

HONDURAS

THE DEFENCE OF HUMAN RIGHTS:
A HIGH-RISK ACTIVITY

PROJECT COMMITTEE EXPLORATORY IN SITU VISIT,
SEPTEMBER 23 – OCTOBER 7, 2012.



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Honduras, the defence of human rights: a high-risk activity.

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EXECUTIVE SUMMARY

Since the coup d'état took place in Honduras on June 28, 2009, Peace Brigades International (PBI) has followed with growing concern the serious deterioration of space for the defence of human rights faced by organisations, communities and human rights defenders in the country. In response to a request for international accompaniment from the National Human Rights Platform of Honduras (Plataforma de Derechos Humanos de Honduras), PBI made a first visit to the country in May 2011 to verify the human rights situation. Subsequently, after a period of intensive analysis within the organisation, PBI decided to evaluate the feasibility of opening an international accompaniment project in this country and, in the months of September and October 2012, carried out a second visit with this objective. This report is the result of research carried out during this exploration phase.

During the in-country visit, PBI held meetings with 30 human rights organisations (journalists, lawyers, the LGBTI community, campesinos (small-scale farmers), indigenous people, women and trade unionists), as well as with 10 international organisations, 14 national authorities and 15 representatives of the diplomatic corps. Moreover, PBI shared with a number of different embassies in Honduras, Guatemala and Costa Rica, some of our concerns regarding current risks for human rights defenders and their families and communities, including impunity, the tendency to criminalize human rights activism, and the use of violence by the public security forces.

As a result of this visit, and in agreement with the statement by the United Nations High Commissioner for Human Rights¹, PBI found that in Honduras there is a situation of "chronic insecurity" for human rights defenders which, as demonstrated in the cases discussed in this report, particularly affects justice officials, journalists, LGBTI people and those who demand access to land and territory. It is important to highlight the particularly vulnerable situation for women human rights defenders within this environment, due to the alarming rates of violence against women.

This lack of security is characterized by various types of attacks against defenders, aimed at hindering their work and endangering their physical and emotional integrity, as well as that of their families. The crime of murder, the most abominable expression of attacks against physical integrity, has become one of the most common forms of aggression in Honduras. This crime is sometimes preceded by kidnapping, threats and torture. Stigmatisation, defamation and criminalisation are also among the types of aggression most frequently reported. In addition, PBI has received extremely worrying information about the excessive use of force by the police and army during protests, in violation of the right to peaceful demonstration. This excessive use of force has also been reported as occurring during forced evictions.

1. UN. OHCHR: United Nations High Commissioner for Human Rights, Navanethem Pillay (Navi Pillay), October 2012.

The vulnerability of human rights defenders is exacerbated by the improper implementation of national and international protection mechanisms. Despite the recognition of some progress with regards to this problem, human rights defenders continue to denounce the lack of political will to ensure protection, promotion and respect for their work. This is demonstrated by the continuing reports of serious assaults and by the lack of compliance on the part of the Honduran state with a number of recommendations made by international human rights organisations.

In most of the meetings which PBI held with representatives of the Honduran social movement, they highlighted the need to develop comprehensive security measures including, among other mechanisms, the presence of international observers and the transfer of the threatened person and their family to another region of the country or abroad. A number of organisations made repeated requests during PBI's visit in May 2011, for training workshops on human rights and international protection mechanisms for human rights defenders. Several organisations consider necessary the permanent presence of international organisations such as PBI in the country, dedicated to recording and monitoring human rights violations.

With the aim of contributing to an improvement in the conditions in which individuals, groups and communities exercise their right to defend human rights in Honduras, PBI has systematized some of the recommendations issued by international bodies in order to highlight the importance of their fulfilment. Furthermore, based on the information gathered and experience gained over the last 30 years working in other countries in the region, we believe it is important to remind the international community of the urgent need to strengthen international mechanisms for the protection of human rights defenders in Honduras.

