

# WorldCourts™

---

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 23/86; Case No. 7951
Session:	Sixty-Seventh Session (8 – 18 April 1986)
Title/Style of Cause:	Francisco Fiaren Gargi and Yolanda Solis v. Honduras
Doc. Type:	Resolution
Decided by:	Chairman: Luis Adolfo Siles Salinas; First Vice Chairman: Gilda Russomano; Second Vice Chairman: Marco Tulio Bruni Celli; Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Messrs. Oliver Jackman
Dated:	18 April 1986
Citation:	Fiaren Gargi v. Hond., Case 7951, Inter-Am. C.H.R., Report No. 23/86, OEA/Ser.L/V/II.68, doc. 8 rev. 1 (1985-1986)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at <a href="http://www.worldcourts.com/index/eng/terms.htm">www.worldcourts.com/index/eng/terms.htm</a>

---

## HAVING SEEN:

1. Resolution No. 16/84, approved by the Commission at its 63rd Session, (October 1984), whereby, pursuant to the provisions of Article 42 (formerly Article 39) of its Regulations, it decided to presume to be true the facts that are the subject matter of this case, consisting in the arrest and disappearance of Mr. FRANCISCO FIAREN GARGI and Ms. YOLANDA SOLIS, on December 1, 1981, in Honduras, while they were passing through that country, and which recommended to the Government of Honduras that it adopt the pertinent measures regarding the situation examined, viz: a) it order a thorough investigation of the facts reported; it punish the persons responsible for those events; and c) it inform the Commission of the measures taken to implement its earlier recommendations.

2. That, in its note of October 29, 1984 (Official Letter No. 3004) the Government of Honduras submitted observations on Resolution 16/84, requesting its reconsideration since an investigation was under way by a (special) Investigating Commission to clarify the complaints about alleged violations of human rights, to identify those responsible for the facts and to punish the persons responsible for them, and offering to send to the Commission the reports on the results of the work of that (special) Investigating Commission.

3. That the Government of Honduras has not provided the information offered on the conduct and result of any investigations made by the above-mentioned (special) Investigating Commission nor those the IACHR requested in order to enable to continue studying the case.

4. That the Government of Honduras has not provided the information offered on the work of the (special) Investigating Commission nor that which the IACHR requested to enable it to continue to study the case.

5. That therefore the request for reconsideration of Resolution 16/84 is unfounded and lacks

information other than that already examined by the Commission, which could warrant a reconsideration of the decision taken by the Commission.

6. That the Government of Honduras has not implemented the recommendations of the Commission or that the measures taken to implement such recommendations have not been effective or have not succeeded in clarifying the facts about the subject matter of the case and the punishment of the persons responsible.

CONSIDERING:

1. That from the information presented in this case, both by the Government of Honduras and by the petitioner, it is inferred that those persons whose rights allegedly have been violated, or the person who is submitting the petition in their name and on their behalf, did not have access to the remedies of Honduran domestic law or was prevented from exhausting them;

2. That, in the case that is the subject matter of this resolution, the Commission has been unable, by reason of the nature of the petition, to apply the friendly settlement procedure provided for in Article 48, paragraph 1 f of the American Convention on Human Rights and in Article 45 of its Regulations;

3. That since the friendly settlement procedure is not applicable, the Commission pursuant to the provisions of Article 51, paragraph 1, of the Convention, gives its opinion and conclusions on the issue submitted to it for consideration;

4. That at its 67th session (April 1986) the Commission, in accordance with the provisions of Article 51, paragraph 1, of the Convention and pursuant to paragraph 3 of that article and, in addition, since all the time limits set for the purpose of enabling the above-mentioned Government to implement the recommendations of the Commission contained in resolution 16/84 and to report on the measures adopted, have expired, it has decided that the State of Honduras has not taken appropriate measures to remedy the situation examined;

5. That, in addition, since the friendly settlement procedure is not applicable, the Commission may, pursuant to Article 50 of its Regulations, submit the case to the Inter-American Court of Human Rights, if the Government has not implemented the recommendations made, and

6. That on September 9, 1981, the Government of Honduras declared its recognition of the competence of the Inter-American Court of Human Rights, in accordance with Article 62 of the Convention.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,  
RESOLVES:

1. To publish, in all its parts, Resolution 16/84 as well as the text of this Resolution pursuant to Article 63 g) of the Commission's Regulations.

2. To refer the case to the Inter-American Court of Human Rights for the purposes provided for in Article 63, paragraph 1, of the Convention and therefore that the Court may decide that there has been a violation of the rights to life (Article 1), to personal integrity (Article 5) and to personal liberty (Article 7) of the American Convention on Human Rights; that the consequences of the situation that constituted the violation of those rights should be repaired and that fair compensation should be granted to the injured party or parties.

3. To transmit this Resolution to the Inter-American Court of Human Rights, to the petitioner, and to the Government of Honduras, in accordance with the provisions of Article 50, paragraph 1, of the Regulations of the Commission.