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HONDURAS

TORTURE AND MURDER BY GOVERNMENT FORCES PERSIST DESPITE END OF HOSTILITIES

CONTENTS

I. Introduction	1
II. Killings, Torture, and Other Violent Abuses	3
A. Obstruction of Justice by Authorities	3
B. Violence Against Peasant Activists.....	4
C. Violence Against Students	6
D. Murder of a Union Leader	8
E. Violence Against Common Crime Suspects	9
III. Failure to Comply Fully With Inter-American Court of Human Rights Rulings.....	10
IV. U.S. Policy.....	11
APPENDIX: Dispute Over Defector's Allegations	11

I. INTRODUCTION

Great political changes in Central America in the last two years provided hope for better human rights conditions in Honduras. An election in Nicaragua removed the Sandinistas from government, greatly reducing the ideological tensions between Tegucigalpa and Managua which had been exploited by the Honduran armed forces to justify military prepotency. The Nicaraguan *contras*, who had waged war on the Sandinistas from base camps in Honduras since 1981, subsequently returned to their homeland. At the same time, Salvadoran refugee camps, which the Honduran army had frequently labelled sources of Marxist subversion, nearly emptied.

Unfortunately, grave human rights abuses persist in Honduras despite these developments. Political killings of student, union, and peasant leaders continued throughout 1990 and the early months of 1991, and the government made no serious effort to identify and prosecute those responsible. In some cases, those charged with investigating political killings actively engaged in coverups, lending credence to suspicions that the authorities were to blame for the crimes. Officially sanctioned death squads, which are known to have operated in Honduras in the 1980s, may have been responsible for some of the unsolved assassinations,¹ or they may have been the work of police or military agents operating in plain clothes. The security forces' routine allegations that these killings spring from factional infighting among peasant, union, and student groups are not credible.

Torture by police of both detainees suspected of political offenses and those held for alleged common crimes remains endemic. The security forces also continue to harass and detain citizens illegally and to ignore the 24-hour limit on police detention prior to arraignment. Reports of rape by police and army agents are not uncommon. In one case reported in March 1990, a 17-year-old girl who had reportedly been raped by police over the course of three days, committed suicide shortly after her release.² Police agents were tied to several murders of civilians in their custody, including peasant activist, Denis Hernán Rodríguez, allegedly detained by the police and subsequently found dead; common crime suspect José Victoriano Castillo, who died in the hospital after being severely beaten in detention; and peasant activist Moisés Castillo, allegedly pushed in the path of a speeding truck while handcuffed. On May 3, as this newsletter was set for production, members of the military were implicated in the massacre of five peasants in a land dispute. This incident marked the most serious abuse by the military in many years.

The political motivation behind the human rights abuses described below is not always explicit. In some cases, the victims' affiliation with labor or student organizations appears to have been the motive for abuse. Torture victims recount being questioned about "subversion" and, in some cases, narcotics trafficking, by the police. In other cases, the victims appeared to have been the targets of general lawlessness by the police, while others were victimized because of their suspected common crimes.

While the number of documented incidents of violent human rights abuses in Honduras may not compare with neighboring El Salvador or Guatemala, they are shockingly high for a country which has been at peace for the past two decades. Since the military allowed elections in 1981, three elected civilian governments have come into office. President Rafael Leonardo Callejas was inaugurated in January 1990. The abuses described below indicate that after a year and a half in office, the Callejas administration, like its predecessors, lacks the political will to change the country's dismal human rights situation. The fact that three elected civilian governments have done nothing to curb political killings and torture by the authorities,

¹ In 1981 the Honduran military, with funds and advice from the United States, established an elite intelligence unit known as Battalion 3-16, which operated as a clandestine death squad and is believed responsible for more than 140 disappearances between 1981 - 1984. In a series of related decisions by the Inter-American Court of Human Rights of the Organization of American States in 1988 and 1989, the government of Honduras was found responsible for the disappearance of two young men as part of these death squad operations. Deserters from the Honduran military have claimed that Battalion 3-16 was operating as recently as 1988, despite official statements that it was disbanded in 1987. See Americas Watch, Human Rights in Honduras: Signs of the "Argentine Method", December 1982, Human Rights in Honduras: Central America's "Sideshow", May 1987, pp. 51-71, 114-121, 126-143, Honduras: Without the Will, July 1989, pp. 2-4, 10-15, 29-31, 34, 69-77, 80; Inter-American Court of Human Rights, Velásquez Judgment, (ser. C) No. 4 (1988), Godínez Judgment, (ser. C) No. 5 (1989), and Fairén Garbí and Solís Corrales Judgment, (ser. C) No. 6 (1989).

² "Muchacha se suicida luego de ser vejada por la policía," La Prensa, March 1, 1990.

among other infringements on citizens' rights, is a very poor reflection on those governments' commitment to genuine democracy, of which establishment of the rule of law is a prime component.