INTRODUCTION

1.1 PRESENTATION

Since 1981, PBI has been supporting hundreds of communities and thousands of people in 11 countries in Latin America and Asia. Through international accompaniment, PBI provides protection for individuals, organisations and communities to carry out actions for the promotion and defence of human rights, always at their prior request and in accordance with their needs. PBI's main working method of protective accompaniment, combines experience and expertise gained in the field with international advocacy. The aim is to ensure there is a free and safe working space for social justice and peace initiatives in countries in conflict or post-conflict. PBI currently maintains teams of volunteers in Colombia (1994), Guatemala (1981-1999 and 2003), Mexico (1999) and Nepal (2006), is conducting exploratory work in Kenya, Indonesia and Honduras and has 16 active national groups in Europe, North America and Australia.

Members of PBI Guatemala observing an activity in Alta Verapaz, October 2010. (PBI Guatemala)



1.2 BACKGROUND

Since the coup that took place in Honduras on June 28, 2009, PBI has followed with growing concern the serious deterioration in spaces for the defence of human rights faced by organisations, communities and defenders in this country. In May 2010, we received a formal request for support from the National Human Rights Platform of Honduras (Plataforma de Derechos Humanos de Honduras), which consists of six of the main human rights organisations in the country.² In May 2011, PBI carried out a first mission to verify the human rights situation in the country, during which meetings were held with 32 social organisations, 11 representatives of the diplomatic corps and international institutions, and with the Special Prosecutor for Human Rights' Office (Fiscalía Especial de Derechos Humanos). As a result of this visit PBI published a public report on the situation of human rights defenders, which made some recommendations based on the experience of PBI in other countries in the region.³

2. The organisations in the National Human Rights Platform of Honduras in 2010 were: FIAN, COFA-DEH, CIPRODEH, CODEH, CPTRT and CDM. The Platform no longer exists.

3. PBI. Report of the Short-term Mission to Honduras. The situation of human rights Defenders, December 2011.



◀ PBI IN SITU VISITS TO HONDURAS

SOURCE: PBI
MAP DESIGN: PBI

- May 2011
- September and October 2012

At the end of 2011 the Honduras Project Exploratory Committee (HPEC) was established, comprised of volunteers with experience in other PBI accompaniment projects, in order to assess whether the organisation's working method was appropriate to the protection needs of Honduran defenders. As part of this exploratory phase, a second visit was made to the country between September 23 and October 7, 2012, during which a team travelled to Tegucigalpa and to the north of the country and held meetings with over 60 national and international organisations and authorities, including 30 human rights organisations (journalists, lawyers, campesinos, indigenous people, women and trade unionists)⁴, 14 representatives of the national authorities⁵, 15 members of the diplomatic corps⁶ and the United Nations system (UN) and 10 international organisations.

1.3 OBJECTIVES

This report is based on information gathered during our visit to Honduras and aims to raise awareness on the work of human rights defenders in Honduras, who because of their work, face multiple obstacles and risks. We would also like to contribute, through a series of recommendations to the international community, to the urgent calls for guarantees for the respect, promotion and protection of human rights in the country.

4. For security reasons, we will maintain the anonymity of the organisations with whom we held meetings. Sections which include specific reference to organisations are made with the express consent of the individuals and organisations concerned.

5. See ANNEX I to this report: List of interviews with the national authorities.

6. See ANNEX II to this report: List of meetings with the diplomatic corps and the UN. The Italian and Brazilian Embassies were unable to attend.

CONTEXTUAL ANALYSIS

2.1 GEOGRAPHICAL, ECONOMIC AND SOCIAL CHARACTERISTICS

Honduras occupies an area of 112,492 km² and has a population of 8,215,313 inhabitants (data from 2011).⁷ It is estimated that nine culturally different indigenous peoples, namely the Pech, Nahua, Lenca, Tolupan, Garifuna, Miskito, Tawahka and Chorti Peoples, make up between 7 and 13% of the total population.⁸ The country is part of the “northern group” of Central American countries together with Guatemala and El Salvador, with whom it shares borders and also some common geographical, historical, social and economic characteristics.

