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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 5/87; Case No. 9619
Session:	Sixty-Ninth Session (16 – 28 March 1987)
Title/Style of Cause:	Salvadoran Refugees from Colomoncagua Camp v. Honduras
Doc. Type:	Resolution
Decided by:	President, Dr. Gilda M.C.M. Russomano; First Vice President, Dr. Marco Tulio Bruni Celli; Second Vice President, Mr. Oliver T. Jackman. Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Luis Adolfo Siles Salinas
Dated:	28 March 1987
Citation:	Salvadoran Refugees v. Hond., Case 9619, Inter-Am. C.H.R., Report No. 5/87, OEA/Ser.L/V/II.71, doc. 9 rev. 1 (1986-1987)
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HAVING SEEN the pertinent background in this case, to wit:

1. In a cable dated September 4, 1985, the Inter-American Commission on Human Rights received the following denunciation:

WE DENOUNCE HONDURAN ARMY ATTACK ON SALVADORAN REFUGEES COLOMONCAGUA, HONDURAS, 29 LAST AUGUST: 2 DEAD INCLUDING BABY, 50 WOUNDED, 15 APPREHENDED, 2 WOMEN RAPED AND 7 PERSONS TORTURED. 3 IN CRITICAL CONDITION AT TEGUCIGALPA HOSPITAL. WE DEMAND PUNISHMENT OF GUILTY AND ASK PRECAUTIONARY MEASURES ARTICLE 26 OF REGULATIONS ON BEHALF OF REFUGEES AND DETAINEES.

2. The Commission, in a cable dated September 6, 1985, asked the Government of Honduras to provide the corresponding information, pursuant to Article 34 (formerly 31) of its Regulations. At the same time it requested the Honduran authorities, in view of the seriousness of the accusation, to adopt the pertinent precautionary measures to ensure that the acts covered by the denunciation would be actively and rapidly investigated, as well as to safeguard the victims and preserve the existence of other evidence for the corresponding investigation. The Commission further asked the Government of Honduras to adopt timely measures to prevent a repetition of such occurrences and to ensure due respect for the principle of no return stipulated in Article 22(8) of the American Convention on Human Rights.

3. In a cable of September 6, 1985, the Commission also reported the acts denounced to the Regional Office of the United Nations High Commissioner for Refugees (UNHCR) with headquarters in Costa Rica and asked for the adoption of effective measures to ensure full guarantee of the lives and safety of the refugees in Honduran territory and, particularly, the principle of no return.

4. In a communication dated September 6, 1984, the Commission reported to the claimant on

progress in the case.

5. The Government of Honduras, in a cable of September 11, 1985, responded to the request of the Commission as follows:

CONTENTS OF DENUNCIATION FORWARDED TO COMPETENT AUTHORITIES, REPORT AVAILABLE AS SOON AS SPECIFIC DATA OBTAINED.

TRANSCRIBED BELOW IS OFFICIAL COMMUNICATION ISSUED BY NATIONAL COMMISSION ON COLOMONCAGUA REFUGEE CAMP OCCURRENCES:

OFFICIAL COMMUNIQUE

NATIONAL COMMISSION ON REFUGEES REGRETTING UNFORTUNATE INCIDENT AT COLOMONCAGUA SALVADORAN REFUGEE CAMP, DEPARTMENT OF INTIBUCA, IN VIEW OF REPERCUSSIONS OF INCIDENT IN NATIONAL AND INTERNATIONAL CIRCLES, MAKES FOLLOWING OBSERVATIONS:

1. HONDURAN GOVERNMENT MOTIVATED STRICTLY BY HUMANITARIAN CONSIDERATIONS HAS OVER PAST SIX YEARS BEEN RECEIVING REFUGEES FROM NEIGHBORING COUNTRIES WITHIN ITS TERRITORY; THE PRESENCE OF THOUSANDS OF SUCH REFUGEES CREATED BY CENTRAL AMERICAN CRISIS HAS ECONOMIC, POLITICAL, SOCIAL AND SECURITY IMPLICATIONS. THIS SITUATION AND ITS EFFECTS HAVE CAUSED HONDURAN GOVERNMENT TO TAKE SUITABLE STEPS TO PREVENT CONFLICTS AFFECTING PUBLIC TRANQUILITY.

