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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 24/86; Case No. 8097
Session:	Sixty-Seventh Session (8 – 18 April 1986)
Title/Style of Cause:	Saul Godinez Cruz 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:	Godinez Cruz v. Hond., Case 8097, Inter-Am. C.H.R., Report No. 24/86, OEA/Ser.L/V/II.68, doc. 8 rev. 1 (1985-1986)
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HAVING SEEN:

1. Resolution No. 32/83, approved by the Commission at its 61st Session (October 1983), 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 Professor SAUL GODINEZ CRUZ on July 22, 1982, in Choluteca, Honduras; it recommended to the Government of Honduras that it adopt the pertinent measures on the situation examined, i.e.:

- a) that it order a complete and impartial investigation to determine the persons responsible for the facts reported;
- b) that it punish the persons responsible for those events; and
- c) that it inform the Commission of the measures taken to implement those recommendations, which was communicated to the Government of Honduras in its note of October 11, 1983.

2. That in its note of December 1, 1983 (Official Letter No. 1543) the Government of Honduras submitted observations on Resolution 32/83 requesting its reconsideration since an investigation by a (special) Investigating Commission was under way for the purpose of clarifying the complaints about alleged violations of human rights, establishing responsibilities for the events and punishing the persons responsible therefor, 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 results of the work of the Special Investigating Commission or that which the IACHR requested it to provide in order enable it to continue studying the case.

4. That, therefore, the request for reconsideration of Resolution 32/83 is unfounded and lacks information other than that already examined by the Commission that could warrant reconsideration of

the decision adopted at the 61st session.

5. That the Government of Honduras has not implemented the recommendations of the Commission.

CONSIDERING:

1. That from the information presented in this case, both by the above-mentioned government and by the petitioner, it is inferred that neither the person whose rights allegedly have been violated nor the persons petitioning in his name and on his behalf have not had access to the remedies of the domestic law of Honduras or were prevented from exhausting them.

2. That in the case that is the subject matter of this resolution, the Commission has not been able, by reason of the nature of the complaint, 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 the Commission, at its 67th session (April 1986), pursuant to the provisions of Article 51, paragraph 1 of the Convention and paragraph 3 of that article and, in addition, since all the periods set for the above-mentioned government to implement the recommendations contained in Resolution 32/83 have expired, has decided that the State of Honduras has not taken appropriate measures for remedying the situation examined.

5. That, in addition, since the friendly settlement procedure is not applicable to the case that is the subject matter of this resolution, the Commission may, pursuant to Article 50 of its Regulations, submit the case to the Inter-American Courts 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 jurisdiction 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 32/83 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 humane treatment (Article 5) and personal liberty (Article 7) of the American Convention on Human Rights; that the consequences of the situation that has constituted the violation of those rights should be repaired and that fair compensation be 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.