POVERTY LEVELS

Honduras is considered to be the least developed and poorest country in Latin America after Haiti, Guatemala and Nicaragua, and was ranked 121 (among 187 countries) in the last measurement of the Human Development Index (HDI) of the United Nations Development Program (UNDP). This situation of poverty affects 79% of the rural population, which in 2010 accounted for almost 50% of the total population⁹ and, in particular indigenous communities. These levels of poverty contrast sharply with the rich biodiversity in the country.

SOCIAL INEQUALITY

Honduras is one of the three countries with the greatest economic inequality in Latin America, preceded only by Haiti and Colombia.¹⁰ One of the determining factors of this situation is the high concentration of natural resources in the hands of a few people, which contributes greatly to the impoverishment of a

Inequality mainly affects the most vulnerable sectors of society, including indigenous peoples. (Nina Kreuzinger)

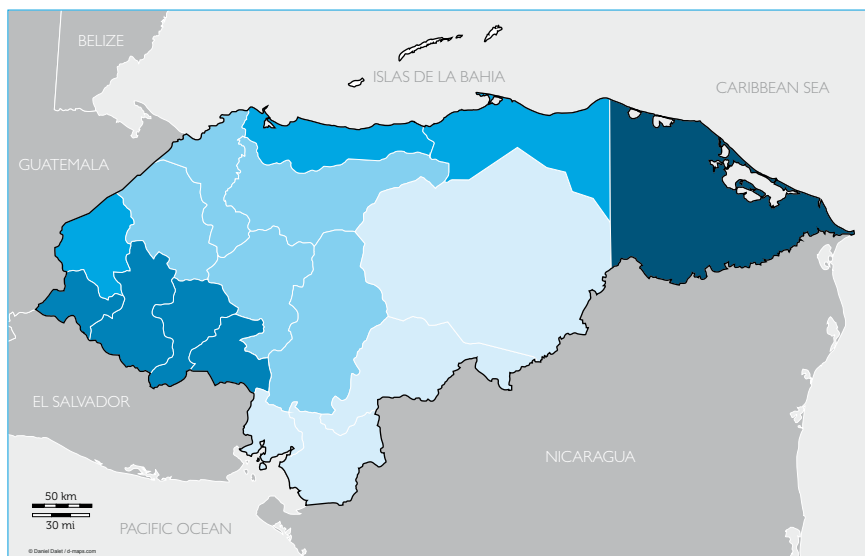


7. National Statistics Institute (Instituto Nacional de Estadística - INE) Honduras, Population projection in Honduras 2001-2015.

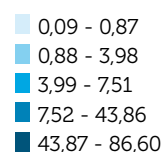
8. International Labor Organisation (ILO), information published on their website, October 2012.

9. Regional Unit for Technical Assistance (Unidad Regional de Asistencia Técnica - RUTA): Sustainable Rural Development in Central America, data for 2010 (Desarrollo Rural Sostenible de América Central, datos 2010).

10. UNDP, National Report on Human Development in Honduras 2011, Reducing Inequality: a challenge which must not be postponed (Reducir la inequidad: un desafío impostergable), March 2012.



◀ LOCATION OF INDIGENOUS PEOPLES IN HONDURAS
 SOURCE: OXFAM, FROM THE INE DATABASE 2001
 MAP DESIGN: PBI



large percentage of the population. These imbalances are also reflected in the distribution of the tax burden, over 61% of government revenue comes from indirect taxes,¹¹ and in access to education, employment and justice.

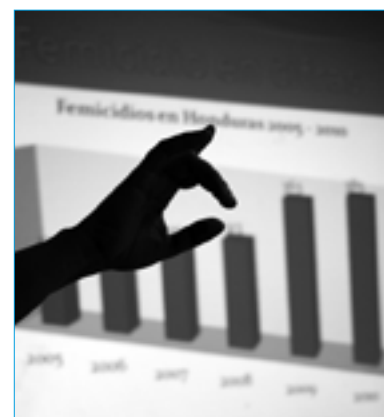
VIOLENCE AND IMPUNITY

In recent years there has been a sharp increase in levels of violence, to the extent that Honduras was considered by the UN to be one of the most dangerous places in the world in 2012. The rate of homicides has risen from 37 per 100,000 inhabitants in 2005¹² to 86 in 2011¹³. According to information submitted by the Center for Justice and International Law (Centro por la Justicia y el Derecho Internacional - CEJIL) to the Universal Periodic Review (UPR) of the UN Human Rights Council in November 2010, 98% of these crimes remain unpunished¹⁴. This impunity most strongly affects the most vulnerable sectors of society such as rural and indigenous communities, women and LGBTI people.