2. DESPITE ITS DIFFICULT ECONOMIC SITUATION HONDURAS HAS OFFERED ASYLUM TO ALL CENTRAL AMERICANS FLEEING VIOLENCE IN THEIR OWN COUNTRIES WHO HAVE REACHED ITS TERRITORY THROUGH THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) AND NATIONAL AND INTERNATIONAL NONGOVERNMENTAL HUMANITARIAN AGENCIES, EXTENDING HUMANITARIAN AID AND SUPPORTING THEIR REPRESENTATIVES IN THE SEVERAL CAMPS IN THE PERFORMANCE OF THEIR DUTIES.

3. OUR GOVERNMENT'S APPROACH, BASED ON TRUST AND GOOD WILL, IS DEMONSTRATED BY THE ABSENCE OF ANY ACTIVE PRESENCE OF HONDURAN AUTHORITIES IN THE REFUGEE CAMPS EITHER TEMPORARILY OR PERMANENTLY. THIS HAS LED TO COMMISSION OF ABUSES BY SOME REFUGEES AT VARIANCE WITH APOLITICAL POSITION AND RESPECT FOR HONDURAN LAWS WHICH MUST BE OBSERVED BY REFUGEES ENJOYING ASYLUM EXTENDED BY HONDURAS.

4. REGRETTABLE INCIDENT OF 29 AUGUST CITED ABOVE TOOK ADVANTAGE OF THIS SITUATION. ON 27 AUGUST WHEN MILITARY PATROL WAS INSPECTING AREA ADJACENT TO CAMP IT DETAINED SALVADORAN CITIZEN JOSE ANTONIO CHICAS SANCHEZ WHO WAS CARRYING AN M-16 RIFLE AND 4 CARTRIDGE CLIPS. UNDER QUESTIONING CITIZEN SAID HE WAS A REFUGEE AND REPORTED THAT COMPATRIOTS INVOLVED IN SUBVERSIVE ACTIVITIES WERE INSIDE THE CAMP.

5. BASED ON INFORMATION PROVIDED BY THE DETAINEE, THE MILITARY CHIEF SENT FOR UNHCR PROTECTION OFFICER TO REPORT BUT WHEN OFFICER COULD NOT BE FOUND DESPITE EFFORTS MADE MEN WERE ORDERED TO INSPECT THE CAMP. WHEN SOLDIERS ENTERED THE CAMP A GROUP OF REFUGEES REACTED VIOLENTLY TO THEIR PRESENCE AND ONE REFUGEE SEIZED THE GUN OF CORPORAL RAUL TREJO FLORES SHOOTING HIM IN THE LEG. LOGICALLY, IF THERE HAD BEEN NO SUCH VIOLENT REACTION AND DISRESPECT FOR AUTHORITY EVENTS CULMINATING IN THE DEATH OF THAT REFUGEE AND WOUNDING OF TWO OTHERS AS WELL AS THE ARREST OF TEN PERSONS PRESUMABLY ENGAGED IN SUBVERSIVE ACTIVITIES - NOW BEING HELD FOR INVESTIGATION AND TRIAL - WOULD NEVER HAVE OCCURRED.

6. THE GOVERNMENT, IN EXPRESSING REGRET FOR THE INCIDENT, STATES FOR THE RECORD ITS WILLINGNESS TO CONTINUE COOPERATING WITH THE HIGH COMMISSIONER IN ORDER TO PROVIDE PROTECTION AND HUMANITARIAN AID TO THE REFUGEES AND TO SOLVE ANY PROBLEM THAT MIGHT ARISE WITHIN THE FRAMEWORK OF MUTUAL COOPERATION AND OBSERVANCE BY THE REFUGEES OF THE PRINCIPLES DERIVING FROM RESPECT FOR NATIONAL SOVEREIGNTY AND INTERNATIONAL LAW. IT ALSO APPEALS TO HUMANITARIANISM AND SOLIDARITY OF GOVERNMENTS BASED ON LEGALLY REGULATED FOREIGN RELATIONS.

