

EXTERNAL (for general distribution)

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HONDURAS: AMNESTY INTERNATIONAL'S RESPONSE TO THE
GOVERNMENT'S COMMENTS ON AI'S HONDURAS
REPORT

The following is the text of a letter which Amnesty International sent to the President of the Republic of Honduras, Leonardo Rafael Callejas, on 1 July 1991. It concerns a public statement issued by the President's press office on 18 June 1991 in response to the publication two days earlier of Amnesty International's report Honduras: Persistence of Human Rights Violations (AMR 37/04/91).

AI's report, which documents cases of torture, possible extrajudicial execution and other attacks against suspected government opponents, had been submitted to President Callejas in the form of a memorandum in May 1991.

In the statement issued by the President's press office, the government "regrets the contradiction in Amnesty International's document in that, on the one hand, it recognizes that under the administration of Rafael Leonardo Callejas Romero there have been no incidences of forced disappearance, but on the other hand it makes subjective appreciations about the State's conduct with regard to human rights in the country."

The statement said that the governmental Inter-institutional Commission on Human Rights had widely disseminated information about the government's actions on human rights and the government reiterated that it had issued "precise instructions at all levels that all those who violate the individual guarantees of the citizen should be punished in accordance with the law."

The statement also said that "it should not be interpreted that so-called political prisoners had been punished on account of their political ideology" but that they had been "had been found guilty in accordance with the law of committing criminal offences, having been arrested while illegally trafficking of arms for subversive groups or for planting explosive devices."*

Amnesty International's letter to the President also responds to statements made in June by the Procurator General of the Republic concerning investigations into cases of people who "disappeared" following detention under previous administrations.

STOP PRESS: Since writing to the Honduran government, Amnesty International has learnt that on 10 July 1991 the Legislative Assembly approved a decree granting a "broad and conditional amnesty" to those people convicted or being prosecuted for political offences or common crimes carried out in connection with these.

TG AMR 37/91.07

Su Excelencia
Lic. Rafael Leonardo Callejas
Presidente de la República de Honduras
Casa Presidencial
6ª Avenida, 1ª Calle
Tegucigalpa
Honduras

Londres, 1 de julio de 1991

Excelencia:

Hemos recibido copias de varios recortes de prensa que incluyen el texto de un comunicado distribuido por la Secretaría de Prensa de la Presidencia de la República en respuesta a la publicación de nuestro informe sobre la situación de los derechos humanos en Honduras. Este último estaba basado en el memorándum que dirigimos a Su Excelencia el 22 de mayo de 1991.

El comunicado de la Secretaría de Prensa afirma que Amnistía Internacional no ha tenido en cuenta las mejoras que ha introducido su gobierno en el campo de los derechos humanos. Amnistía Internacional reconoce, siempre que le es posible, las medidas gubernamentales que han redundado en beneficio de la situación de los derechos humanos. En el memorándum que le enviamos, al igual que en nuestro informe, reconocíamos que durante su mandato no se habían producido "desapariciones" y que las denuncias sobre homicidios políticos a manos de "escuadrones de la muerte" militares habían menguado considerablemente desde principios de la década de 1980. No obstante, estos cambios no atenúan la necesidad de tomar medidas enérgicas para poner fin a las graves violaciones de derechos humanos que siguen produciéndose en Honduras. En la carta que acompañaba al memorándum, invitábamos a Su Excelencia a que nos hiciera llegar sus comentarios sobre cualquiera de los asuntos o casos que éste contenía, y a que nos comunicara las medidas que hubiera tomado el gobierno para reforzar las salvaguardias de los derechos humanos en el país. Deseamos reiterar aquí nuestro interés en recibir esa información, y hemos tomado nota de la carta que nos envió el Ministerio de Relaciones Exteriores indicándonos que estaba recabando comentarios de las autoridades pertinentes sobre los diversos casos.

