disappearance" remain unclear, it may have been related to the fact that she had studied in Cuba on a scholarship. Hondurans returning from Nicaragua and Cuba were often suspected by the authorities of being sympathetic to the revolutionary governments of those countries.

### **José Eduardo BECERRA LANZA, 24**

**Student, Secretary General of the Federation of Honduran University Students,  
"disappeared" 1 August 1982**



**"I believe that it was necessary to seek justice, where precisely one believes justice is granted: in the Courts... [but] nobody practising law wanted to take on the case."<sup>25</sup>**

**Fig. 7 José Eduardo Becerra Lanza**

(María Gertrudis Lanza, mother of José Eduardo Becerra Lanza)

José Eduardo Becerra Lanza and two of his friends were leaving a late-night pharmacy in the centre of Tegucigalpa at around 10.00 pm on 1 August 1982, when they were arrested by individuals in plain clothes believed to be members of the DNI. The two friends were released the next day but they never saw José Eduardo Becerra Lanza again. Although they were separated on arrest, they believed José Eduardo Becerra Lanza had been taken to the DNI headquarters. About two weeks after his capture, he was reported to have been seen by a fellow detainee in a cell of the DNI, who said that José Eduardo was near death and suffering convulsions caused apparently by the torture he had received.

José Eduardo Becerra Lanza, was a student in his fourth year at the School of Medicine at the UNAH and Secretary General of the Federation of Honduran University Students (FEUH). Students of the university were particular targets of killings and "disappearances". Just three weeks after the abduction of José Eduardo Becerra Lanza, the bodies of another three students were found, one of them buried in a clandestine grave.

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<sup>25</sup>"Creí entonces, que era necesario buscar justicia, precisamente donde se cree que se imparte la justicia: los Tribunales... ningún profesional del Derecho quiso hacerse cargo del caso."

After his arrest, several *habeas corpus* petitions were presented on his behalf, but the Honduran authorities consistently denied holding him. An Armed Forces communique denied José Eduardo's detention and suggested he may have left the country under an assumed name.

In April 1984, María Gertrudis Lanza, mother of José Eduardo, filed another petition of *habeas corpus* after receiving information that her son, together with 14 other "disappeared" detainees were held in a clandestine prison in the basement of the barracks of the First Infantry Battalion, near Tegucigalpa. The petition proved fruitless. Similarly, legal proceedings against senior military and police officers by relatives of several "disappeared" people, including José Eduardo Becerra Lanza, stagnated and were closed in 1986.

María Gertrudis Lanza's hopes that the government of President Callejas would re-open investigations were quickly dashed. In March 1991, she sent an open letter to the government protesting the proposed promotion of the former DNI head, who the military had argued should be promoted to make up for the obstacle to his career caused by the legal proceedings against him in 1984 in connection with the "disappeared". In her letter she stated: "*[He] lost ten years of his military career, we lost our children*"<sup>26</sup>. Since then, she and her family have been subjected to threats and other forms of intimidation by individuals whom she believes to be security agents.

### **José FRECH GUTIÉRREZ, 30**

**Cattle dealer, "disappeared" 20 December 1982**

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<sup>26</sup>(El) *perdió 10 años de su carrera militar, nosotros perdimos a nuestros hijos.*"

"We implored the military authorities to give us our father back because we know our daddy is crying for us and we cry because we cannot see him."<sup>27</sup>

Fig. 8 José Frech Gutiérrez

(Letter by children of José Frech Gutiérrez)

José Frech Gutiérrez, a cattle dealer from El Progreso, department of Yoro, left his home early on 20 December 1982 to take the bus to Baracoa, department of Cortés, to buy cattle. He took with him enough money to make a purchase and a hand-gun which according to his family, cattle dealers often carry. He was accompanied by Alfredo Duarte, a Guatemalan cattle dealer. At Choloma, some 20 km from Baracoa, the bus was stopped by soldiers and DNI police agents, who asked the passengers for identification. José Frech, Alfredo Duarte and another passenger, none of

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<sup>27</sup>"Le pedimos a las autoridades militares que por favor nos devuelvan nuestro padre porque nosotros sabemos que mi papá se lo pasa llorando por nosotros y nosotros lloramos porque no le vemos a él."

whom had their identification documents with them, were taken off the bus. Witnesses said they heard José Frech trying to explain to the soldiers that he was going to buy cattle in Baracoa. On seeing that he was armed and carrying a large sum of money, the soldiers kicked him, shoved him and his assistant into a jeep and drove away.

