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REPORT No. 84/14
PETITION 11.802
REPORT ON ARCHIVE

MINORS DETAINED IN COMAYAGUA, RAMÓN HERNÁNDEZ BERRÍOS *ET AL.*
HONDURAS

Approved by the Commission at its session No. 2002 held on August 15, 2014
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Ramón Hernández Berríos *Et Al.* Honduras. August 15, 2014.

REPORT NO. 84/14
CASE 11.802
DECISION TO ARCHIVE
RAMÓN HERNÁNDEZ BERRÍOS ET AL.
HONDURAS
AUGUST 15, 2014

ALLEGED VICTIMS: Minors Detained in Comayagua, Ramón Hernández Berríos *Et. Al.*

PETITIONERS: Center for Justice and International Law (CEJIL),
Asociación Casa Alianza América Latina

ALLEGED VIOLATIONS: Articles 5, 7, 8, 19, and 25 of the American Convention on Human Rights

DATE OF INITIAL PROCESSING: September 2, 1997

I. POSITION OF THE PETITIONERS

1. On August 26, 1997, the Inter-American Commission on Human Rights (hereinafter, “the Inter-American Commission” or “the IACHR”) received a petition presented by the Center for Justice and International Law (CEJIL) and the *Asociación Casa Alianza América Latina (Casa Alianza)* (hereinafter, “the petitioners”) alleging the international responsibility of the Republic of Honduras (hereinafter, “the State” or “the Honduran State”) for the illegal detention and torture of the minors Ramón Antonio Hernández Berríos, Juan Benito Hernández Berríos, Ever Rolando Boquín Donaíre, and Osmán Antonio Cáceres Muñoz.

2. The petitioners alleged that on November 21, 1995, the minors Ramón Antonio Hernández Berríos, Juan Benito Hernández Berríos, Ever Rolando Boquín Donaíre, and Osmán Antonio Cáceres Muñoz were tortured at the Comayagua Prison Farm for adults by the chief inmates coordinator, Pablo Argueta, who allegedly acted on the orders of the prison’s warden, Mr. Aquilino Sorto. The petitioners indicated that it had been impossible to exhaust domestic remedies because of unwarranted delays by the State in resolving the case.

II. POSITION OF THE STATE

3. The State denied that the minors had been tortured and said that the criminal charges against Mr. Sorto had been settled with the acquittal verdict of June 26, 1998, which took on the status of *res judicata* after being upheld in all the higher courts. With respect to the other individual implicated in the case, Pablo Argueta, chief of the inmates, the State reported that the Office of the Prosecutor was gathering evidence to start criminal proceedings against him and put forward the failure to exhaust domestic remedies exception.

III. PROCESSING BY THE INTER-AMERICAN COMMISSION

4. The petition was registered under number 11.802 and once a preliminary evaluation had been conducted, on September 2, 1997, the IACHR proceeded to forward a copy of the relevant portions [of the petition] to the State for its observations.

5. On August 11, 1998, the State submitted its reply to the petition. On August 24, 1999, the petitioners presented their observations, which were forwarded to the State on September 27, 1999.

6. On October 1, 1999, at its 104th session, the Commission held a hearing attended by both parties at which the petitioners presented a friendly settlement proposal; the parties failed to reach an

agreement thereon over the course of a process that lasted until July 2001.

7. On February 27, 2002, the IACHR issued Admissibility Report No. 15/02; the State was notified thereof on July 23, and the petitioners, on July 24, 2002. The petitioners submitted observations on the merits on May 28, 2002, which were duly forwarded to the State. The State provided its observations on the merits on June 17, 2002, which were duly forwarded to the petitioners. On October 25, 2004, a hearing was held on the merits of the case during the IACHR's 121st regular session.

8. By means of a communication dated May 23, 2012, the IACHR asked the petitioners to provide up-to-date information regarding the facts alleged in the petition, and, pursuant to Article 48(1)(b) of the American Convention and Article 42 of the Commission's Rules of Procedure, indicated that absent the receipt of such information in the period of one month, the IACHR might archive the petition. On July 22, 2012, the petitioners reported that the co-petitioning organization, *Casa Alianza*, had indicated that it "has no contact with the victims in this case and therefore does not have updated information thereon."

IV. BASIS FOR THE DECISION TO ARCHIVE

9. Both Article 48(1) of the American Convention on Human Rights and Article 42 of the Commission's Rules of Procedure provide that, at any time during the processing of a petition, the Commission shall ascertain whether the grounds for the petition still exist or subsist, and if it decides they do not, shall order the archiving of the case file. Article 42(1)(b) of the Commission's Rules of Procedure likewise provide that the IACHR may decide to archive a case when it lacks the information necessary to reach a decision.

10. The IACHR observes that since October 2004, the petitioners have neither updated nor provided further information regarding their claims. In 2012, and in response to a request for information made by the IACHR, the petitioners replied that the co-petitioning organization, *Casa Alianza*, has no contact with the alleged victims and lacks current information.

11. Having conducted the corresponding assessment, the Commission believes it does not have sufficient information to reach a decision regarding the case and that the lack of information and observations on the part of the petitioners signals a lack of interest in moving forward with the process. Thus, in accordance with Article 48(b) of the Convention as well as Article 42 of its Rules of Procedure, the IACHR hereby decides to archive this case.

Approved by the Inter-American Commission on Human Rights in the city of Mexico on the 15th day of the month of August, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice-President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.