También hemos sabido que la Comisión Interinstitucional de Derechos Humanos posee información sobre los miembros de las fuerzas de seguridad declarados culpables de violaciones de derechos humanos, información que nos interesaría recibir. En concreto, sería de esperar que dicha información comprendiera detalles precisos de los casos en que se ha sancionado a miembros de las fuerzas de seguridad, con inclusión del nombre de las víctimas, la fecha en que ocurrieron los incidentes, el tipo de abuso perpetrado y las circunstancias en que se produjo, así como datos relativos al proceso judicial iniciado, en su caso, contra los responsables y sus resultados. Esta información ya ha sido solicitada a las autoridades hondureñas, aunque, lamentablemente, no se ha aportado ningún documento que justifique la aserción oficial de que los responsables de violaciones de derechos humanos están respondiendo de ellas ante la justicia.

Nos sorprende que en el comunicado de la Secretaría de Prensa se insinúe que los presos recluidos por delitos de motivación política han sido declarados culpables de transporte ilegal de armas o de colocación de artefactos explosivos, ya que, según la información de que disponemos, los juicios aún no han concluido. De hecho, tal afirmación suscita temores en lo relativo al derecho de estos procesados a la presunción de inocencia y a recibir un juicio imparcial, derechos garantizados a todos los presos, cualesquiera sean los cargos que se les imputen. Nuestros motivos de preocupación en estos casos, tal como indicamos en el informe, se basan en que los acusados afirmaron haber sido torturados antes de ser transferidos a la cárcel, en que la prolongada demora en proporcionarles representación letrada que han sufrido parte de los encausados podría haber restringido su derecho a recibir un juicio imparcial y sin dilación, así como en que algunos de los procesos llevan casi dos años de tramitación y todavía se encuentran en la fase de instrucción. El comunicado de la Secretaría de Prensa no hace referencia a estas cuestiones, y Amnistía Internacional agradecería recibir toda la información disponible sobre las investigaciones que se hayan realizado sobre estas posibles irregularidades y las medidas que se hayan tomado para remediarlas.

También nos han causado inquietud las recientes declaraciones del Procurador General de la República, Lic. Leonardo Matute Murillo, en relación con los "desaparecidos". Según tenemos entendido, el Lic. Matute afirmó que la información existente en la Oficina del Procurador General sobre 124 casos de "desapariciones" «está a la mano de todo el mundo». No obstante, según parece, cuando un grupo de representantes del Comité de Familiares de Detenidos-Desaparecidos en Honduras acudieron a la oficina del Procurador General, un funcionario les informó que las declaraciones del Lic. Matute habían sido malinterpretadas. También se han tenido noticias, no confirmadas, sobre un informe oficial sobre los "desaparecidos", aunque no está claro si, de existir, guarda relación con las investigaciones anunciadas en diciembre.

Le agradeceríamos tuviera a bien aclarar lo antes posible si existe un informe oficial sobre los "desaparecidos" y, en caso afirmativo, disponer su publicación inmediata. También instamos respetuosamente a Su Excelencia a que tome medidas para asegurar que la información de que dispone la Oficina del Procurador General acerca de estos casos se haga pública sin dilación a fin de no prolongar el sufrimiento de los familiares, que llevan muchos años buscando a sus seres queridos. Continuamos exhortando al gobierno de Su Excelencia a que esclarezca estos casos, haga comparecer a los responsables ante la justicia e indemnice, moral y materialmente, a los familiares de las víctimas.

Por último, hemos sabido con interés su decisión de recabar la ayuda de expertos de las Naciones Unidas para la tarea de mejorar el respeto por los derechos humanos, y nos complace su declaración de que el gobierno de Honduras «ha girado instrucciones precisas a todos los niveles para que sean sancionadas en base a derecho todas aquellas personas que violen las garantías individuales de los ciudadanos». Instamos a Su Excelencia a que plasme esta declaración en medidas concretas para garantizar que se cumplen estas instrucciones, asegurando, en concreto, que se dé a conocer públicamente la verdad sobre las violaciones de derechos humanos y que se haga comparecer ante la justicia a sus responsables.

Quedamos a la espera de su respuesta, en la confianza de poder entablar un diálogo constructivo con el común propósito de mejorar el respeto por los derechos humanos.