One explanation for this state of affairs is the tremendous *de facto* power wielded by the armed forces,³ which received more than \$475 million in U.S. aid over the past decade.⁴ Over the last year, the U.S. has reduced assistance to Honduras and, for the first time in a decade, begun to criticize human rights violations by the military, a welcome development. Yet Honduran military officers, accustomed to unconstrained U.S. aid in the past, apparently see no reason to show new respect for civilian authority while Washington cuts back its assistance and discovers its voice on the government's human rights abuses. Moreover, the military has fiercely resisted civilian politicians' suggestions that it trim its size and power. The recently deposed armed forces chief, General Arnulfo Cantarero, asked last year about a proposal to end forced recruitment, summed up the armed forces' attitude by responding: "Don't provoke the tiger!"

II. KILLINGS, TORTURE, AND OTHER VIOLENT ABUSES

The cases of killings, torture, and other violent abuses described below occurred between January 1990 and May 1991. In none of the cases have the authorities pursued a serious investigation and in no case has there been a criminal prosecution, a principal factor contributing to systemic abuses in Honduras. Although the Honduran attorney general told Americas Watch in October 1990 that police officers had been dishonorably discharged for human rights violations, he could offer no specifics, nor could he provide examples of criminal convictions.

A. Obstruction of Justice by Authorities

Indeed, there is evidence of blatant obstruction of justice by the authorities in several cases. On October 15, 1990, for example, a television news crew recorded three agents from the National Directorate of Investigations (*Dirección Nacional de Investigación*, DNI), the police intelligence branch, assaulting José Manuel Guzmán Martínez in Tegucigalpa as he tried to enter court to offer testimony regarding the October 2 murder of Oscar Salomón Aguilera. Police suspected Guzmán Martínez of being the murderer but apparently did not want him to appear in court on his own. Ignoring the protests of two judges, the agents beat Guzmán and roughed up and threatened the judges. Eventually the crowd -- including the judges, court employees, Guzmán's relatives and his attorney -- were able to extricate Guzmán from the grasp of the DNI agents, who were later themselves arrested in the wake of public outcry.⁵

Another example occurred in the case of Francisco Tercero González Quiñones, killed in a Chinese restaurant in March 1990. The victim's mother and witnesses testified in court that the killer was a DNI agent named Cristóbal Núñez. A judge at the Second District Court in Comayagüela ordered the police to

³ The police operate under the direction of the armed forces.

⁴ If security assistance in the form of Economic Support Funds (cash payments to the government for balance of payments support) are added, the total rises to more than \$1.1 billion.

⁵ "Trifulca cuando policías intentaban captura implicado muerte de Aguilera," *Tiempo*, October 16, 1990; "Auto de prisión para ex-agentes de DNI," *La Tribuna*, October 23, 1990; "Reciben auto de prisión los escandalosos agentes de DNI," *La Prensa*, October 23, 1990; Comité para la Defensa de los Derechos Humanos en Honduras, *Boletín*, October 1990, pág. 3.

detain Núñez. When the police failed to respond, the judge issued another order in April, and again in May, June, July, and September. As of late October 1990, the police had done nothing to obey the arrest warrant.

The most serious case involves the murder of union leader Francisco Javier Bonilla on May 31, 1990. According to testimonies recorded by Americas Watch and summarized below, police captured four individuals, two of whom were tortured into confessing involvement in the murder and implicating the other two. The two torture victims subsequently retracted their confessions and all four denied involvement in the murder, which remains unsolved.

B. Violence Against Peasant Activists

One of the most endemic socioeconomic problems in Honduras today is the struggle over land, a struggle which government forces have sought to stifle with murder, torture and arbitrary arrest. The recent massacre of five peasants by the military was only the most dramatic example of this persistent pattern of abuse.

* At 5:00 a.m. on May 3, 1991, a group of about fifteen soldiers and private security guards raided a camp where some 60 peasants were occupying a disputed piece of land in the village of Agua Caliente, of the municipality of Arizona, in Atlantida department. The peasant group, known as El Astillero, was affiliated with the National Association of Honduran Peasants (Asociación Nacional de Campesinos Hondureños, ANACH). The soldiers and plainclothesmen, led by an employee of a Colonel Leonel Galindo, shot and killed five peasants, seriously wounding eight more. Those who escaped did so by crawling across the ground. One witness described the carnage to reporters from the daily Tiempo:

Whoever stood up was shot, directly. First it was Don Felipe. When he fell to the ground, his son, Ciriaco, got up and went to help him. Immediately they killed him. His brother Mártir got up...and they killed him also. My brother Carlos and Cruz Chacón, perhaps trying quickly to find an escape, got up and began to run, but almost instantly they were shot as well...[Two of the peasants, Carlos Salomón González and Ciriaco Huerte,] were wounded, lying on the ground. One soldier, accompanied by the [plantation] overseer, finished killing Carlos, he stabbed him with a knife (*yatagán*) and then he did the same to Ciriaco.⁶