José Frech's brother searched for him in all the military and police installations in Cortés and Yoro, as well as in hospitals around the country. Relatives took out paid advertisements in the national press, asking for information regarding his whereabouts. In the following months the family gathered overwhelming evidence indicating that the two men were being held by the security forces.

A man detained for several days in February 1983 by the DNI in San Pedro Sula (near Choloma) claimed on his release to have spoken to José Frech in the DNI headquarters. He said that José Frech had asked him to let the family know where he was being held and to say that he feared he might never be set free. A DNI policeman privately disclosed to the family that the men had been held in several clandestine detention centres, some of which were private houses, where they were interrogated by intelligence officers of the Armed Forces.

The evidence provided by witnesses and other sources was brought to the attention of the military authorities. A colonel from the Armed Forces High Command told relatives that he would appoint a military commission to investigate the case, and encouraged the family to present the evidence it had collected. These initial pledges to investigate soon proved hollow. The commission dismissed the testimonies presented and other evidence as unreliable, taking no steps to investigate the witnesses' allegations. In April 1983, disillusioned at the inaction of the military authorities, the relatives placed a formal complaint before the courts. Just days later, however, this initiative was thwarted as it became clear that the judiciary was powerless to pursue an independent investigation in the face of denial and obstruction by all branches of the security forces. The judge handling the case is reported to have told the family that the case was at a standstill because there was no one against whom to file the complaint. To this day, his family has not been told the truth about what happened to him.

## **Gustavo Adolfo MORALES FUNEZ, 35**

**Deputy Director of the National Lottery, economist and former trade union president, "disappeared" 18 March 1984**

**"...The people of Honduras watch with sorrow as these events repeat themselves while those who hold power seemingly do nothing to prevent it."<sup>28</sup>**

(Rina de Morales, wife of Gustavo Adolfo Morales Funez)

**Fig. 9 Gustavo Adolfo Morales Funez**

Every Sunday morning Gustavo Adolfo Morales Funez would drive along the Avenida de la Paz in Tegucigalpa to the Channel 5 television studios where he supervised the weekly National Lottery, of which he was deputy director. The avenue was also where Supreme court magistrate Luis Mendoza went jogging on a Sunday morning. At around 9.20 am on Sunday 18 March 1984, Luis Mendoza saw Gustavo Morales' distinctive mustard yellow Volkswagen being stopped by six men in civilian clothing. The men, armed with Uzi machine guns, ordered him to get out of the car. One of the men fired into the air as if to intimidate him. Luis Mendoza was amongst numerous onlookers that saw Gustavo Morales being violently forced into a blue van without number plates and driven off towards the east of the

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<sup>28</sup>"... todo el pueblo de Honduras que mira con pesadumbre como estos hechos se repiten sin parecer que las personas que ostentan el poder hagan nada para evitarlo".

city. A security guard at the nearby Foreign Affairs Ministry, who had been chatting to a member of the FUSEP on duty in the area, also witnessed the Volkswagen being followed.

Gustavo Morales' car was reportedly seen later that day in the car park of the DNI. The National Lottery Institute received a telephone call from an individual informing them that the car could be collected from the DNI compound and that further information on Gustavo Morales' detention could be obtained at a specific telephone number which, it was later confirmed, belonged to the DNI. However, the DNI subsequently denied that he had ever been arrested or held by that unit. Nothing more was heard of him, despite numerous appeals and a petition of *habeas corpus* presented two days after Gustavo's abduction by his family and human rights organizations.

His wife, Rina Oyuela de Morales, began a tireless search for him, sending countless appeals to government institutions and international organizations. Amnesty International issued urgent appeals for Gustavo Morales requesting clarification of his whereabouts and the reasons for his arrest and urging that he be immediately released unless charged and brought before a court. No reply was received from the Honduran authorities.