6. In a communication dated September 12, 1985, the Commission transmitted to the claimant the pertinent parts of the information supplied by the Government of Honduras, setting a term of 45 days for presentation of comments or observations.

7. The Government of Honduras, in a note of September 18, 1985 (No. 721-DGPE-DAI/1067) forwarded additional information consisting of an Official Communique of the Armed Forces of Honduras (No. 57/85), which reads as follows:

THE OFFICE OF PUBLIC RELATIONS OF THE ARMED FORCES OF HONDURAS HEREBY REPORTS THE FOLLOWING TO THE NATIONAL AND INTERNATIONAL PUBLIC:

1. That on the 27th of this month members of the Tenth Infantry Battalion captured Jose Antonio Chicas Sanchez in the area of Colomancagua, Department of Intibuca, confiscating an M-16-A1 rifle and four (4) cartridge clips.

2. During questioning of the detainee his nationality and active militancy in the Salvadoran guerrilla group were established beyond any doubt. He further stated that he and a large group of insurgents from the neighboring country had entered Honduras in order to regroup in the refugee camp located at this site and, eventually, to undertake, acting from Honduran territory, action against the government of the neighboring country.

3. Based on that report, the authorities of the Tenth Infantry battalion decided to conduct an inspection on the 19th of the same month and year, following a report to the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to ascertain whether those antisocial elements, who would be identified by Chicas Sanchez, had infiltrated the Colomoncagua Salvadoran refugee camp.

4. When the military patrol entered the refugee camp, an individual, taking Corporal Raul Trejo Flores by surprise, seized his gun and wounded him in the leg with the weapon. Another member of the Honduran patrol reacted by shooting the aggressor to death and wounding a third party with the same bullet. The military authority then apprehended ten (10) suspected subversives, who were informed of their rights. The person wounded in the confrontation is being cared for by Honduran medical professionals.

5. It should be pointed out that on several occasions the Armed Forces of Honduras have endeavored to set up a system of supervision and vigilance to prevent antisocial elements from using the refugee camps as sanctuary for their operations and provoking just such regrettable situations as this.

6. The Armed Forces of Honduras hereby reiterate that, in fulfillment of their constitutional duty, they will not permit any foreigner to disturb the peace and order in the Republic.

8. In a communication dated October 16, 1985, the petitioner made the comments and observations transcribed below, enclosing several items of evidence corroborating the fact denounced, consisting of public documentary proof and the testimony of a witness to those facts. That text is as follows:

In response to your request, we are forwarding additional information on the case:

1. Persons killed during the military invasion of the Colomoncagua refugee camp on August 29,

1985: Saul Manuel Romero, 23 years of age, and Gloria Noemi Blanco Argueta, two months.

2. Shot: Juan Cristo Perez, 3; Elias Vasquez, 4; Domitila Ramo, 13; Andrea Gomez, 48; Elia Hernandez, 19; Maura Ramirez, 42; Modesta Rodriguez, 61; Rutilio Arguta, 43; Santiago Gomez, 56; Santiago Hernandez, 62; Candelaria Maradiaga, 56; Eduardo Mejia, 70; Juan Saenz, 33 and Santos Vasquez, 33.

3. Beaten: Auxiliadora Vigil, 2; Julio Cesar Salazar, 12; Arturo Vasquez, 12; Leticia Argueta, 18; Maria Argueta, 19; Silvina Blanco, 34; Areli Bonilla, 22; Florentina Chicas, 27; Gloria Maribel Flores, 58; Sebastiana Gomez, 33; Anabel Marisol Hernandez, 16; Magdalena Marquez, 52; Elvira Membreco, 18; Prudencia Perez, 58; Elba Ramirez, 24; Cresencia Sanchez, 35; Sixta Sanchez, 20; Deysi Vasquez, 21; Mercedes Ventura, 25; Lucia Vigil, 29; Rafaela Vigil, 50; Elia Ramirez, 27; Modesta Ramirez, 28; Maria Alicia Ramos, 25; Ines Cruz, 23; Felipe Chicas, 69; Francisco Chicas, 76; Jeronimo Gomez, 80; Jose Guevara, 77; Aurelio Hernandez, 17; Ferdinando Hernandez, 66; Isidoro Hernandez, 38; Santos Ortiz, 68; Esteban Umanzor, 63; Concepcion Vigil, 26, and Francisco Vigil, 52.