The victims have been identified as Felipe Huerte [or Huete], Ciriaco Huerte, Mártir Huerte, Carlos Salomón González, and Cruz Chacón González. According to a statement issued after the massacre by the National Agrarian Institute (INA), the land in dispute had been given to the El Astillero peasant group in 1977, but was illegally sold to Colonel Galindo more than a decade later by an agrarian institute official. Although the peasants had asked INA to recover the lands illegally purchased by Colonel Galindo, the institute had not taken action at the time of the massacre.⁷

An official communiqué issued by the public relations office of the armed forces on May 6 denied that

⁶ Testimony of Alex José García, 15, in "Así ocurrió la masacre," Tiempo, May 6, 1991.

⁷ Agrarian Institute Communiqué, published in Foreign Broadcast Information Service, Daily Report, Latin America, [hereinafter FBIS], May 7, 1991, p. 12.

any members of the military participated in the incident, while defending Colonel Galindo's right to the land. Armed Forces Commander General Luis Alonso Discua Elvir was quoted promising an in-depth investigation into the incident, which he insisted not be blamed on the army as an institution.⁸

* On February 19, 1991, a local peasant leader of the National Federation of Rural Workers (*Central Nacional de Trabajadores del Campo*, CNTC) in the village of Callejones in Santa Bárbara province, **Moisés Castillo**, 26, was allegedly pushed in front of a truck by police agents who had detained and handcuffed him. Castillo was killed by the truck, according to testimony taken from a witness by the Committee for the Defense of Human Rights in Honduras (CODEH).

* Another CNTC member, **Angel María Bonilla Donaires**, 56, was allegedly tortured by police agents on February 18, 1991, in relation to a land dispute. Bonilla had been detained between January 1 and February 14, 1991, accused of illegal land occupation (*usurpación*) and death threats. On February 18, at 6:30 p.m., ten police agents came to the land occupied by a group of peasants including Bonilla in the hamlet of Las Mercedes, of the municipality of La Villa de San Antonio, in Comayagua department. Most of the peasants fled when the police fired their weapons. The police agents captured Bonilla, and tied him hand and foot. Bonilla later reported that the police kicked him, hit him in the face with a rifle and an iron bar, tied him to a tree, and then forced him to crouch on an anthill. The police took Bonilla to a police station in Comayagua where he said they held him for two days without food.⁹

* On October 25, 1990, **Miguel García**, head of educational programs for the CNTC, was chased and shot in the back by an unknown gunman in civilian clothes wielding a .38 caliber pistol in San Pedro Sula. Three weeks before the attack, an unknown man had searched for García in his neighborhood in Progreso. Some neighbors said the same man was seen in the area on two subsequent occasions. Three days after the shooting, the same man was said to have returned to the neighborhood in a white Toyota pickup with smoked glass windows. Thirteen CNTC officials have been killed since 1985, García told Americas Watch. The authorities have solved none of the cases. The attempted assassination of García bore some similarities with the murder in January 1990 of another CNTC activist, Reynaldo Zúñiga (see below).

* On May 13, 1990, **Lucas Aguilera Aguirre**, secretary general of the National Peasants Union (*Unión Nacional de Campesinos*, UNC) in Francisco Morazán department, was detained by the DNI and accused of involvement in the January 1988 murder of former armed forces chief General Gustavo Alvarez Martínez. Aguilera was taken to DNI headquarters in Tegucigalpa, where he was tortured with the *capucha*, a rubber hood used to induce suffocation. He was also bound hand and foot, beaten, and forced to sign a document while blindfolded. Aguilera was released on May 15, 1990, after a police officer explained that the arrest resulted from a mistaken identity. Aguilera's family was obliged to sign a document declaring that he had not been tortured, according to testimony taken by CODEH.

* On March 20, 1990, an armed plainclothesman bearing a DNI identification card seized **Denis Hernán Rodríguez** from his home in the village of La Ermita, in the municipality of Talanga in the department of Francisco Morazán, according to eyewitness testimony provided to CODEH. Rodríguez was

⁸ "Armed Forces Communiqué," and "General Discua on Killings," published in FBIS, May 7, 1991, p. 11.