Gustavo Adolfo Morales had formerly been president of the *Sindicato de Trabajadores del Instituto Nacional Agrario* (SITRAINA), the Trade Union of Workers of the National Agrarian Institute. At the time of his abduction his work as a state employee meant he had no trade union affiliation. Nevertheless, SITRAINA and other affiliated trade unions undertook an extensive campaign involving street demonstrations and paid advertisements in the press calling for Gustavo Morales' release following his "disappearance".

## **Rolando VINDEL GONZÁLEZ, 39**

**Electrical technician and leader of the National Electricity Workers' Union,  
"disappeared" 18 March 1984**

"My only crime is to be a loyal defender of the interests of the workers and I strongly believe it is because of this that they want to destroy me and the trade movement. Through me they want to scare the workers so that they do not fight and become submissive. But nobody will be able to destroy our movement, because nobody is capable of stopping history itself."<sup>29</sup>

Fig. 10 Rolando Vindel González

(Rolando Vindel, 1981)

19 March is Fathers' Day in Honduras. For the four children of Rolando Vindel, however, this is not a day of celebration, since it was on the eve of Fathers' Day in 1984 that their father was abducted and "disappeared" at the hands of the state.

That morning, Rolando Vindel, president of the *Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica* (STENEE), the Union of Workers of the National Electricity Company, had been on his way to a union meeting in

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<sup>29</sup>"Mi único delito es ser fiel defensor de los intereses de los trabajadores y estoy convencido que es por eso que se me quiere destruir y destruir la organización sindical. Con mi ejemplo se quiere atemorizar a los trabajadores para que no luchen, para que sean sumisos. Pero nadie podrá destruir nuestras organizaciones, porque nadie es capaz de detener la historia misma."

Tegucigalpa to discuss the union's next move in deadlocked wage negotiations with the state-owned power company. It is believed that he was abducted by members of the Honduran security forces. Relatives and colleagues searched for him at police and military units around the capital but his detention was not acknowledged by the authorities. A writ of *habeas corpus* presented on his behalf on 20 March was unsuccessful.

Evidence gathered by local human rights organizations suggest that the captors were agents of the DNI. STENEE alleged that following his abduction Rolando Vindel was held at three different clandestine detention centres, which they identified as the *Centro Regional de Entrenamiento Militar* (CREM)<sup>30</sup>, the Regional Centre for Military Training, and the military bases at El Aguacate and Palmerola. The union reported that a Honduran army official had informed them, off the record, that Rolando Vindel had lost his mind because of the torture he had been subjected to. Officially, however, the Honduran authorities have repeatedly denied that he was ever in custody.

Following his disappearance, the union called a nation-wide daily five-hour work stoppage to demand that the whereabouts of their president be made known and protest the growing repression of trade unionists. The Ministry of Labour declared the strike illegal and ordered the army to take control of all electricity generating installations and the offices of the National Electricity Company in Tegucigalpa and other towns, during which several hundred people were arrested and detained for a few hours. Fifteen workers arrested during the strike were charged with sedition and later released in July 1984. STENEE was joined by other trade unions on 23 March in a demonstration in the capital attended by an estimated 15,000 workers to protest the arbitrary detentions of the previous days as well as the "disappearance" of Rolando Vindel. Wage negotiations came to a standstill and did not resume until August. STENEE reportedly offered to drop their labour demands in return for the release of Rolando Vindel. When this failed, the union offered a 20,000 lempiras (\$US 10,000) reward for information concerning the whereabouts of their president.

This was not the first time that Rolando Vindel had been detained for his trade union activity. In January 1981 he was held by the DNI on charges of subversion and later released for lack of evidence. Upon his release he denounced having received beatings, electric shock and death threats while in police custody in a full-page paid announcement in the newspaper *Tiempo*.

On learning of the "disappearance" of Rolando Vindel in 1984, Amnesty International issued urgent appeals for his safety. In response to these appeals, the Ministry of Labour reported that the National Congress had ordered its *Comisión de Garantías Constitucionales*

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<sup>30</sup>The CREM is a military base run by United States authorities, used at the time by U.S. Green Berets for the training of Salvadorian and Honduran troops.