VIOLENCE AGAINST WOMEN

Similar to other countries in Central America, there is an alarming rate of violence against women in Honduras. Data provided by the Special Prosecutor for Women (Fiscalía Especial de la Mujer) indicates that during 2011, 464 women were murdered. So far in 2012, the Visitación Padilla Women’s Movement (Movimiento de Mujeres Visitación Padilla) and the National Commissioner for Human Rights (Comisionado Nacional de los Derechos Humanos - CONADEH) have reported 278 murders. In the past decade femicide has increased by 257% in the country¹⁵. Although this data could be explained by the general increase in violence in the country, figures show that the number of women murdered

In Honduras, as in other countries in the Central American region, rates of femicide are very high. (Nina Kreuzinger)



11. According to data gathered by UNDP in Honduras in 2010.
 12. Democracy and governability: evaluation and perspectives (Democracia y gobernabilidad: evaluación y perspectivas). Conclusions of the international seminar held in Tegucigalpa, June 21-24, 2010.
 13. According to data from the Observatory on Violence in the National University of Honduras, September 2012.
 14. CEJIL. Document presented in the UPR before the UN Human Rights Council, November 2010.
 15. According to information from the Nobel Women’s Initiative collected during a mission to the region on January 21-31, 2012.

has increased in recent years, far above that of men (160% vs. 50%)¹⁶. It is important to highlight that most of these crimes remain unpunished.

2.2 POLITICAL SITUATION: BEFORE, DURING AND AFTER THE COUP D'ÉTAT

BEFORE THE COUP D'ÉTAT

Inequality, exclusion and marginalisation in Honduras are historical and structural problems which are, according to historians, the result of deeply rooted institutional weaknesses in the Honduran State. A brief look at history shows that there were eight military overthrows of governments in the 19th century, with a similar scenario in the 20th century, marked not only by continuous military overthrows, but also human rights violations reported during the democratic transition at the end of the century. There were some governments which, although they were preceded and overthrown by coups d'état, passed important legislation which led to some social progress, despite strong opposition from the economic elites, such as the government of Ramón Villeda Morales, during which the Labour Code, the Agrarian Reform Law, the Social Security Law and the Industrial Development Law were passed¹⁷.

In the second half of the 20th century, Honduras suffered greatly the side effects of political and military conflicts in neighbouring Central American countries. During the 1980's the country received en masse, large numbers of refugees from El Salvador, Nicaragua, and to a lesser extent, Guatemala. This period was characterized by the presence of military troops from the United States which converted several regions of the country into counterinsurgency training bases. During this period there were reports of systematic human rights violations, forced displacements and almost 200 forced disappearances in these regions. Subsequently, the Inter-American Court of Human Rights (IACtHR) declared the State of Honduras responsible for some of the violations committed during this period, particularly in several cases concerning forced disappearances.¹⁸

In the 1990s, under liberal governments such as that of Carlos Roberto Reina, some progress was reported, reflecting a trend towards the demilitarisation of the public administration and the return to civilian control of a number of institutions and companies which had been run by the military, such as the Honduran Telecommunications Company (Empresa Hondureña de Telecomunicaciones).¹⁹ In 1992 the figure of CONADEH was established, an autonomous body elected by the National Congress and charged with monitoring respect for human rights by the State. The National Police were also institutionally dissociated from the Armed Forces during this period, and became a civilian agency under the Ministry of Security. Despite these advances many analysts agree that the scope of the reforms was not accompanied by either institutional capacity to ensure their effective implementation, or a willingness on the part of the State to prioritize the strengthening of these institutions.