⁹ "Human Rights Group: Campesinos Tortured, Killed," and "Police Torture Campesinos in Land Takeover," *Tiempo*, February 26, 1991, reprinted in FBIS, April 17, 1991, p. 15.

an activist with the Honduran Peasant Organization (*Organización Campesina Hondureña*, OCH). The DNI agent told Rodríguez's common-law wife that Rodríguez was being detained for arms possession. Although the wife invited the agent to search the couple's home for arms, he declined. When asked where she could find her husband, the agent said he would be detained at the Special Forces headquarters at La Venta in the same department. The man took Rodríguez to a waiting vehicle and drove him away. Both the DNI and the Special Forces battalion subsequently denied having detained Rodríguez. Rodríguez's body was found the next day near a pork slaughterhouse in a place named Río Dulce, in the same municipality. The body reportedly bore several machine-gun bullet wounds and handcuff marks.¹⁰

* On January 25, 1990, **Reynaldo Zúñiga**, a former regional CODEH leader and a CNTC activist, was shot dead in San Pedro Sula by an unknown gunman. The assassin reportedly ran towards the Guamilito market and, although the market was surrounded by policemen, was not stopped, according to an attorney familiar with the case. Hours before his death, Zúñiga had visited the National Agrarian Institute to discuss a land dispute. A judicial investigation of the murder has been opened, but no steps have been taken and no witnesses called to determine the identity of the perpetrator, according to the attorney.

Although the police have suggested that Zúñiga was the victim of infighting within the CNTC, they have presented no evidence to support this charge.

Zúñiga had been arrested and tortured by the DNI in late 1988, when he was the CNTC director for the department of Yoro. After being held by the DNI for several days, he was accused of terrorism, turned over to the courts, and freed for lack of evidence.

C. Violence Against Students

* On October 16, 1990, **Ramón Bartolo Espinol Amador**, a medical student at the National Autonomous University, was arrested by two armed plainclothesmen who handcuffed him and took him to the DNI headquarters in Tegucigalpa. He was held there for four days and tortured for several hours during the first night of detention in what the police called an "interrogation room" on the second floor. Espinol Amador told Americas Watch he saw between five and eight detainees taken into the interrogation room each day that he was detained.

During the torture session on the first night DNI agents accused Espinol Amador of stealing cars and trafficking in drugs, which he denied. They asked him if he was a subversive and if he knew Martín Pineda, a student leader briefly arrested after the murder of the unionist Francisco Bonilla. Espinol Amador answered no to both questions. The DNI agents wrapped rubber tightly around his wrists, halting the circulation in his arms, and then again handcuffed him with his arms behind his back. They also tied his legs behind his back and placed a rubber *capucha* over his mouth and nose, pulling his head back hard by his hair, he said. One man jumped on his back as another leaned on his shoulders, nearly causing him to lose consciousness.

While torturing Espinol Amador, the DNI accused him of possessing cocaine and of being a drug trafficker, information they said they received from a Nicaraguan named Daniel. They also repeatedly administered electric shocks to his wrists. He showed Americas Watch the sores produced by the

¹⁰ Amnesty International, Urgent Action, UA 122/90, March 26, 1990.

electrodes. Under torture, Espinol Amador said he gave his captors the names of people he did not know.

On October 19, DNI officials presented Espinol Amador with a confession stating that he was a drug trafficker who had sold cocaine brought from Nicaragua. Threatened with further interrogation if he did not sign, Espinol Amador signed the statement.

Espinol Amador told Americas Watch that his half-brother, **José Santos Matamoros**, 17, was detained by the DNI in Tegucigalpa the day before Espinol Amador was seized, and taken to Choluteca where he, too, was tortured before being released. Espinol Amador's cousin, **Ventura Cruz Avila**, was captured at the same time and meted similar treatment.

* Early in the morning of May 26, 1990, two students were attacked by plainclothesmen armed with nine millimeter pistols who emerged from a blue Datsun pickup truck in Comayagüela and accused them of robbery. While pressing them to admit to the crime, the men beat and kicked the two students and then threw them in the back of the pickup, where they sat on them and placed pistols to their heads. After driving to another location, the men threw the students on the ground and beat them with their pistols, again demanding that they admit to having committed robbery. The men shot both boys, killing **Walter David Cruz Torres** and severely injuring **Kemer Javier Andino López**. Andino López was hospitalized with gunshot wounds in the chest. The weapons, vehicle, and *modus operandi* employed by the attackers in this case strongly suggest that the plainclothesmen were police agents.

About fifteen days after the shooting, a Lieutenant Flores of the DNI interviewed the survivor, promising to investigate the case. The officer brought videos and pictures of DNI agents and vehicles to the hospital, but the youth did not recognize any. The case remains unsolved.