*y de Seguridad del Estado*, the Committee of Constitutional Guarantees and the Security of the State, to investigate the case. Furthermore, the Minister stated that in response to a request by COFADEH, the then Commander-in-Chief of the Armed Forces, General Walter López Reyes, had empowered the *Auditoría General*, Office of the Judge Advocate of the Armed Forces, to follow-up any reports of abuses denounced by COFADEH. Other Amnesty International members received replies to their appeals from General López Reyes himself assuring them that it was the Honduran Armed Forces' policy to investigate and punish abuses by law enforcement agencies. However, to Amnesty International's knowledge no details were ever made public regarding the stage this supposed investigation had reached.

### **José Eduardo LÓPEZ, 38**

**Journalist and former vice president of CODEH, "disappeared" 24 December 1984**

"I have endured death threats by the 'death squads' and the state security forces...I make them solely responsible for anything that may happen to me."<sup>31</sup>

Fig. 11 José Eduardo López

(José Eduardo López, testimony to CODEH, April 1984)

José Eduardo López was a freelance journalist who wrote many articles criticizing conditions in the country. *"He questioned why the aid Honduras received was spent on arms instead of building schools and creating new jobs,"* his wife told Amnesty International. *"But of course in my country, talking about these things is to subvert the established order. I used to get angry with him for writing and for defending the human rights of others, I knew something would happen if he continued to write the truth."*<sup>32</sup>

In 1981 he was detained for five days and tortured. On his release he received death threats and in 1982 he fled to the United States where he applied for refugee status in

<sup>31</sup>"He sufrido amenazas a muerte por los escuadrones de la muerte y los cuerpos de seguridad del estado... Los hago únicos responsables de cualquier cosa que pudiera sucederme."

<sup>32</sup>"El cuestionaba porque en lugar de recibir armas, porque no se construían escuelas y nuevas fuentes de empleo. Pero claro en mi país, hablar de esas cosas es subvertir el orden establecido... me veo regañando [a José Eduardo] por escribir y defender los derechos humanos de otros, yo sabía que algo pasaría si él continuaba escribiendo la verdad".

Canada. In 1984 the Canadian authorities rejected his application stating that José Eduardo López had not demonstrated a well-founded fear of persecution.

He returned to Honduras, where he and his wife began saving money to enable them to emigrate to Europe with their three small children. Shortly after, a close friend was murdered, allegedly by the security forces. After receiving death threats from what he claimed were 'death squads' operating within the security forces, he gave a written testimony in April 1984 to the human rights organization CODEH, for which he had worked as a popular counsellor offering legal aid to the poor. In it he stated that he held the security forces responsible for anything that might befall him.

On Christmas Eve, 24 December 1984, shortly after leaving his home in San Pedro Sula to collect his pay-cheque, he was abducted by individuals believed to be members of the DNI. Although the DNI commander for San Pedro Sula denied holding him, a Salvadorian citizen detained for an immigration offence testified before a lawyer that he had seen José Eduardo López on 26 December in a DNI cell in San Pedro Sula. This witness was then re-arrested by the DNI and held incommunicado for a week, after which he was presented at a police press conference where he retracted his earlier allegations. Subsequent information provided by a deserter from a military intelligence unit and by a contact in the DNI confirmed the family's fears that José Eduardo López was tortured and killed by intelligence agents after his abduction.

His wife's vocal and energetic campaign for justice led to threats against the family. In 1986 the family left Honduras. Powerless in the face of the refusal of successive Honduran governments to account for José Eduardo López's "disappearance" his wife, Norma Melara, stated: *"I feel so impotent when I see that the situation in this country hasn't changed... I was struggling against a government and who was I, nobody, a grain of sand in a vast ocean."*<sup>33</sup>

## **Roger Samuel GONZÁLEZ ZELAYA, 24**

**Office worker, student leader, "disappeared" 19 April 1988**

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<sup>33</sup>"... me siento impotente al ver que la situación en el país no cambia... estaba peleando contra un gobierno y quien era yo, nadie un grano de arena dentro del gran océano".

