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*amnesty international*

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## £HONDURAS

### @Lack of investigation into the possible extrajudicial execution of Manuel de Jesús Guerra

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On 8 December 1991 Manuel de Jesús Guerra Arita, assistant secretary of the *Central Nacional de Trabajadores del Campo* (CNTC), the National Union of Rural Workers was killed in unclear circumstances. Allegations have recently come to light which identify the perpetrators as members of the *Dirección Nacional de Investigaciones* (DNI), the National Directorate of Investigations, the investigative branch of the Honduran security forces. Amnesty International is concerned by indications that Honduran judicial authorities have failed to fully investigate these recent allegations pointing to the possible involvement of members of the security forces in the killing and have taken no effective steps to bring those responsible to justice.

Manuel de Jesús Guerra

On the morning of 9 December 1991 a bus driver discovered the vehicle and body of **Manuel de Jesús Guerra** by a highway near San Pedro Sula, department of Cortés. The vehicle appeared to have rolled down a ravine and crashed near a bridge over the Manchaguala river. The incident was initially reported as a car accident, however, an autopsy determined the victim had been killed instantly by a bullet fired into the right temple at close range. Residents in the sparsely populated area reported hearing the sound of a shot late Sunday night. Trade union colleagues claimed that hours prior to his death Manuel de Jesús Guerra had been at a union meeting to finalize CNTC activities in solidarity with the union of workers of the National Electricity Company, the *Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica* (STENEE), involved in a protracted nationwide labour conflict. A case was opened before the judge of the First Criminal Court [*Juzgado Primero de Letras de lo Criminal*] in San Pedro Sula. However, the preliminary stages of the investigation into the killing failed to identify any suspects and by the beginning of the year the case appeared to have made little progress.

In February 1992 a former DNI police collaborator voluntarily approached representatives of the San Pedro Sula office of the *Comité para la Defensa de los Derechos Humanos en Honduras* (CODEH), the Committee for the Defense of Human Rights in Honduras, with allegations of security force involvement in the killing of Manuel de Jesús Guerra. The witness claimed that his cousin, a DNI agent, had admitted participating in the killing together with three other DNI agents on the orders of a captain in the investigative branch of the security forces whom he identified by name.

The witness claimed, in his testimony to CODEH, that his cousin had described to him how two transport policemen [*agentes de tránsito*] stopped Manuel de Jesús Guerra's vehicle at a place called La Flecha and obliged him to give a ride to two DNI agents insisting that there was no public transportation available at such a late hour on a Sunday night. The cousin described how he had followed in his personal vehicle while another alleged DNI agent drove one without license plates belonging to the DNI. When Manuel de Jesús Guerra reached a stretch of highway near the Manchaguala bridge, he was forced to stop suddenly by the DNI vehicle which had abruptly crossed his path. Immediately one of the DNI agents in Guerra's car fired a shot into the CNTC leader's right temple, killing him instantly. The DNI agents then pushed Manuel de Jesús Guerra's vehicle down a ravine by the highway before heading off in the two cars to San Pedro Sula.

CODEH's investigation concluded that the witness' allegations were credible and the organization was able to confirm the identities of the DNI agents suspected. CODEH subsequently approached the judge of the court responsible for the investigation of the CNTC's

leader's killing to present the testimony of the witness. The judge reportedly refused to accept the witness' deposition arguing that he could do so only on the orders of the prosecuting or defense attorneys which had yet to be appointed. However, the Honduran code of penal procedures stipulates that the responsibility to uncover the truth of a punishable offence at the initial stages of an inquiry falls on the investigating judge in charge. The judge is obliged to undertake all measures to investigate the body of the crime [*corpus delicti*] as well as pursue examinations of individuals where a preliminary investigation has demonstrated it is appropriate.

CODEH made public its preliminary findings in February 1992 to pressure the Honduran judicial authorities to undertake a thorough investigation into the killing of Manuel de Jesús Guerra and to ensure the personal security of the witness and his family. In response, the director of the DNI in San Pedro Sula publicly declared the allegations false and claimed that none of those reportedly accused were police agents and therefore concluded that there was nothing for the police to investigate. Subsequently, two of the agents identified in the allegations confirmed in a press conference that they were both employees of the DNI but claimed that the agency's records proved that neither had left the police station the night of Manuel de Jesús Guerra's killing. The witness' cousin responded by publicly denying he was a DNI agent and his relationship to the witness. However, information received by Amnesty International indicates that the agent is the witness' second cousin and has been a DNI member for six years. No action appears to have been taken by the authorities to follow-up the allegations by the witness or to ascertain the identification of those responsible for the killing.

**While the circumstances of Manuel de Jesús Guerra's death remain unclear Amnesty International believes that the serious and detailed allegations made by the witness merit further investigation by the Honduran judicial authorities. The witness' claims are consistent with a pattern of killings and harassment committed against trade unionists in circumstances suggesting the possible participation of official security forces or individuals acting with their acquiescence. Amnesty International is concerned by the apparent failure of judicial authorities to pursue a full inquiry into the killing of Manuel de Jesús Guerra in view of these recent allegations. The organization urges the Honduran government to observe its obligation to undertake an exhaustive investigation into this case, to guarantee the personal security of the witness and his family and to bring to justice those responsible.**

## **BACKGROUND**

Labour conflicts have been prevalent under the present government of President Leonardo Rafael Callejas particularly since the administration began implementing a series of economic structural adjustment programs. The CNTC claims that Manuel de Jesús Guerra may have been targeted as a result of his active support for the nationwide strike of the union of employees of the National Electricity Company in protest of the government's privatization measures. The CNTC has also been actively protesting the Agricultural Modernization Law [*Ley de Modernización Agrícola*] which it argues reduces the access of rural workers to land-ownership.

Under the present government, trade unionists involved in labour conflicts have frequently been the targets of death threats, physical attacks as well as threatening and persistent surveillance by security forces. There have also been isolated cases of apparently politically-motivated killings in circumstances which, though unclear, suggest the participation of official security forces or individuals acting with their acquiescence.

AI is concerned that few of these cases have been officially investigated nor the perpetrators identified or brought to justice. In July 1991 the government decreed a sweeping amnesty law which effectively grants immunity from prosecution to military and police personnel allegedly involved in human rights violations committed in the past. Amnesty International made clear its opposition to the amnesty law arguing that the failure to punish human rights violations has given the perpetrators the belief that they can continue to commit similar acts again with impunity. The organization believes that the bringing to justice of those responsible for human rights abuses will give a clear indication to security personnel that unlawful practices will not be tolerated.

Amnesty International's recent concerns in Honduras are outlined in the June 1991 report Honduras: Persistence of human rights violations (AI Index: 37/02/91) and the July 1991 brief Honduras: New amnesty law comes into force (AI Index: 37/12/91).

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