* On June 3, 1990, the body of **Ramón Antonio Briceño**, a leader in the leftist student Front for University Reform (*Frente Universitario de Reforma*, FUR) and a member of the Central Bank workers' union (*Sindicato de Trabajadores del Banco Central*), was found in a vacant lot in Tegucigalpa. Briceño had been missing since June 1. His body reportedly was found with eleven bullet wounds and signs of torture. A ten-cent piece, some newspaper, and a piece of a business card were found inside his mouth, according to CODEH. A death threat against Briceño signed by the Anticommunist Action Alliance (*Alianza de Acción Anticomunista*, AAA), had appeared on a wall in the economics department of the National University before his death.¹¹ (The AAA has issued death threats against human rights activists, labor leaders, and students it considers to be "communist" on several occasions in recent years. In one case in October 1988, an American nun was kidnapped for several hours after receiving telephoned threats and a note signed by the AAA. Reliable sources have linked the AAA to the Honduran military.)

Military officials claimed to have solved the murder of Briceño with the confession of two men in July 1990 (see below); however the men's confessions pertained only to the murder of union leader Francisco Javier Bonilla and were later retracted in court.¹² The murder of Briceño remains unsolved.

¹¹ CODEH Bulletin No. 64, May/June 1990, p. 7; "Student Found Dead Was 'Triple A' Target," *El Heraldo*, June 5, 1990, reprinted in FBIS, June 11, 1990, pp. 27-28.

¹² "Military accuses labor leader of murder," *Central America Report*, August 17, 1990, p. 243.

D. Murder of a Union Leader

At about 5:30 p.m. on May 31, 1991, **Francisco Javier Bonilla**, a leader of the Union of Workers of the Honduran Social Security Institute (*Sindicato de Trabajadores del Instituto Hondureño de Seguridad Social* SITRAIHSS), was shot dead by an unidentified gunman as he crossed the El Chile bridge after a union meeting in Tegucigalpa. The gunman tried to shoot Consuelo Valladares Montoya, a union colleague who was walking with Bonilla, but ran out of bullets, according to Valladares' testimony to CODEH. The assassination came at a time of conflict between the union and the Social Security Institute, which was seeking to create a parallel union and to dissolve the existing union, according to CODEH.

The public relations office of the Armed Forces promptly issued a communiqué promising "an exhaustive investigation that will be carried through to its final consequences" by a special commission drawn from within military ranks.¹³ President Rafael Callejas rejected a proposal by unionists to include representatives of the Catholic Church, the Congress, the private sector, and union leaders on the investigative commission.¹⁴ According to one version, the investigation was assigned to the Armed Forces' Special Counterintelligence Command, formerly known as Battalion 3-16, which operated as a clandestine death squad.¹⁵ At a July 26 press conference, the armed forces announced the results of their investigation, claiming that two prisoners whom they presented, Luis Galea García and Salvador Amador Zúñiga, had been hired through an intermediary by leftist student activist Martín Pineda to kill Bonilla and student activist Ramón Antonio Briceño (see above). An official at the press conference read the extrajudicial confessions of the prisoners and declared the case solved.¹⁶

Yet according to credible testimony received by Americas Watch, the "investigation" into the murder of Bonilla consisted in the invention of a coverup story by the police and the torturing of the two prisoners until they admitted responsibility for the crime. These men retracted their confessions as soon as they were allowed to see a judge. On July 22, DNI agents in separate incidents arrested shopkeeper **Luís Andrés Galea García**, 25, and bricklayer **Salvador Amador Zúñiga**, 33, in Tegucigalpa. Galea García testified to Americas Watch that the agents took him to DNI headquarters, tied his hands behind his back, and tortured him with a *capucha* 22 times, causing him to faint once. In addition, the agents beat him on the head, face, chest, back, and left hand as well as kicking him and beating him with sticks. During the torture, the interrogators asked him to name a man who had died. When he named a soldier who had died in an accident in 1987, the interrogators responded, "That's not the name...the only dead man in this area is Bonilla." After four days in DNI detention Galea García confessed to the murder of Bonilla. The next day, however, Galea García was taken to court, where he retracted the confession.

Zúñiga told Americas Watch the police tortured him day and night for four days, applying the *capucha* 24 times and repeatedly kicking him in the chest.

¹³ Communiqué printed in *La Prensa*, June 2, 1990.

¹⁴ "Callejos rechaza propuesta para formar la Comisión," *La Prensa*, June 5, 1990.

¹⁵ "Contrainteligencia investiga muerte de ex dirigente sindical," *La Prensa*, June 4, 1990.

¹⁶ *Central America Report*, August 17, 1990, p. 243.

On the night of July 25-26, DNI agents took Galea García and Zúñiga to "La Montañita," a hill outside the capital. By the victims' accounts, the agents led Zúñiga from the car, fired pistol shots near his head, threw him to the ground, and then inserted a pistol deep inside his mouth, practically choking him. "You must say you did it," Zúñiga recalls the agent saying, "Do you understand?" Zúñiga nodded affirmatively.