[4] Raped: Estela Rodriguez, 24, and Concepcion Martinez.

Also attached are the denunciation lodged publicly by the Office of the Commission for the Protection of Human Rights in Honduras (CCDEH); the investigation conducted by the Office of the Archbishop of San Salvador, and on-site by the Bishop of Santa Rosa de Copan, anonymous testimony from refugees in English, and testimony from the Inter-Church Committee for Refugees of Toronto, Canada.

Sufficient evidence exists of the guilt of the Government of Honduras in those regrettable occurrences, which, unfortunately are part of the general climate of repression prevailing in that country in recent years. The status of the Salvadoran refugees is particularly difficult at this time since they are accused of belonging to or collaborating with the Salvadoran guerrillas, which makes them easier targets for government repression.

The Government of Honduras is guilty of violation of Articles 6, 7 and 9 of the Civil Political Rights Pact to which that country is a party and of the fundamental principles established by the Universal Declaration of Human Rights of the UN.

9. In a note of October 23, 1985, the Commission transmitted to the Government of Honduras the pertinent parts of the comments made by the petitioner, setting a period of 60 days from remitting all information on the case.

10. The Commission, in a letter dated October 29, 1985, to the Director of the UNHCR Office in Honduras, asked that it supply any available information on the progress of the case before the Honduran authorities. That request was made at the suggestion of the UNHCR office for the Protection of Refugees in Geneva.

11. Since the claimant, in a cable of October 30, 1985, reported that the Government of Honduras had officially announced relocation of the refugees from the Colomoncagua camp to a place called "Mesa Grande", the Commission, fearing for their safety, requested in a cable dated November 4, 1985, to the Government of Honduras information on that reported transfer. Likewise, in a communication dated November 4, 1985, it again reported to the UNHCR office in Tegucigalpa on the situation, expressing the fear that new violations of human rights might occur.

12. The Government of Honduras, in a note on December 3, 1985 (No. 1001) replied to the observations presented by the claimant (transmitted with the October 23, 1985, note), stating as follows:

In response to your note of October 23, 1985, and with reference to Case 9619, I should like to inform you that, having transmitted the denunciation of the events presumed to have occurred in the Colomoncagua refugee camp to the competent authorities, the latter proceeded to conduct the pertinent investigations, which, in their preliminary phase, produced the following results:

1. Mr. Saul Manuel Romero died after having forcibly seized the rifle of one of the soldiers, with which weapon he shot Corporal Raul Trejo Flores, wounding him in the leg.

The child Noemi Blanco Arguet, a two months old, died as the result of an illness of several days duration, as confirmed by Mrs. Maria Moreno Marquez, a resident in the camp at the time of the incident.

2. The possibility that several residents of the camp might have been beaten cannot be ruled out, since the soldiers conducting the inspection were met by refugees wielding small-calibre weapons, knives and pointed implements, shovels and stones. Consequently they were forced to repel the physical aggression towards them exhibited by foreigners who had been given refuge by the Government of Honduras for purely humanitarian reasons.

3. According to the report made to this ministry, it is completely untrue that women in the camp were raped. Estela Rodriguez, who participated directly in the physical aggression against the troops, was wounded in the ankle, prompting her to state that she would say that she had been raped. This account was confirmed by one of the refugees.

The Government of Honduras wishes to reaffirm to the Inter-American Commission on Human Rights its willingness to continue to offer protection and humanitarian aid to the refugees within the framework of the principles deriving from respect for national sovereignty and international law.

13. The Commission, in a communication dated December 16, 1985, transmitted to the petitioner the information from the Government of Honduras, setting a period of 45 days for its reply.

