



Velasquez Rodriguez v. Honduras

Resolution No. 22/86, Case 7920, April 18, 1986, OEA/Ser.L/V/II.68 Doc. 8 rev. 1, 26 September 1986

Country: Honduras

Region: Americas

Year: 1986

Court: Inter-American Commission on Human Rights Inter-American Commission on Human Rights

Health Topics: Prisons

Human Rights: Right to due process/fair trial, Right to liberty and security of person, Right to life

Facts

Angel Manfredo Velasquez Rodriguez (AMVR), a UNAH student, was arrested without warrant in Tegucigalpa on September 12, 1981. Eyewitnesses saw members of the National Investigation Directorate and G-2 (Intelligence) of the Armed Forces of Honduras apprehend and take AMVR to an unknown location. On September 9, 1981, the Government of Honduras recognized the jurisdiction of the Inter-American Court of Human Rights in accordance with Article 62 of the American Convention on Human Rights (the Convention).

It was believed that AMVR was first taken to II Station of Security Force in the El Manchón neighborhood, a facility known for torture. On September 17, 1981, AMVR was transferred to First Battalion of Infantry. The Government of Honduras denied his arrest. The Inter-American Commission on Human Rights (the Commission) requested confirmation and/or clarification of information regarding AMVR's case from the Government of Honduras. After repeated unsuccessful requests, the Commission presumed facts from the October 7, 1981 correspondence to be true and approved resolution 30/83. The resolution, transmitted to the Government of Honduras on October 11, 1983, alleged that the Government of Honduras had violated the right to life and the right to personal liberty of AMVR, as guaranteed by the Convention. The resolution also recommended that the Government of Honduras investigate the case and identify, apprehend, and hold accountable the people responsible for AMVR's disappearance.

The Government of Honduras responded on November 18, 1983. In its response, the Government asserted that legal domestic remedies had not been exhausted (a writ of habeas corpus was pending in the Supreme Court of Justice) and that AMVR was rumored to be with an El Salvadorian Guerilla group and was not in the country. When the Commission requested more information, the Government of Honduras claimed to know the identity of one of the individuals who apprehended AMVR.

On May 30, 1984, the Commission requested an update on the writ of habeas corpus mentioned in the November 18 correspondence and the investigation into the individual who arrested AMVR. The Government of Honduras requested more time as it had formed an Investigations Commission to investigate. The Government of Honduras later contacted the Commission, informing it that the Court had dismissed proceedings brought by the Investigation Commission against a number of people for murder, torture, abuse of authority and disobedience.

Decision and Reasoning

The Commission found that there was an unjust delay in the administration of justice and that the Government of Honduras had failed to show facts reported to be untrue and had not pursued an adequate investigation to clarify the facts. In particular, the results of the investigation on disappeared persons were unknown and sufficient time had passed from when facts that gave rise to the complaint were reported. In light of this, the Commission concluded that the Government of Honduras had not implemented the recommendations of the Commission and would thus give its opinions and conclusions on the issue.

The Commission confirmed all parts of resolution 30/83 and denied the Government of Honduras's request for reconsideration. The case was given to the Inter-American Court of Human Rights to decide whether rights to life (Article 1 of the American Convention on Human Rights), humane treatment (Article 5) and/or personal liberty (Article 7) had been violated. If the Court found such violations had occurred, the people responsible were to be held accountable and those injured were to be compensated.

Decision Excerpts

“That, in addition, the information provided by the Government of Honduras has been insufficient since the results of the investigation of the Special Commission on disappeared persons is unknown and sufficient time has elapsed since the facts which gave rise to this complaint were reported.” (page 6).

;

Copyright © 2015 www.GlobalHealthRights.org