Muy atentamente,

Hervé Berger
Secretario General Adjunto

ENGLISH TRANSLATION OF LETTER TO PRESIDENT CALLEJAS

1 July 1991

Excellency:

We have received copies of several press cuttings which include the text of a statement issued by your Press Secretariat in response to the publication of our report on the human rights situation in Honduras. The latter was based on the memorandum sent to you on 23 May 1991.

The statement issued by your press office states that Amnesty International has failed to take into account improvements carried out by your government in the field of human rights. Amnesty International acknowledges wherever possible steps which have been taken by governments which have resulted in improvements in the human rights situation. In our memorandum to you, and in our report, we recognised that there have been no "disappearances" under your administration and that reports of political killings by army "death squads" have dropped considerably in number since the early 1980s. These changes, however, do not diminish the need to take strong measures to halt serious human rights violations which continue to occur in Honduras. In the letter which accompanied the memorandum, we invited you to send us your comments on any of the issues or cases contained in it, as well as any measures which your government was undertaking to strengthen human rights safeguards in your country. We would like to reiterate our interest in receiving such information, and have noted the letter from your Foreign Office indicating it was collecting comments on the various cases from the corresponding authorities.

We have noted also that the Inter-Institutional Human Rights Commission has information about members of the security forces convicted of human rights abuses, and would be interested in receiving this. In particular we would hope that any such information would give precise details of the cases in which the members of the security forces were sanctioned, including the names of the victims, the date the incidents occurred, the type of abuse which occurred and the circumstances in which they were committed, as well as information about any judicial proceedings initiated against those responsible and their outcome. Such information has been requested from Honduran authorities in the past but has unfortunately not resulted in any documentation to substantiate government claims that those responsible for human rights violations are being brought to justice.

We are surprised that your press office's statement should suggest that the prisoners held for politically motivated offences have been found guilty of transporting arms illegally or placing explosive devices since according to our information their trials are still continuing. Indeed, such an assertion would seem to raise concern in regard to their right to be presumed innocent until proven guilty, and their right to a fair trial, rights guaranteed to all prisoners whatever the charges against them. Our concerns in these cases are, as we stated in the report, that they alleged they were tortured before being transferred to prison, that their right to a fair and prompt trial may have been restricted by the long delays some of them experienced before being given legal representation and also by the fact that the legal proceedings against some of the detainees have been going on for nearly two years and are still in the preliminary sumario stage. Your press office's statement

does not address these issues and we would appreciate any information you may have about investigations into these alleged irregularities and what steps are being taken to remedy them.

We are also concerned about recent statements by the Procurator General, Lic. Leonardo Matute Murillo, concerning the "disappeared". We understand that Lic. Leonardo Matute stated that information which exists about 124 cases of "disappearances" in the Procurator General's Office "will be available to everybody". However, when representatives of the Committee of Relatives of Detainees and the Disappeared in Honduras went to the Procurator General's office they were reportedly informed by an employee there that Lic. Matute's statements had been misinterpreted. There have also been reports about an official report about the "disappeared", though these have not been confirmed, and it is not clear, if such a report exists, whether it relates to the investigations announced in December.

We would be grateful if you would clarify as soon as possible whether or not there is an official report on the "disappeared", and if there is, to make it public immediately. We also urge you respectfully to take steps to ensure that information on these cases which is in the Procurator General's office is made available as soon as possible. Failing to do so would only prolong the pain of the relatives who for many years have searched for their loved ones. We continue to urge your government to clarify these cases, bring to justice those responsible and provide moral and material compensation to the victims' families.

Finally, we have noted with interest your decision to request assistance from UN experts with regard to improving respect for human rights and we welcome your statement reiterating to the Honduran people and the International Community that the Honduran Government has issued "precise instructions at all levels that all those who violate individual guarantees of citizens will be sanctioned according to the law." We urge you to follow up this statement with concrete measures to ensure that these instructions are fulfilled, in particular by ensuring that the truth about human rights violations is made publicly known and that those responsible for human rights violations are brought to justice.

We look forward to hearing from you, in the hope that we may establish a constructive dialogue with the mutual aim of improving respect for human rights.

Yours sincerely,
Hervé Berger
Deputy Secretary General