14. Since the Government of Honduras had posed questions, in a note of November 14, 1985 (No. 936-DAI-DSPE), received subsequently to the December 3 note cited in section 12, concerning the exhaustion of internal remedies, the Commission, in a note of December 18, 1985, to the Government provided the necessary clarifications. Likewise, on December 18, 1985, it asked the petitioner for further information on the status of the case before the Honduran authorities or the progress of their investigations. That request was renewed on January 22, 1986.

15. Since the deadline for submission by the Government of Honduras of the data requested in the October 23, 1985 note had passed, on February 10, 1986, the Commission again asked for such information to be sent.

16. The petitioner, in a communication of February 10, 1986, responded as follows to the reply of the Government of Honduras on December 3, 1985:

With regard to the response of the Government of Honduras dated December 3, 1985:

1. It is entirely untrue that Mr. Saul Manuel Romero died "after having forcibly seized the rifle of one of the soldiers, with which weapon he shot Corporal Raul Trejo Flores, wounding him in the leg." This could not be the direct cause of his death even admitting, as the Honduran Government would have us believe, that the refugee Romero offered resistance. The direct cause of his death was the physical violence committed against him by the Honduran soldiers, culminating, as we are told by the eye-witness Josefina Pugimon Colell, a Spanish-volunteer teacher, in his throat being cut. The refugee Saul Manuel Romero, according to the attached testimony, did not resist in any way, but even if he had instinctively defended himself, by grabbing the weapon or had even used it to wound Corporal Raul Trejo Flores in the leg, his violent death cannot be justified, as the Honduran Government maintains in its answer to the charges.

With reference to the child Noemi Blanco Argueta, two months old, who, according to the Honduran Government "died as the result of an illness of several days duration, as confirmed by Mrs. Maria Moreno

Marquez, a resident in the camp at the time of the incident," this is completely false. We cannot refute, since we do not know, the fact that the child might have been ill, but the direct and immediate cause of her death we do know, from the testimony of several refugees and of the Spaniard Josefina Purgimon Colell. The child was kicked by a soldier who attacked her grandmother, Silvina Blanco, 39, who was carrying the baby in her arms as she fled from her attackers. Against the word of Mrs. Maria Moreno Marquez, cited by the Government of Honduras, we offer the testimony of the child's grandmother, recorded on the cassettes we submit herewith, photographs showing the battered child and her grandmother and written testimony gathered by the Inter-Church Committee for Refugees/Inter-Church Committee for Human Rights of Canada.

As you will realize from listening carefully to the cassettes, the on-site witnesses refute the statements of the Honduran Government and describe in great detail the barbaric actions of the Honduran army. The photograph of the dead child clearly shows on the lower left part of her face the bruise caused by the kick of the Honduran soldier.

2. The Government of Honduras says that "The possibility that several residents of the camp might have been beaten cannot be ruled out, since the soldiers conducting the inspection were met by refugees wielding small-calibre weapons, knives and pointed implements, shovels and stones. Consequently they were forced to repel the physical aggression exhibited by the foreigners who had been given refuge by the Government of Honduras for purely humanitarian reasons." It would appear, following the reasoning of the Government of Honduras, that its army was attacked and reacted in legitimate self-defense to the aggression by the refugees while inspecting the camp on August 29.

The same position is inferred from the statement made in paragraph one, 1, of its response, declaring that Saul Manuel Romero had died "after having forcibly seized the rifle of one of the soldiers".

Neither Saul Manuel Romero nor any of the refugees in Colomocagua showed any aggressiveness whatsoever against the soldiers. The latter were the ones who forced their way in, as described in the testimony of Josefina Purgimon Colell, who said: "At no time did I see a single refugee display the slightest force against the soldiers; at all times they confined themselves to approaching the soldiers and asking them please not to mistreat their refugee companions. The soldiers who struck and tortured the refugees had painted their faces green and black. It was my impression that they were under the influence of drugs".

But if we again assume--a completely unrealistic premise--that the refugees had physically attacked the soldiers, did the latter have the right to kill them, to repress them as they did, to apprehend ten and torture them so barbarically?