"It is necessary in (those countries) where I reckon people live in an almost offensive wealth, for them to become fully aware of the tragedy of the "disappeared" in the poor countries of the world."<sup>34</sup>

Fig. 12 Roger Samuel González Zelaya

(Elvia Cristina Zelaya, mother of Roger Samuel González Zelaya)

"We are not holding him, nor have we ever detained him."<sup>35</sup>

(FUSEP colonel in a statement to the press May 1988)

"We know about this boy's detention...we acknowledge that he was detained by the Public Security Forces."<sup>36</sup>

(Statement of Honduran Armed Forces spokesperson May 1988)

Contradictory responses from the military are no longer a surprise to Elvia Zelaya, mother of "disappeared" student Roger González.

24-year-old Roger González, a leader of the *Federación de Estudiantes de Segunda Enseñanza* (FESE), the Federation of Secondary School Students, and an employee of the *Corporación Hondureña de Desarrollo Forestal (COHDEFOR)*, Honduran Corporation

<sup>34</sup>"Es necesario que cobren conciencia, en (los países) donde estimo que se vive en un lujo casi ofensivo, del drama de los desaparecidos en los pueblos pobres del mundo."

<sup>35</sup>"No le tenemos ni le hemos capturado en ninguna oportunidad"

<sup>36</sup>"Conocemos sobre la detención de este muchacho... Reconocemos que sí fue detenido por las Fuerzas de Seguridad Pública".

for Forest Development, was abducted in front of witnesses at midday on 19 April 1988 as he was walking through the Parque Central of Tegucigalpa. His captors were two men and a woman dressed in plain clothes. One of them was subsequently identified by a witness as a member of the DNI.

Five writs of *habeas corpus* were presented to Honduran courts on behalf of Roger González. In response to these, officials of the DNI, the FUSEP and of the First Infantry Battalion all denied that Roger González was in their custody. In one case the executing judge [*juez ejecutor*] was not even allowed access to the cells of the police unit named in the *habeas corpus* writ. A statement by the Armed Forces spokesman that Roger González had been captured by the FUSEP was later vehemently denied by FUSEP officials, one of whom added that Roger González was, in fact, wanted by the FUSEP in connection with a violent demonstration outside the US Embassy in Tegucigalpa on 7 April 1988.

In May 1988, relatives, friends and fellow students of Roger Samuel González Zelaya went on a hunger strike in the Parque Central of Tegucigalpa to protest against Roger's arrest and to appeal for his release. The hunger strike lasted 23 days and it was suspended after Roger's mother became ill.

In an interview given to the press on 8 October 1988, the then Head of the Armed Forces, declared that Roger Samuel González Zelaya was probably living in hiding abroad. However, **Fausto Reyes Caballero**, an ex-member of the 3-16 Battalion who fled to the United States after deserting, claimed in a testimony to human rights groups in 1988 that he had seen Roger González in mid-July in the headquarters of Battalion 3-16 in San Pedro Sula.

## **José Leonel SUAZO CASTILLO, 31**

**Student, worker at the National Census Office, "disappeared" 2 February 1989**

"We met [army] officials, visited military barracks and other installations and again the same result: it is as though the earth has swallowed José Leonel Suazo up."<sup>37</sup>

Fig. 13 José Leonel Suazo Castillo

(Letter from the mother of José Leonel Suazo to the Commander of the Armed Forces, March 1989)

When José Leonel Suazo Castillo was a child, he used to help his mother wash the uniforms of officers of the FUSEP. At the age of thirty-one he "disappeared", allegedly at the hands of that same security force unit.

A student of physical education and an employee of the National Census Office, he was reportedly detained at around 9.45 pm on 2 February 1989 in Tegucigalpa after leaving work. Two colleagues who had left with him reported that the three had been followed by individuals in a beige van with tinted windows and no number plates. Other witnesses claimed that the van stopped next to a taxi and the van's occupants had attempted to force José Leonel Suazo into their vehicle. He tried to escape, but was followed by the taxi.

