

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 24/89; Case No. 9810
Session: Seventy-Sixth Session (18 – 29 September 1989)
Title/Style of Cause: Miguel Angel Ramos Ayala v. El Salvador
Doc. Type: Resolution
Decided by: Chairman: Oliver H. Jackman;
First Vice-Chairperson: Elsa Kelly;
Second Vice-Chairman: Leo Valladares Lanza;
Members: Gilda M.C.M. de Russomano; Marco Tulio Bruni Celli; John R. Stevenson; Patrick L. Robinson
Dated: 28 September 1989
Citation: Ramos Ayala v. El Sal., Case 9810, Inter-Am. C.H.R., Report No. 24/89, OEA/Ser.L/V/II.77, doc. 7 rev. 1 (1989-1990)

Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

BACKGROUND:

1. On September 5, 1986, the Inter-American Commission on Human Rights received the following complaint:

On January 24, 1986, MIGUEL ANGEL RAMOS AYALA, a Salvadoran, 23 years old, a small farmer domiciled in Las Arañas Canton, Jiquilisco jurisdiction, department of Usulután, El Salvador, was seized in his home by soldiers of the Sixth Infantry Brigade of the Armed Forces of the Government of El Salvador, which was conducting a combing operation in the Canton. Soldiers entered the victim's house and asked his wife for water, but one of them recognized MIGUEL ANGEL RAMOS AYALA, who previously as a member of a patrol had been captured and taken to San Salvador as a political prisoner on March 8, 1985, transferred to the military authorities and set free on May 9, 1985.

The victim was led by his captors to a place called "Lempa Mar." Several witnesses saw him weeping, bound, and being subjected to threats, blows, and torture. One witness asserts that he conversed with the victim, who said to him: "I'll get back home if God wills, and if I don't my family must bear with it." Ramos Ayala's wife wanted to talk to him but was prevented from doing so by the soldiers, who threatened to take her prisoner, too. They told her that her husband would return home on January 25, 1986.

Witnesses say that at about eleven o'clock on the night of January 24 they heard shots. Later a soldier came to the victim's house to ask for "tortillas," and Mrs. Ramos Ayala asserts that he was wearing her husband's hat.

When the soldiers had been in the Canton seven days, the victim's family went to the place where they were told Ramos Ayala's remains had been buried.

The soldiers themselves told of having killed a guerrilla in Las Arañas Canton.

2. On September 16, 1986, the relevant parts of this complaint were transmitted to the Government of El Salvador, which was given 90 days to reply to the Commission's request for a report.

3. The deadline being long past with no reply received, on June 1, 1987, the IACHR repeated its request for information to the Government of El Salvador, with an additional 30 days in which to supply it.

4. This extension of the deadline granted to the Government of El Salvador having also expired without any reply or request for a further extension being received, a request for cooperation was made to the Governmental Commission on Human Rights of El Salvador, to which an additional copy was sent with a complete account of all cases in which replies had still not been received.

5. On the occasion of his presentation to the plenary Commission during its 74th Session in September 1988, the Executive Secretary of the Governmental Commission on Human Rights of El Salvador personally brought the following note in reply:

MIGUEL ANGEL RAMOS AYALA does not figure as a detainee on the control records carried for the purpose by the Commission on Human Rights of El Salvador, CHR.

CONSIDERING:

1. That the complaint meets the formal requirements for admissibility in Article 46 (d) of the American Convention on Human Rights and Article 32 of the Regulations of the Inter-American Commission on Human Rights;

2. That in the present case it is manifest that the victim has been unable to obtain effective protection by the jurisdictional authorities, thus rendering inapplicable the requirement of exhaustion of domestic remedies under paragraph 2(b) in Article 46 of the American Convention;

3. That the procedure for friendly settlement referred to in Articles 48 (f) and 45 of the American Convention and the Commission's Regulations, respectively, is inapplicable to the present case;

4. That the complaint is not pending settlement by some other international procedure and so is not subject to the disqualification envisaged in Articles 47 (d) of the American Convention or paragraph 1, Article 39 of the Commission's Regulations;

5. That the complaint does not duplicate a previous petition already examined by the Commission, and thereby escapes the same disqualification of Articles 47 (d) of the American Convention and paragraph 1, Article 39 of the Commission's Regulations;

6. That in the present case all steps have been taken to obtain from the Government of El Salvador satisfactory information on the murder of the person mentioned, and all the legal and regulatory procedures established in the Convention and the Commission's Regulations have been exhausted;

7. That the official reply of the Government of El Salvador conveys no indication as to whether any investigation has actually been made into the facts charged in order to establish the identity of the soldiers who illegally seized MIGUEL ANGEL RAMOS AYALA in his home and subsequently killed him nor that of the officers who ordered this done, if such was the case;

8. That the deed charged is corroborated in the direct testimony of the victim's wife, who was an eyewitness to the forcing of her husband out of his home and to his removal hence by force and against his will by men of the Sixth Infantry Brigade;

9. That there are witnesses who later saw MIGUEL ANGEL RAMOS AYALA being struck by soldiers and, in an interlude of inattention on their part, were able to converse with him, and that he expressed fear of being killed by the soldiers, which they indeed did later on.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
Exercising the powers vested in it,
RESOLVES:

1. To declare, in light of the foregoing, that the Government of El Salvador has violated Articles 4 (right to life), 5 (right to humane treatment), and 7 (right to personal liberty) in connection with Article 1 (1) of the American Convention on Human Rights, to which El Salvador is a party, in respect of the murder of MIGUEL ANGEL RAMOS AYALA.
2. To recommend to the Government of El Salvador that it order a complete and impartial investigation to identify the perpetrators of the acts charged, punish them in accordance with Salvadoran law, that fair compensation be granted to the family, and advise the Commission within 90 days on the steps taken to act on the recommendations set forth in this resolution.
3. To transmit this resolution to the Government of El Salvador and to the complainant.
4. To include this resolution in the Annual Report to the General Assembly of the Organization of American States if information in the terms of the paragraph 2, above, is not.