Then a DNI agent addressed by his colleagues as "Captain Chinchilla" pushed Galea García out of the truck and fired his pistol near the prisoner's head. The DNI agent told Galea García to name a relative who the police could tie to the crime. Galea García named a nephew, Marco Tulio Mesilla, who was in the United States at the time of Bonilla's murder. The DNI agent then told Galea García that his life would be spared if he maintained that student activist Martín Pineda, by way of Mesilla, had paid Galea García 1,500 *lempiras* to hire Zúñiga to commit the murder.

On July 26 DNI agents took Zúñiga to the El Chile bridge, where Bonilla had been assassinated. The agents told him to reenact the crime. "I had to guess," he told Americas Watch. "I didn't know anything." Like Galea García, Zúñiga subsequently retracted the confession in court. His signed statement declared that the DNI had forced him through torture to confess his involvement in the Bonilla assassination.

Mesilla told Americas Watch that upon returning to Honduras from a visit to Mexico and the United States from January 16 to July 18, 1990, he learned that his name had been publicly tied to the murder of Bonilla because his relative, Galea García, had been tortured into naming a perpetrator. Mesilla went to court to clear his name and the judge ordered his detention on August 13. Like the other defendants, Mesilla denied involvement in the crime.

Zúñiga, Galea García, and Mesilla remain in pretrial detention. Martín Pineda, the student leader whom Galea García was forced to implicate as intellectual author, was arrested but promptly released.

E. Violence Against Common Crime Suspects

* Between January 18 - 24, 1991, agents of the Public Security Force (*Fuerzas de Seguridad Pública*, or FUSEP, as the uniformed police are known) in Sulaco, Yoro, detained and allegedly tortured six men and a nine-year-old boy after a merchant had falsely accused them of stealing 10,000 *lempiras*, according to the Committee of Relatives of Disappeared Detainees in Honduras (COFADEH). The police reportedly subjected the victims to torture with the *capucha*, mock executions with a pistol, beatings, and threats to throw them into a deep gorge on the side of a highway. COFADEH obtained their release on January 24 - 25 after filing a writ of *habeas corpus* on their behalf. However, the victims were reportedly obliged to pay between 100 and 400 *lempiras* each to local police officers before they could go free.¹⁷ The local justice of the peace in Sulaco, who was present when the bribes were paid, has since been fired, according to COFADEH. In a criminal complaint lodged with the justice of the peace in Sulaco, Yoro, on January 25, the victims identified Sergeant Rigoberto Zepeda Flores, Sergeant Guillermo Santos Morán, Sergeant Hugo Regalado, and agents Angel Edilberto Vernes and Amílcar Hernández as those responsible for their mistreatment. And in a January 28 meeting with the victims, the General Commander of the FUSEP, Colonel Mario Amaya, promised that the money taken from them would be returned and the police agents responsible would be fired. As of this writing, no action has been taken against the police agents or to reimburse the victims. The victims were identified by COFADEH as **Marcos Reinero Castro, Eduardo**

¹⁷ "Human Rights Group: Police Torture Prisoners," *Tiempo*, reprinted in FBIS, March 14, 1991, p. 27.

Salguero, Gilberto Calderón, Oscar Gómez, José Santos Flores, Servando Galeas Banegas and Osmán Flores (9).

* At about 3:00 p.m. on September 3, 1990, DNI agents detained **José Victoriano Castillo Euceda**, 35, accusing him of murdering the wife of his brother, Carlos Orteiz, and of trading counterfeit money. According to a witness interviewed by Americas Watch, DNI agents -- one identified as Guillermo Sierra and the other by the last name Ayesta -- and a part-time employee, Juan Diego Flores Alcerro, grabbed Castillo at a gas station in San Lorenzo, department of Valle, and handcuffed him, while kicking him and beating him with guns. One of the agents took from Castillo US\$2,220 and 4,230 *lempiras*, according to the witness.

At about 2:30 or 3:00 p.m. the next day, Castillo's parents and his brother, Roberto Aníbal Orteiz, went to the DNI headquarters in Choluteca to search for him. There a plainclothes agent told them that Castillo was being held incommunicado for his alleged crimes. (Honduran police are allowed to hold detainees in incommunicado detention for no longer than 24 hours before bringing them before a judge. This rule is regularly violated, as it was in this case.)

At 11:00 a.m. on September 6, the police took Castillo to the court of the justice of the peace in Choluteca. There his brother Roberto saw burn marks on Castillo's neck and arms, inflammation and discoloration all over his head and on many parts of his body. Castillo told his brother he had been beaten and kicked in the head severely and repeatedly, sometimes while being hung from the ceiling. The justice of the peace sent Castillo to the penitentiary in Choluteca. On September 12, he was released for lack of evidence.

His family took Castillo to his house in San Lorenzo that afternoon. Castillo passed out at 9:00 p.m. that night and never regained consciousness. He died in the Escuela Hospital in Tegucigalpa on September 20.