Following his abduction, his family made inquiries at the headquarters of the FUSEP, and the headquarters of several military units. All denied holding him. Three writs of *habeas corpus* were presented on his behalf with no results. José Leonel Suazo had told his mother two days before that two agents of the Intelligence services had come looking for him at the school where he studied. He had not been there that day and he told his mother he did not know why they were looking for him.

<sup>37</sup>"Vimos oficiales, barracas y demás instalaciones y otra vez el mismo resultado: parece que la tierra se ha tragado a José Leonel Suazo."

His mother subsequently received information that José Leonel Suazo was being held in the FUSEP headquarters in Casamata, where she once did the laundry for military officers. A FUSEP official there reportedly told her to enquire at the DNI, since José Leonel Suazo had never been detained by the FUSEP. In response to a *habeas corpus* petition against them, the DNI denied holding José Leonel Suazo. On several visits to Casamata, she spoke to detainees who said they had seen José Leonel Suazo there. One claimed that he thought José Leonel Suazo had been transferred to the DNI. During a visit in May, she believes she saw her son at a distance, looking extremely thin.

The governmental *Comisión Interinstitucional de Derechos Humanos* issued a report which stated that the "disappearance" of José Leonel Suazo may have occurred in connection with a long-standing personal quarrel between José Leonel Suazo and an official of the Transport Police, a branch of the FUSEP. José Leonel Suazo's mother agrees that this may have been the motive, but she has been pleading with the authorities for over two years that he be tried before a court of law for any offence he may have committed, or else released. In the absence of a true system of justice, she believes the aggrieved citizen must act as the nation's conscience:

**"Although they may want to silence our voice, we are the moral conscience of a suffering people."<sup>38</sup>**

## **RECOMMENDATIONS REGARDING THE INVESTIGATION OF "DISAPPEARANCES"**

Amnesty International urges the government of Honduras to establish as a matter of urgency a Commission of Inquiry, with suitable guarantees of competence and independence, mandated to carry out a thorough and exhaustive investigation into cases of "disappearance". The organization believes that investigative procedures in the past have proven inadequate due to the lack of impartiality of the investigative body and the inappropriate methodology and resources employed. The following recommendations are offered as a guidance for conducting an investigation into the "disappeared". They are based on the experience Amnesty International has gained in documenting and acting on human rights violations in Honduras and elsewhere, as well as on existing international norms relating to the investigation of past human rights abuses. Amnesty International hopes the recommendations will contribute to the protection of the rights of those affected by the practice of "disappearance" in the past and to the safeguarding of human rights in Honduras in the future.

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<sup>38</sup>"Somos, aunque se nos quiera silenciar la voz, la conciencia moral de un pueblo que sufre" (COFADEH, March 1989)

### **1. Composition of the Commission**

The Commission members should be chosen for their recognized impartiality, competence and independence. They should not be closely associated with any government entity, political party or other entity potentially implicated in the "disappearance", nor with any organization or group associated with the victim, as this may damage the Commission's credibility.

### **2. Mandate and purpose of the Inquiry**

The Commission aims should be to provide a full account of the truth about these "disappearances" to the relatives and to society, to determine individual and collective responsibility for "disappearances", and to ensure that those responsible are brought to justice.

The Commission should investigate all allegations presented to it concerning documented cases of "disappearance" where the person is alleged to have been detained by the Honduran authorities, or by agents acting with their complicity.

The investigation should also include an examination of overall patterns of abuses and a critical analysis of the factors which contributed to the practice of "disappearance", such as the military or other structures which facilitated them and the ineffectiveness of relevant judicial institutions and legal mechanisms. It should also be charged with recommending appropriate legal, political and administrative measures aimed at preventing the recurrence of such acts.

### **3. Powers, methodology and resources**

The Commission should have the authority to obtain all information necessary to the inquiry. Wide notice of the establishment, scope and methodology of the Commission should be given and the invitation to present information to the Commission should be broadly disseminated.

The Commission should seek information as widely as possible, including from relatives of the victims and non-governmental organizations, particularly national and international human rights organizations and other sectors affected by the practice of "disappearance", including political parties, trade unions and student organizations. Victims' relatives should be informed of all relevant hearings and be allowed access to all other



information relating to their case. The Commission should be granted access to military, medical and legal records.

