

HONDURAS

José Eduardo López **20 years later: it is time for justice**

*“You were right, this is very painful; but I know this is necessary pain.
Eduardo’s story needs to be heard and never forgotten. It is sad to
know that somewhere in the world, someone is facing torture right now”*
Nora Melara de López

José Eduardo López was detained and tortured in August 1981. He was a freelance journalist and human rights activist in Honduras. In 1982 he fled to the United States after receiving repeated death threats. He was forced to return to Honduras, after his application for refugee status was denied. Death threats continued. On Christmas eve 1984 he was abducted by armed men, believed to have been members of the *Dirección Nacional de Investigaciones*, DNI, National Directorate of Investigations, a section of the Honduran *Fuerza de Seguridad Pública* (FUSEP), Public Security Force. He was never seen again - he “disappeared”. Until now no one has been brought to justice for the torture inflicted on him or for his “disappearance”. Amnesty International urges the authorities to initiate investigations on his torture and “disappearance” and to bring those responsible to justice.

Torture

José Eduardo López was detained on Monday 10 August 1981 in San Pedro Sula after being stopped by the police. He was taken to the DNI station. When his wife Nora went to inquire about his detention they denied having him. However, after her determined efforts (she managed to get into the DNI building and saw him at a distance) and calls from Amnesty International members among others, the authorities were forced to admit having him in detention. She was allowed to see him (for a few minutes) on Thursday 13 August. The following day he was released after she announced she would go on hunger strike outside the DNI headquarters if he was not.

In a conversation with a family member later on he recounted the treatment he was subjected to while in unacknowledged detention.

He said that in the room where torture took place there was a sound system playing very loud music so that others would not hear the screams. He was tied up from his feet and was then hanged from the ceiling. Then two people at different extremes of the room would swing him from one side to the other, hitting him on his ribs, chest, upper and lower back. On one occasion the torturers tied a bucket on his genitals and kept throwing stones on the bucket, which caused increasing pain as the bucket got heavier. On several occasions during interrogations, his torturers submerged his face in a barrel full of sewage liquid. He was also tortured with the “*capucha*”, a rubber hood impregnated in lime covering the face until he was close to suffocation.

He was also tortured with electric shocks in different sensitive parts of his body and many times he lost consciousness during this process. José Eduardo said that the pain was so unbearable that sometimes he had out of body experiences during the torture. He had similar experiences even afterwards when an event or situation triggered memories of the torture. During this detention he was also denied food and water. According to his wife he had lost almost seven kilograms of weight when he returned home. These torture methods were reported by many other victims to Amnesty International at the time.

After being released he received several death threats, he was followed and DNI agents were frequently seen near their home. Even though the family moved to a different city the threats continued which led to him fleeing to the United States in November 1982. He requested asylum in the Canadian consulate in Atlanta, Georgia. However, in January 1984 his request was rejected because, according to officials, he had failed to prove well-founded fear of persecution in Honduras. In late January he returned to Honduras.

On 3 April 1984 following the murder of a close friend and colleague, and many threats, he submitted a statement to CODEH in which he made the security forces responsible for any attempt that could take place against his life. He stated that he had been detained, held in custody and tortured on many occasions for holding ideas classified by the authorities as “exotic and strange”. He said he had been subjected to physical and psychological torture. He had been handcuffed, tied up and tortured with the “*capucha*” (hood).

On the morning of 24 December 1984 he failed to meet with his wife at her office in San Pedro Sula, as they had agreed. All her efforts to find him were unsuccessful. On 28 December a man called her and told her that he had seen José Eduardo on 26 December in one of the cells of the DNI. The witness, a man who had been reportedly in detention at the time for immigration problems, said José Eduardo López was in his underwear and showed signs of having been tortured and seemed to be badly hurt. The information was recorded in an affidavit which he signed under oath before a lawyer and a member of CODEH.

Later, in January 1985, the witness withdrew his original version after he was put in an isolation cell at the DNI headquarters in Tegucigalpa for about nine days. Amnesty International was convinced at the time that there were sufficient indications to start an investigation into the role of the Honduran political and military authorities in the “disappearance” of José Eduardo López. However, none was initiated.

José Eduardo López, born in October 1946, was a freelance journalist and had been Vice-president of the *Comité para la Defensa de los Derechos Humanos en Honduras*, CODEH (Committee for the Defence of Human Rights in Honduras). At the time of his disappearance he was a member of the advisory committee of CODEH in San Pedro Sula, where he offered legal aid to the poor. He had frequently denounced the human rights situation in his country. He was a well known critic of government policy of spending huge amounts in arms, instead of investing in building schools and creating jobs.

After his “disappearance” his family received several death threats, was subjected to harassment by phone tapping, unmarked cars parked near their home, tampering of car, and threats against one of his daughters. Eventually his wife and three children were forced to leave Honduras and now live in Canada.

New developments

José Eduardo López’s case of torture and “disappearance” is just one of dozens which took place in Honduras mainly in the early 1980s. As in most, if not all, of such cases there has been no proper and thorough investigation, no one has been brought to justice and impunity reigns.

In January 2001 the Canadian authorities arrested, José Barrera Martínez, a former member of the Honduran armed forces who had been living in the country since 1987. In 1998 the Canadian immigration service, after a two and a half year investigation, concluded that allegations related to his participation in human rights violations in the 1980s were credible. He remained at large until his arrest in January. He was deported back to Honduras in March.