The Honduran Government should, on the other hand, confess to the Commission that it was not just a matter of "several residents" of Colomocagua who were wounded. The Commission has already received the long list of refugees who were beaten or shot, in addition to the three killed and the ten captured and tortured. This list was drawn up by the Office of the Archbishop of San Salvador and the Bishop of Santa Rosa de Copan, Honduras. We ask the Government of Honduras to provide evidence of the weapons carried by the refugees and of the wounds inflicted by their attack. Finally, the Government of Honduras has reported its own version of the episode in that country, alleging that guerrillas of the Farabundo Marti Front for National Liberation (FMLN) of El Salvador were in the camp. From its standpoint, this is consistent with the account it is now relaying to the Inter-American Commission on Human Rights. The Office of the United Nations High Commissioner for Honduras noted in a communique published in the Honduran press that all of the refugees apprehended--the alleged guerrilla commandants--carried refugee documents and were under the protection of the UNHCR, thus refuting the government story. We bring this point up so that the Commission may be apprised of the malice with which the Honduran Government has sought to justify this gross violation of human rights. Moreover, these occurrences are not isolated ones, since there have been many cases of harassment and repression of Salvadoran refugees for the purpose of bringing about their forced repatriation or proposed relocation in the interior of the country for strictly military purposes.

3. Concerning the sexual violation committed by the Honduran soldiers and denied by that government in its writ, we base ourselves on the testimony given by the victim, Estela Rodriguez on one

of the cassettes we are remitting.

One item of evidence collected by the Canadian Inter-Church Committee for Refugees/Inter-Church Committee for Human Rights in Latin America also bears on the matter. The report by the Office of the Archbishop of San Salvador and the Bishop of Copan indicates that both Estela Rodriguez and Concepcion Martinez were raped by the Honduran soldiers.

I refer also to the information requested from us concerning the exhaustion of internal judicial remedies in the case in question.

The Vice-Chairman of the Commission for the Protection of Human Rights in Honduras, Mr. Oscar Anibal Puerto Possas, filed a writ of habeas corpus for Ramon Mejia, Anibal Marquez, David Torres, Albertario Sanchez, Braulio Chicas, Filadelfo Portillo, Raul Arguenta, Leonel Rodriguez, Domingo Vigil and Carlos Hernandez before the Supreme Court on September 4, 1985. Three months later, on December 9, 1985, the executory judge Samuel Cano argued "that it had not been executed because the secretary employed by him at the time had misplaced the document and he had been unaware of the fact." (See copy of the writ and footnote attached). On January 15, 1986, according to press reports, the ten men arrested by the Government of Honduras were deported to Lima, Peru. On January 22 of this year the CODEH Vice-Chairman asked for certification of judgment of the habeas corpus writ. To date we have no knowledge of any reply having been received from the Supreme Court of Honduras in that respect. As you will realize, an effort was made to exhaust internal remedies on behalf of the ten people apprehended but it was unproductive; pursuant to the provisions of Article 34, 2, d the parties concerned have been prevented from ensuring such exhaustion.

On the other hand, no attempt was made by the Commission for the Protection of Human Rights in Honduras (CODEH) to exhaust local justice in order to seek sanctions against those responsible for the occurrences of August 29, 1985, and to fix responsibility.

The reasons for proceeding in this manner are contained in a letter of reply to our request for information on the matter signed by its Chairman, Dr. Ramon Custodio Lopez, which we received only a few days ago.

If, in a case of habeas corpus, a recourse which is by its very nature expeditious, pursuant to the American Convention on the rights and Duties of Man, Art. 7(6) and the political constitution of that country, the papers have been "misplaced", what can be expected from an ordinary trial accusing the soldiers guilty of the violations? Which of the refugees would dare to testify against them?

This whole situation makes it impossible for internal remedies to be exhausted by the victims or by the agencies of human rights working on their behalf. Moreover, it must be noted that a widespread climate of repression is steadily being created in Honduras, leading to total disrespect for the law, especially with regard to human rights.