The Commission should be authorised to summon members of the Armed Forces, whether retired or in active service, and compel them to give testimony under legal sanction.

All those who collaborate with the Commission as witnesses or complainants should be offered all guarantees for their safety, as well as access to legal counsel.

Technical expertise in the fields of pathology, forensic anthropology and ballistics should be available to the Commission, as well as impartial legal advice to ensure that the investigation will produce admissible evidence for later criminal proceedings.

The methodology to be employed in exhumations, autopsies and analyses of bone remains should conform to the model protocols approved by the United Nations General Assembly in May 1990 based on the **Principles Relating to the Effective Prevention and Investigation of Extra-legal, Arbitrary or Summary Executions**.

#### **4. The Commission's conclusions and recommendations**

The Commission should make public its findings within a reasonable period of time. The Commission's report should constitute a complete, public and officially recognized register of the events surrounding the "disappearances" and of the identity of those responsible for perpetrating, ordering or tolerating "disappearances".

The report should include recommendations for measures to prevent the recurrence of similar abuses in the future. In particular, these should focus on a review of current compliance with existing norms and procedures regarding detention of suspects, and the thorough investigation of other alleged human rights violations by law enforcement officials.

Recommendations should be made regarding forms of reparation for the relatives of the "disappeared", in accordance with the principles of international law recognized by the government when it issued compensation in the Inter-American Court cases of Angel Manfredo Velásquez and Saul Godínez Cruz.

#### **5. Bringing those responsible to justice**

The Commission's conclusions should be submitted to the courts so that the appropriate legal proceedings can be initiated. Anyone alleged by the Commission to have been responsible for "disappearances" should be brought to justice. This should include those

who ordered, encouraged, permitted or carried out the "disappearance", whether they be current or former government officials, members of the security forces or of unofficial paramilitary groups.

Proceedings should be initiated before courts meeting internationally-recognized standards of fairness and impartiality and respecting the defendants' right to due process. If the suspect is a law enforcement official they should be immediately suspended from duty and tried before a civilian court. In the event of being found guilty they should be dismissed from their post.

Alleged perpetrators should be brought to trial and such trials should conclude with a clear verdict of guilt or innocence. Although Amnesty International takes no position on the nature of the sentence, the systematic imposition of penalties that bear little relationship to the seriousness of the offence brings the judicial process into disrepute and does not serve to deter future violations.

Amnesty laws which have the effect of preventing the emergence of the truth and subsequent accountability before the law should not be acceptable, whether effected by those responsible for the violations or by successor governments. However, Amnesty International takes no position regarding the granting of post-conviction pardons once the truth is known and the judicial process has been completed. The government should therefore give explicit instructions that the amnesty law of July 1991 not be used to block the prosecution of those responsible for "disappearances" and other human rights abuses.

¿DÓNDE ESTAN? WHERE ARE THEY?

<b>Tengo la lengua pegada al paladar</b>	My tongue sticks to the roof of my mouth
<b>de tanto repetir</b>	So often have I repeated your name
<b>tu nombre al viento.</b>	to the wind.
<b>Mis manos envejecen tocando</b>	My hands grow old knocking on

portones insensibles  
que me ofrecen silencios por  
respuesta...

unfeeling doors  
Which offer me silence in response...

...Como resaca,  
mi esperanza terca te busca  
en cada rostro, en cada  
dependencia.

Like the ebbing tide,  
My unyielding hope searches for you  
in every face, in every office.

No hay funcionario a quien  
no haya hecho testigo de mi pena  
Paseo por las plazas tu recuerdo,  
camino junto a la sonrisa de tu  
hijo...

There is no public official who has not  
witnessed my pain.  
I walk about the town squares  
with the memory of you,  
accompanied by the smile of your son...

Con mis ganas de verte he  
gastado las piedras.

I have worn down the stones  
with my longing to see you.

¿Dónde estás, dónde están?

Where are you? Where are they?

From the poem *¿Dónde estás, Roger?* by Elvia Cristina Zelaya de González, mother of  
Roger González Zelaya "disappeared" in 1988