In the 1980s organisations such as the Committee for the Defence of Human Rights in Honduras (CODEH) and the Committee of the Families of the Detained and Disappeared in Honduras (COFADEH). (Pascal Bodemeijer)



16. La Prensa, 'The killing of women in Honduras is an interminable epidemic (Una interminable "epidemia" muerte de mujeres en Honduras)', August 20, 2012.

17. CT: Report of the Commission of Truth, 'The Voice of Greatest Authority is the Victims' (La Voz más autorizada es la de las Víctimas), Honduras, October 2012

18. COFADEH, See the organisation's website.

19. According to information from CEDOH these include the Merchant Marine of Honduras, the National Geographic Institute and the Department of Immigration, among others.

THE COUP D'ÉTAT: DE FACTO GOVERNMENT

On June 28, 2009 a coup d'état took place in Honduras, which led to the ousting of President Manuel Zelaya and the appointment of Roberto Micheletti as interim president. The latter also acted simultaneously as president of the National Congress.

HUMAN RIGHTS VIOLATIONS

During Micheletti's de facto government numerous violations of basic rights and fundamental freedoms were reported. Many of these took place during demonstrations in opposition to the coup, due to violence committed by the state security forces. Human rights organisations such as Amnesty International reported that the attacks against women during the protests had a strong sexual element, which increased in intensity, from sexist insults to beatings differentiated by gender, and finally, sexual attacks against arrested women²⁰. The Office of the High Commissioner for Human Rights (OHCHR) identified during this period 53 political crimes, 85% of which have not yet been resolved²¹.

UN HUMAN RIGHTS COUNCIL RESOLUTION

This breakdown of the Rule of Law and the ensuing worsening of the human rights situation did not go unnoticed by the international community. The UN condemned the coup d'état in a Human Rights Council resolution, which called for specific monitoring of events, visits were made by the OHCHR, the Inter American Commission on Human Rights (IACHR) and different special rapporteurs, and a number of national and international NGOs followed the situation closely.

AFTER THE COUP D'ÉTAT: CURRENT GOVERNMENT

On November 29, 2009 general elections were called, which several human rights organisations deemed to be illegitimate because they did not meet the minimum necessary conditions to lead to the election of a legitimate government.²² As a result of this election Porfirio Lobo Sosa was appointed as President of the government.

Months later, on January 20, 2010, the National Congress of Honduras approved an Amnesty Decree which was widely criticized by a number of international bodies such as the IACHR, who stated that mechanisms like these violate the obligation of states to investigate and punish human rights violations.²³

INTERNATIONAL REACTIONS TO THE ELECTIONS: RETURN TO NORMALITY

In the early months of 2010, the International Monetary Fund, the World Bank and the Central American Bank for Economic Integration made available loans and grants that had been frozen following the coup. Meanwhile the European Union (EU) and the United States of America (U.S.A), who had condemned the coup and rejected the de facto government, recognized as legitimate the elections in which Porfirio Lobo came to power and re-established diplomatic relations with the country. Several European and U.S. human rights organisa-

20. Amnesty International: Reference to the situation of human rights in Honduras in the Annual Report 2010 and: CT, Report of the Commission of Truth, The Voice of Greatest Authority is the Victims' (La Voz más autorizada es la de las Víctimas), Honduras, October 2012.

21. C-LIBRE: Informe Libertad de Expresión 2011, "Silencio mortal, la máxima censura", marzo 2012.

22. CEJIL. Press release on the general elections in Honduras (Comunicado sobre las elecciones generales en Honduras), November 2009.

23. IACHR, The IACHR Expresses Concern about the Amnesty Decree in Honduras, February 3, 2010.

REMILITARISATION DURING AND AFTER THE COUP D'ÉTAT

In the aftermath of the coup a remilitarisation of the Honduran social and political sphere took place, which today takes many forms and represents a step backwards in terms of democracy and human rights. On the one hand, military spending has increased (from 2% of the national budget in 2006 to 7% in 2012)^{R1}; access to public positions has been facilitated for individuals associated with the military coup^{R2}; and the powers of the army in situations involving public safety have been extended^{R3}. A number of human rights organisations have reported that these public policies, which were presented as temporary strategies, have been consolidated.