In July 1987 he signed an affidavit, while in Mexico, in which he described many operations carried out by Battalion 3-16, from which he deserted in 1986 and then left the country. In those operations civilians were arrested and eventually executed. He provided the names of military personnel involved including details of his own role in the operations, and information about clandestine cemeteries where those executed were buried. The full statement was included in the 1993 report The Facts Speak for

Themselves¹, the Preliminary report on Disappearances of the National Commissioner for the Protection of Human Rights in Honduras.

José Barrera Martínez's return to Honduras could provide an opportunity for investigations to be initiated. Amnesty International believes that the authorities should take advantage of his return to Honduras and the information he may be able to provide to start a thorough investigation of the allegations of torture inflicted on José Eduardo López, to determine who was involved in those acts and bring them to trial. Amnesty International also believes that he may be in a position to provide information on other cases of torture and "disappearance" so that those responsible are finally brought to justice.

Country background

During the early 1980s Honduras witnessed a dramatic erosion of respect for human rights. From 1981 to 1984 extrajudicial executions were carried out selectively but systematically by the armed forces. Arbitrary arrests, torture and ill-treatment were widespread. Reports and testimonies received by Amnesty International at the time described severe beatings, electric shocks, hanging from the wrists or feet, the use of hoods which were pulled over the victim's head and tied around the neck; sexual abuse and threats of execution.² Blindfolding of detainees for long periods was also reported.

The victims included members of left-wing trade unions, peasant organizations, political and civil associations, dissident members of farming cooperatives, student activists and human rights workers. The human rights situation at that time was also affected by the impact on Honduras of armed conflicts in neighbouring countries, in particular El Salvador and Nicaragua.

One of the agencies most frequently implicated in politically motivated arrests and "disappearances" was the *Dirección Nacional de Investigaciones* (DNI). The DNI was the plainclothes investigative division of the *Fuerza de Seguridad Pública* (FUSEP), Public Security Force, a specialized branch of the armed forces with wide law enforcement responsibilities.

Torture is clearly prohibited by the Constitution of Honduras. Article 68 states: "No one shall be submitted to torture, or cruel, inhuman or degrading treatment or punishment". Torture is also prohibited by the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

The Honduran Penal Code contains specific provisions for offences involving the torture or cruel, inhuman or degrading treatment of detainees. Under Article 333 officials guilty of the torture or ill-treatment of people in their custody may be sentenced to between two and five years' imprisonment. However, Amnesty International knows of no cases of convictions by civilian courts of law enforcement personnel for torture, even in cases where the victims suffered serious injuries.

¹ www.conadeh.hn

² See Honduras, Civilian Authority - Military Power, Human rights violations in the 1980s (AI Index: AMR37/02/88); Honduras, Persistence of Human Rights Violations (AI Index: AMR 37/04/91)

Torture and “disappearances”

International human rights standards have defined the suffering caused to the relatives of the “disappeared” as a form of torture. For example, Article 1 (2) of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance states: “Any act of enforced disappearance ... inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia ... the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment”.

In addition, the Inter American Court of Human Rights, the European Court of Human Rights, the United Nations Human Rights Committee and the Inter American Commission on Human Rights have all stated that “disappearances” *per se* violate the right of the relatives of the “disappeared” not to be subjected to torture or ill-treatment.

The “disappearance” of José Eduardo López in 1984, therefore, constitutes a form of torture for his surviving family members.

Recommendations

Amnesty International believes that, even 20 years later, human rights violations should be thoroughly investigated. The organization believes that the Honduran authorities should take advantage of the return of an alleged witness to the country and initiate a thorough investigation into the case of José Eduardo López and those responsible should be brought to justice.

Authorities should ensure that those responsible for human rights violations, including those who issued orders to commit such violations, are brought to justice in trials which meet international standards of fairness.

Authorities should ensure that witnesses called to give testimony or provide evidence during judicial proceedings are protected.

WHAT YOU CAN DO

Please send courteously worded letters, preferably by airmail and in Spanish, to the authorities listed below:

- urging that a thorough investigation is carried out into the torture of José Eduardo López in 1981 and his “disappearance” in 1984;
- stating that his “disappearance” is cause of severe and continuing suffering to his relatives which amounts to torture and ill-treatment as stated in international human rights instruments;
- urging that those allegedly responsible for these human rights violations should be brought to justice.

PLEASE SEND APPEALS TO:

President

S.E. Carlos Roberto Flores Facussé
Casa Presidencial
Boulevard Juan Pablo Segundo
Tegucigalpa, Honduras
Fax: +504 234 1484

Minister of the Interior and Justice

Lic. Delmer Urbizo Panting
Ministro de Gobernación y Justicia
Palacio de los Ministerios, 2º Piso
Tegucigalpa, Honduras
Fax: +504 237 1121

Attorney General

Dr. Roy Edmundo Medina
Fiscal General de la República
Fiscalía General, Ministerio Público
Edificio Castillo Poujol, 4 Avda.
Colonia Palmira, Boulevard
Tegucigalpa, Honduras
Fax: +504 239 4750 / 239 3698

Director of Human Rights Office in the Ministry of Foreign Affairs

Lic Octavio Solomón Núñez
Director de la Oficina de Derechos Humanos
del Ministerio de Morazán
Relaciones Exteriores
Colonia Miraflores, Boulevard de las Fuerzas
Armadas
Tegucigalpa, Honduras
Fax: +504 234 1484

Copies to:

CODEH

Comité para la Defensa de
los Derechos Humanos en Honduras
Apartado Postal 3189
Tegucigalpa, Honduras
Fax: +504 237 9238

National HR Commissioner

Leo Valladares Lanza
Comisionado Nacional de los Derechos
Humanos
Apartado Postal No.2986
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Fax: +504 221 0528