III. FAILURE TO COMPLY FULLY WITH INTER-AMERICAN COURT OF HUMAN RIGHTS RULINGS

The Honduran government has failed to comply fully with rulings by the Inter-American Court of Human Rights of the Organization of American States (OAS) in its first adversarial proceeding. In decisions rendered in July 1988 and January 1989, the Inter-American Court held Honduras responsible for the disappearance of a student, Manfredo Angel Velásquez, and a teacher, Saul Godínez Cruz, in 1981 and 1982. The court ordered Honduras to pay 1.4 million *lempiras* in damages (worth \$700,000 at the time) to the families of the victims. Three-quarters of the money was to be set up as a trust for the victims' children, with the remaining quarter to go to the victims' widows.

After Honduras failed to meet the October 1989 payment deadline, the court ruled in August 1990 that the Honduran government was to adjust the sums to be paid to reflect the official devaluations that had occurred and to include interest payments for the arrears, and to ensure that the funds placed in trust be protected against future devaluation. Although the government finally paid the quarter share of the damages to the widows in October 1990, one year after the deadline, and several months later set up the trusts for the children, the sums did not compensate for two subsequent devaluation adjustments or the interest due. The Inter-American Court will inform the General Assembly of the OAS of this failure to comply with its order when it meets in Santiago, Chile, in June 1991.

IV. U.S. POLICY

After nearly a decade in which the United States consistently defended the Honduran military and security forces from criticism on human rights grounds because of the critical support they provided in the U.S.-funded *contra* war against Nicaragua, the U.S. Embassy has begun to object to violent abuses by Honduran forces.

Following reports of human rights violations by security forces in the first half of 1990, U.S. Ambassador Cresencio Arcos expressed concern with "the very highest levels" of civilian and military authority, he told Americas Watch in interviews in October and December 1990. Further, the State Department canceled Honduras' invitation to participate in a May 1990 police training course on counter-terrorism because of the violations, an unprecedented step in the case of Honduras. Yet a separate police training course, administered by the Justice Department, has continued, imparting an equivocal message to the Honduran authorities.

The State Department's annual Country Reports on Human Rights Practices for 1990, issued in January 1991, contained the harshest criticism of human rights violations by Honduran forces ever publicly stated by Washington. And U.S. military and security assistance to Honduras dropped significantly in fiscal 1990 and 1991, reflecting both U.S. budget constraints and Honduras's diminishing strategic importance in Washington's eyes. The amounts of security assistance requested by the Bush Administration for fiscal 1992, \$50 million in Economic Support Funds and \$20.2 million in military aid and training, are also more modest than the sums provided in the 1980s. Yet while smaller than past aid levels, these amounts are nevertheless considerable. The Honduran armed forces' authority rests largely on U.S. largesse. While the increased willingness on the part of the U.S. to criticize abuses is a welcome change from the past, sustained pressure and an unequivocal message are needed. Washington ought to use its still-significant security assistance program as leverage to bring about an end to violent abuses by the security forces. If these efforts do not produce quick results, security aid ought to be cut off altogether. All programs of assistance to the police should be suspended until the use of torture is ended and violators are prosecuted.

APPENDIX: DISPUTE OVER DEFECTOR'S ALLEGATIONS

In November 1988, Americas Watch conducted several interviews with a defector from the Honduran armed forces who claimed to know the identities of two military men who killed human rights monitor Miguel Angel Pavón and a friend, Moisés Landaverde, in January 1988, a crime which remains unsolved to this writing.¹⁸ Since that time, a dispute has arisen over the credibility of the defector, former police sergeant Fausto Reyes Caballero. Although we cannot independently confirm Reyes Caballero's charges, we find his testimony credible. The following is a summary of the challenges to his testimony and our response.

On December 12, 1988, Americas Watch wrote to then-President José Azcona Hoyo requesting an investigation into Reyes Caballero's allegations regarding the murder of Pavón and Landaverde. Without our knowledge, a copy of the letter was provided to the Honduran daily *Tiempo*, which published it in full. Although we did not receive a reply to our letter, the Honduran press later published statements by then

¹⁸ See Americas Watch, Honduras: Without the Will, July 1989, pp. 10-11.

head of military intelligence, Colonel Luis Alonso Discua Elvir (now chief of the armed forces), accusing Americas Watch of "criminal manipulation" for the letter.

On April 30, 1990, the government's Inter-Institutional Commission on Human Rights sent Americas Watch a statement by Lieutenant Mario Asdrúbal Quiñones Aguilar, whom Reyes Caballero had alleged to be the gunman. Lieutenant Quiñones offered evidence showing that Reyes Caballero was not in Honduras at the time of the murders of Pavón and Landaverde in January 1988 and therefore could not possibly have known who the murderer was. In addition, Lieutenant Quiñones stated that he was watching a basketball training session at the time of the slayings and that witnesses had supported his alibi in front of the judge investigating the case. Lieutenant Quiñones invited Reyes Caballero to return to Honduras and present his evidence in front of the judge. He added that he did not know Reyes Caballero, nor did he know Sergeant Jaime Rosales, who is alleged by Reyes Caballero to have driven the motorcycle from which Lieutenant Quiñones allegedly fired the fatal shots.