R1. CESPAD, Political Analysis Report. Breakdown or persistence of the traditional two party system? Probable scenarios 2013-2014 (Informe de Análisis Político Prospectivo. Honduras: Ruptura o persistencia de bipartidismo tradicional? Escenarios probables 2013- 2014), May 2012.

R2. IACHR, Observations on the follow-up visit to Honduras, June 2010

R3. Foreign Policy Focus, Article by Austin Robles, The military in Honduras should not have police powers (Los militares de Honduras no deberían tener funciones policiales), July 11, 2012.

tions have branded as ambiguous the policies in their countries which do not contribute to the recovery of democracy and respect for human rights in Honduras.²⁴

READMISSION OF HONDURAS INTO THE ORGANISATION OF AMERICAN STATES (OAS)

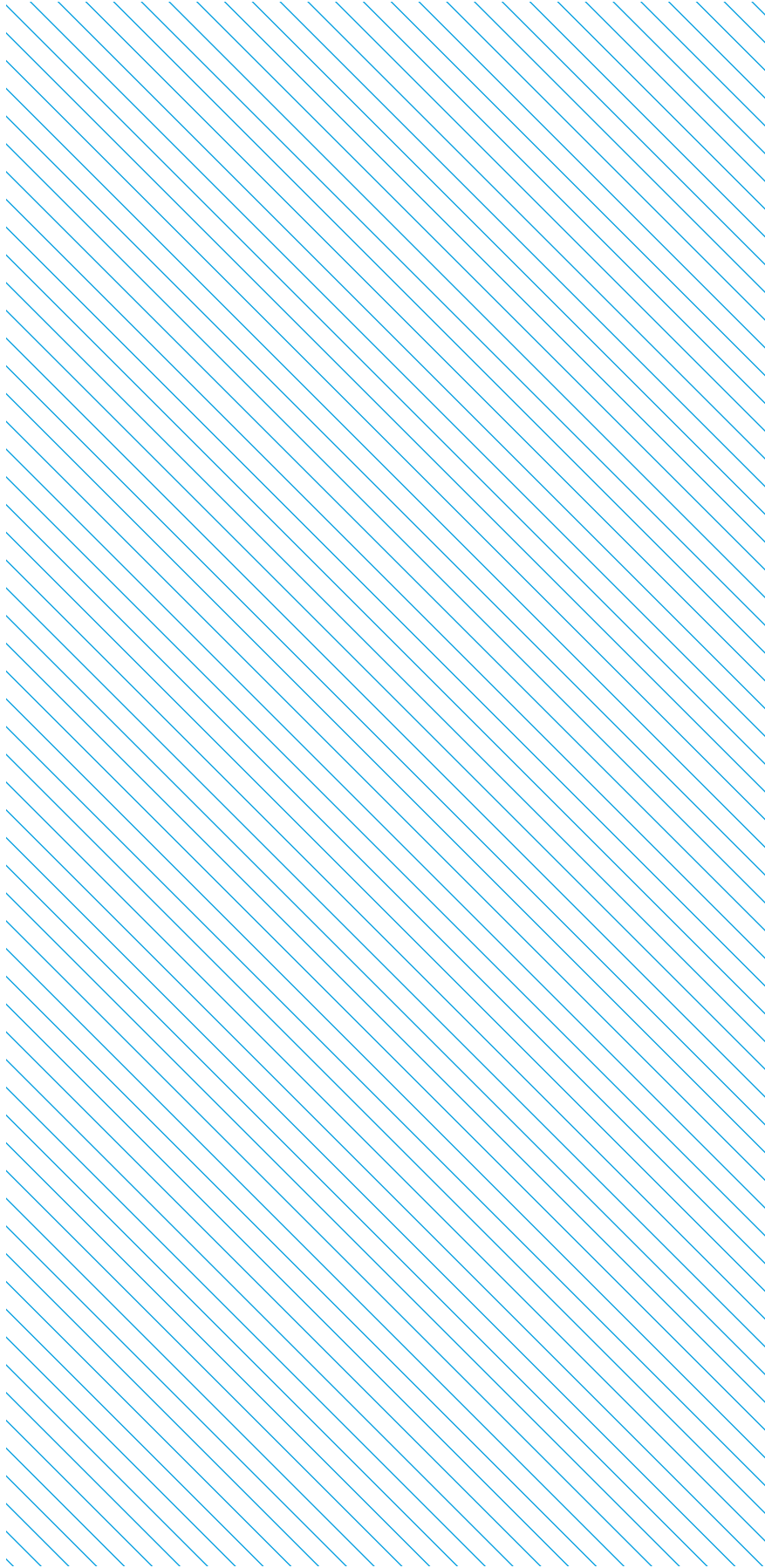
Despite the serious lack of protection for human rights and high levels of impunity, on June 1, 2011 the General Assembly of the OAS approved a resolution, with 32 votes in favour and one against, to readmit Honduras. This decision was based on the signing of the Cartagena Agreement, on May 22, 2011, between President Porfirio Lobo and deposed President Manuel Zelaya. It is worth noting that a day before the OAS assembly, 87 members of the United States Congress made a public statement in which they affirmed that the Honduran State had “dramatically failed to protect people at risk for defending their fundamental rights”²⁵.