Therefore, given the gravity of the facts that concern us and the scope of the violations, we ask the honorable Inter-American Commission on Human Rights to:

1. Admit our petition in the case in question.
2. Pursuant to Article 40 of the Regulations, hold a hearing to inform itself more fully on the facts.
17. The Commission, in a note dated March 10, 1986, transmitted to the Government of Honduras the pertinent parts of the reply transcribed above, setting a term of 30 days for receipt of its comments or rejoinder.
18. In a cable of April 11, 1986, the Government of Honduras asked for a 30 day extension of the term for transmittal of such rejoinder.
19. The Government of Honduras, in a cable on April 7, 1985, transmitted by the Permanent Mission of Honduras to the OAS (Note No. 13 of April 7, 1985) stated that it would in due course report on the inquiries being made by the authorities based on the observations and reply of the petitioner.

20. The Commission took note of those communications during its 68th period of sessions (April 1986), having agreed not to grant the additional term of 30 days requested by the Government of Honduras on April 11, 1985. A note to that effect was sent to the Government of Honduras on April 28, 1986.

21. Since the Government of Honduras had not supplied the reports, the Commission in a note of July 28, 1986, again requested the same, noting possible application of the provision made in Article 42 of the Regulations to presume the truth of the facts denounced.

22. The Government of Honduras did not reply.

23. The petitioners, in a hearing before the Commission on September 22, 1986, during the 68th period of sessions of the Commission, stated in oral and written testimony that they had been the victims of sudden attack by the Armed Forces of Honduras at about 1:00 p.m. on August 29, 1985, at the Colomocagua Camp involving a number of soldiers under the command of a major Ramirez, that some refugees were taken from there to the town of La Esperanza for questioning by military authorities and were subjected to all kinds of outrages, mistreatment and beatings and finally transferred to the First Infantry Battalion in Tegucigalpa. From there those worse off were sent to a medical center where they were confined for 23 days without treatment and with very little food or water, accused of being Salvadoran guerrillas.

24. In addition the claimants made the following statement during that hearing:

1. That on August 29, 1985, as the Commission is aware, the Honduran army invaded the Colomocagua camp inhabited by Salvadoran refugees--including ourselves--in a military operation that seemed carefully planned in view of how they acted, killing three persons, one only two months of age, and beating and brutally intimidating the other refugees.

2. That on that occasion ten prisoners were taken and held incommunicado for more than four months at different detention sites in Honduras, having been cruelly subjected to both physical and mental torture, accused of being guerrillas or collaborators of Salvadoran guerrillas, which is completely untrue and ultimately deported to the Republic of Peru through the intervention of humanitarian agencies including the Red Cross and UNHCR in January of this year. Since May they have been under the protection of the Canadian Government.

3. That our families, wives, children and other relatives, are still in Honduras and we are justifiably afraid that they will suffer major reprisals since the refugee camps are the object of extremely strict and repressive treatment and vigilance.

4. That we have learned of the denunciation lodged in our behalf by the Commission for the Protection of Human Rights in Central America (CODEHUCA), with headquarters in San Jose, Costa Rica, which represents us in this case.

5. That we are gravely concerned by the fate of our fellow refugees currently in Honduras at different camps subject to the pressure of relocation and prevented from living a normal existence because of constant intimidation from the Honduran army.

#### CONSIDERING;

1. That all of the regulation provisions for processing of the case have been exhausted without the Honduran Government having provided the reports offered in the cable of April 4, 1986.

2. That the information provided by the Government of Honduras is insufficient to refute the denunciation and instead affirms commission of the acts covered by the complaint, pursuant to the



contents of paragraph two, 5, to the official communique of the National Commission for Refugees transmitted by the Government of Honduras in the cable dated September 11, 1985, transcribed above.

3. That, based on international law and in the terms of the international commitments of Honduras, the Honduran authorities are responsible for the situation, safety and integrity of refugees exiled in their territory. Consequently, the refusal to accept that responsibility, as inferred from the contents of the communique by the National Commission for Refugees, is unacceptable especially with reference to points 3 and 4 transcribed.