The State Department, in its Country Reports for Human Rights Practices for 1989, dismissed Reyes Caballero's allegations with the following remarks:

An investigation by Honduran and U.S. authorities showed Reyes Caballero's testimony was fabricated. Documents indicated that he was dishonorably discharged from the Honduran police in March 1984 on charges of theft and corruption, that he had departed Honduras for the United States in June 1984, and that he had lived and worked illegally in Miami since that time, returning to Honduras only for two brief visits.¹⁹

Asked by Americas Watch in October 1990 to explain how the Embassy had determined Reyes Caballero's testimony to be "fabricated," Ambassador Arcos declined to elaborate, saying the information was classified.

Americas Watch finds the attacks on Reyes Caballero's credibility unconvincing. Reyes Caballero never claimed to have been in Honduras at the time of the slayings of Pavón and Landaverde; he told Americas Watch that he first learned of the alleged responsibility of Lieutenant Quiñones and Sergeant Rosales when a Honduran sergeant named Jorge Alberto Bustillo visited his apartment in Miami with two other Honduran military men in February 1988. (According to Reyes Caballero, Sergeant Bustillo, Sergeant Rosales, and Lieutenant Quiñones were members of the secret military death squad known as Battalion 3-16. Reyes Caballero says that in his work as a police sergeant and during subsequent military employment, he collaborated with Battalion 3-16 and became well-acquainted with some of its members.) Later, Reyes Caballero alleges, Sergeant Rosales personally admitted to Reyes Caballero having driven the motorcycle for Lieutenant Quiñones, who he claimed shot Pavón and Landaverde. As Reyes Caballero claims to have learned of the crime after the fact from two sources, including one of the alleged participants, the documentation provided by Lieutenant Quiñones showing that Reyes Caballero was not in Honduras at the time of the crime is irrelevant.

In response to the State Department allegations, Reyes Caballero told Americas Watch he was not dishonorably discharged from the Honduran police in March 1984 for theft and corruption, but rather was

¹⁹ U.S. Department of State, Country Reports for Human Rights Practices for 1989, U.S. Government Printing Office, Washington, February 1990, p. 632.

arrested along with ten others who had been members of the security guard for General Gustavo Alvarez Martínez, who was ousted in a barracks coup that month. All eleven men were arrested at the Colonel Armando Escalón air base in La Lima, Cortés, by officials loyal to General Walter López, who took over command of the Armed Forces after the removal of Alvarez, Reyes Caballero stated. On March 29, 1984, Reyes Caballero suffered a serious motorcycle accident while pursuing a criminal suspect in San Pedro Sula. He was hospitalized at the Aguilar Hospital in San Pedro Sula for about 15 days and spent several months recuperating, with authorization from the military medical department, Reyes Caballero stated. He returned to police work on July 1, 1984. He left Honduras for Miami in October 1984, he says, with special permission from the chief of police, and returned after two months. In August 1986, he says, he and several other members of the military were sent on an official mission to Miami to conduct surveillance over General Alvarez, who had fled to Miami and was suspected of plotting a comeback. Reyes Caballero says he carried out this mission until October 1987. He returned to Honduras for several months in 1988, only to flee in August after narrowly escaping an assassination attempt by elements of Battalion 3-16, he said. Reyes Caballero believed his former colleagues distrusted him after he refused to accept an offer to become a motorcycle driver for Battalion 3-16's drive-by assassinations.

Perhaps the strongest refutation of Reyes Caballero's charges, the alibi offered by Lieutenant Quiñones, is a matter which can only be addressed by a court of law. We urge the Honduran authorities to investigate thoroughly the information provided by Reyes Caballero, Lieutenant Quiñones, and his alibi witnesses to determine their credibility.

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Americas Watch is a non-governmental organization that was established in 1981 to monitor and promote observance of free expression and other internationally recognized human rights practices in Latin America and the Caribbean. The Chair is Peter Bell; Vice-chairs, Stephen Kass and Marina Kaufman. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Director of San Salvador Office, David Holiday; Representative in Santiago, Cynthia Brown; Representative in Buenos Aires, Patricia Pittman; Research Associate, Mary Jane Camejo; Associates, Clifford C. Rohde and Patricia Sinay.

Americas Watch is part of Human Rights Watch, an organization that also consists of Africa Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein; Vice-Chair, Adrian DeWind. Aryeh Neier is Executive Director; Deputy Director, Kenneth Roth; Washington Director, Holly J. Burkhalter; California Director, Ellen Lutz.