

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 14/92; Case No. 10.477
Session: Eighty-First (3 – 14 February 1992)
Title/Style of Cause: Leonardo Ramirez Murcia v. El Salvador
Doc. Type: Report
Decided by: Chairman: Marco Tulio Bruni Celli;
First Vice Chairman: Oscar Luján Fappiano;
Second Vice Chairman: Michael Reisman;
Members: Oliver H. Jackman; Leo Valladares Lanza; Patrick L. Robinson;
Alvaro Tirado Mejía.
Dated: 04 February 1992
Citation: Ramirez Murcia v. El Sal., Case 10.477, Inter-Am. C.H.R., Report No. 14/92, OEA/Ser.L/V/II.81, doc. 6 rev. 1 (1991)
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

HAVING SEEN:

1. The petition received by the Inter-American Commission on Human Rights, dated July 21, 1989, whereby:

On July 18, at 10:00 a.m., Mr. Leonardo Ramirez Murcia, Legal Counsel to the Human Rights Commission of El Salvador (CDHES), was abducted by members of the Treasury Police dressed in civilian attire, as he was leaving the "La Esperanza" Prison Facility in Mariona, San Salvador, after taking care of certain professional duties.

During his captivity, they assured Mr. Ramirez Murcia that they had proof of his ties to the FMLN and that his job was to "release guerrillas and terrorists captured and taken into custody by security forces." Ramirez Murcia was beaten at the Headquarters of the Treasury Police to force him to admit to the charges made against him, such as his supposed involvement in the murder of Dr. Antonio Rodriguez Porth and the attack on the home of the Vice President of the Republic, Lic. Francisco Merino. The charges were utterly groundless, which only serves to show the methods used by the Treasury Police to conduct their investigations. Basically, these methods rely on physical and psychological torture to obtain extra judicial statements from innocent people.

2. Through a note dated September 6, 1989, the Commission began its processing of the case and requested the Government of El Salvador to supply the pertinent information on the facts denounced in that communication and any other information that would show whether the remedies under domestic law had been exhausted in the case in question; the Commission informed the Government that it had 90 days in which to reply.

3. In September 28, 1989, the Government of El Salvador replied, reporting that:

Mr. Ramirez Murcia was captured on July 18, 1989, in the city of Mejicanos by members of the National

Police Force, as a suspected member of a terrorist group called the National Resistance. Released that same day and remanded to envoys from the ICRC.

4. To date no further communications have been received from the Government of El Salvador in connection with the way in which the arrest was made or the mistreatment to which Mr. Ramirez Murcia was subjected while in custody.

5. At its 79th session, the Commission adopted Report N° 23/91, which was dispatched to the Government of El Salvador so that it might formulate whatever observations it deemed appropriate, within three months of the date of dispatch. The report indicated that if the case was not settled by the Government, or submitted by it to the Court, the Commission would decide whether to publish the report.

CONSIDERING:

1. That the Commission is competent to hear the present case inasmuch as it concerns violations of rights upheld in the American Convention on Human Rights, Article 5 on the right to humane treatment and Article 7 on the right to personal liberty as provided under Article 44 of the Convention, of which El Salvador is a State Party.

2. That the petition satisfies the formal requirements for admissibility, as set forth in the American Convention on Human Rights and in the Regulations of the Commission.

3. The petition is not pending action in any other international arrangement and is not a restatement of a petition already examined by the Commission.

4. That in El Salvador the practice of detaining people without observing the proper legal and constitutional formalities has become widespread practice and it often happens that interrogations involve physical and psychological abuse, which lead to extrajudicial confessions exacted during the period the individual is held in administrative custody.

5. That numerous members of human rights organizations in El Salvador have been the target of constant harassment and interference in the process of trying to go about their normal business, even though, as in the case of Mr. Ramirez Murcia, there have been no real charges against them to justify their arrest. In this regard, at its twentieth regular session in Asuncion, Paraguay, the General Assembly of the Organization of American States approved resolution AG/doc.2643/90, rev. 1 (XX-0/90), operative paragraph of which reads as follows:

4. To repeat the recommendation made in prior years to the governments of the member states that they grant the necessary guarantees and facilities to enable non governmental human rights organizations to continue contributing to the promotion and protection of human rights, and that they respect the freedom and safety of the members of such organizations.

6. That by not responding, the Government has failed to comply with its international obligation to supply the Commission with information within a reasonable time period, as provided in Article 48 of the Convention.

7. That since the friendly settlement procedure provided for in Article 48.1.f of the American Convention does not apply because of the nature of the facts denounced, and in the absence of any response from the Government, the Commission must comply with the provisions of Article 50, paragraph 1 of the Convention, by issuing its findings and recommendations on the petition presented to it for consideration.

8. That the Government of El Salvador has not submitted observations on Report N° 23/91.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To declare that the Government of El Salvador is responsible for the violation of the right to humane treatment, the right to personal liberty (Articles 5 and 7 of the Convention) of Mr. Leonardo Ramirez Murcia; according to the complaint received at the Commission on July 21, 1989.

2. To declare that the Government of El Salvador has failed to comply with its obligations to respect the human rights and fundamental guarantees, pursuant to Article 1 of the American Convention on Human Rights.

3. To make the following recommendations to the Government of El Salvador, based on Article 50.3 of the Convention and Article 47 of the Regulations of the Commission:

a. To conduct a thorough, rapid and impartial investigation into the facts denounced, in order to bring those responsible to justice so that they may receive the punishments warranted by such grave conduct.

b. To adopt the necessary measures to prevent such crimes in the future.

c. To make reparations for the consequences of the violation of said rights and to pay the next-of-kin a just indemnity.

4. Request the Government of El Salvador to inform the Commission regarding the measures it is adopting in the present case, in accordance with the recommendations formulated in paragraph 3 of the operative part of this report.

5. Publish this report by including it in the Annual Report to be presented to the General Assembly, in accordance with Article 48 of the Regulations of the Commission; since the Government of El Salvador did not inform the Commission of the measures it has taken to remedy the situation, within the period prescribed in Report N° 23/91.