4. That the Government of Honduras did not specifically report to the Commission on the course of the investigations made to clarify the facts, to wit: what authority initiated the investigation, when did it begin, what suspects were apprehended and where were they detained and, finally, what is the status of the matter before the national authorities.

5. That, likewise, the information supplied subsequently in the press communique of the National Commission for Refugees (Note of 18/9/85-No. 721) raises serious questions, such as the following:

- a. What judicial authority (civil or military) took note of the detention of the suspected Salvadoran guerrilla Jose Antonio Chicas Sanchez;
- b. What suit was filed against that individual;
- c. Copy of the interrogation of that individual, and
- d. Information on whether Mr. Chicas Sanchez was assigned a competent lawyer during the interrogation and other formalities undertaken in his behalf and where he was placed on trial, the trial outcome and where he is serving his sentence.

6. That the Honduran Government has also failed to furnish information on the bloody events that occurred in Colomoncagua, of which the victims were Mr. Saul Romero, 23, and the child Gloria Noemi Blanco Argueta, two months, both killed in the incident or the several wounded, including the following: Juan Cristo Perez, 3; Elias Vasquez, 4; Domitila Ramo, 13; Andrea Gomez, 48; Elia Hernandez, 19; Maura Ramirez, 42; Modesta Rodriguez, 61; Rutilio Arguta, 43; Santiago Gomez, 56; Santiago Hernandez, 62; Candelaria Maradiaga, 56; Eduardo Mejia, 70; Juan Sanz, 33 and Santos Vasquez, 33. We do not know if a criminal trial was held to determine responsibility in those cases or its outcome.

7. That the Commission also failed to receive information on the legal status of the persons wounded during the course of the events or regarding the case of the alleged rape of Estela Rodriguez, 24 years of age, and Concepcion Martinez, whose age is not mentioned in the data received by the Commission.

8. That in the case covered by the complaint, the petitioner has not been permitted access to internal remedies or has been prevented from exhausting them, in which case the requisite provided for in Article 37 of the Regulations has been superseded.

9. That the Commission is in receipt of the testimony given by an eye-witness to the events that occurred in Colomoncagua. That witness belongs to an international humanitarian aid unit and, because of her status, is considered to be reliable. Her testimony affirms facts that coincide in every point with the details contained in the complaint lodged with the Commission, which is valuable evidence in favor of the truth of that denunciation.

10. That, as stated in the background to this resolution, the Commission also has available other testimony and presentations by the petitioners and eyewitnesses to the acts, all of which coincide with the other evidence mentioned, according to which it can be affirmed, beyond any reasonable doubt, that the

acts denounced occurred in the manner stated and that the Honduran authorities must accept a grave responsibility, especially the military leaders who ordered and those who carried out the operation of August 29, 1985, at the Colomoncagua Camp.

11. That Article 42 of the Regulations authorizes the Commission to presume the facts reported in the petition to be true, provided other evidence does not lead to a different conclusion, which is not the case in this instance.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To presume the facts described in Case 9619, occurring at the Colomoncagua, Honduras, refugee camp on August 29, 1985, to be true.

2. To point out to the Government of Honduras that the facts denounced in this case constitute serious violations of human rights in general and, specifically, of those set forth in Articles 4 (1); 5 (1) and 8 (1 and 2, c and d) of the American Convention on Human Rights.

3. To request the Government of Honduras to present to the Commission within 60 days a detailed and complete report on the course of the investigations conducted concerning the events that occurred at the Colomoncagua Camp, particularly whether trials have been held to establish the criminal responsibility for such acts and what has been their outcome, taking into account the serious nature of the acts and the cases of deaths, serious wounds, assault on children and rapes committed at that place on August 29, 1985.

4. To recommend that the Government of Honduras also report to the Commission within 60 days on the measures proposed with a view to granting the victims or their heirs the adequate indemnification to which they are entitled.

5. To include the text of this resolution in the Annual Report of the Commission to the OAS General Assembly, pursuant to Article 63, g of its Regulations.

6. To transmit this resolution to the Government of Honduras and to the petitioner.