*March on Lempira Day in La Esperanza, Intibuica, September 2012.
(Nina Kreuzinger)*



24. ALOP, APRODEV, CIDSE, CIFCA, and FIAN, “Letter to Mrs. Ashton, EU High Commissioner for External Policy and Security”, October 2012.

25. C-LIBRE, Report on Freedom of Expression 2011. Mortal silence, the Ultimate Censorship (Informe Libertad de Expresión 2011 “Silencio mortal, la máxima censura”), March 2012



THE DEFENCE OF HUMAN RIGHTS: A HIGH-RISK ACTIVITY

The UN Declaration on the right and responsibility to protect human rights²⁶ (better known as the “Declaration on Human Rights Defenders”) establishes in Article 1, the basis of the right to defend human rights: “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”. That is, anyone can be a human rights defender, regardless of profession, age, ethnicity, gender, etc.

While the Declaration on Human Rights Defenders appears to set out obvious points, it has proven to be an indispensable and strategic instrument. It formally recognizes human rights defence work and places it within an international framework which, although not binding, gives defenders a legitimacy that contributes to their protection. The importance of the visibility of this role and the need to ensure protection has been reaffirmed in subsequent years with the establishment of mechanisms such as the UN Special Rapporteur on the situation of human rights defenders (2000), the IACHR Human Rights Defenders Unit (2001), which later became the Rapporteur on Human Rights Defenders (2011) and the EU Guidelines on human rights defenders (2004).

Within the category of “human rights defenders” it is important to make specific reference to women human rights defenders and the important work that they carry out despite the many difficulties they face. The International Coalition of Women Human Rights Defenders (WHRD IC for short) defines women human rights defenders as “women active in human rights defence who are targeted for who they are as well as all those active in the defence of women’s rights who are targeted for what they do (...) They become vulnerable to violence because of who they are and the work they do”.²⁷ This consideration makes them doubly vulnerable: because of who they are in relation to their gender, and because of their work. In this regard, the Special Rapporteur on the situation of human

Forum on the defence of Women’s Rights, San Pedro Sula, September 2012. (PBI)



26. UN, “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms”, adopted by General Assembly resolution 53/144 of December 9, 1998.

27. Strategic initiative of AWID women human rights defenders. According to information published on their website, October 2012.

rights defenders (hereafter the “Special Rapporteur on defenders”) focused her 2010 report on the risk situation of women defenders concluding, among other things that she was, “dismayed at the extraordinary risks that women human rights defenders and those working on women’s right or gender issues face due to their work”.²⁸

The work of various individuals, groups of individuals, communities and organisations to defend human rights in Honduras, fits squarely within this regional and international framework.

3.1 SYSTEMATIC REPRESSION OF HUMAN RIGHTS DEFENDERS

As noted earlier in this report, human rights violations in Honduras occurred not only during the coup, but also continued to occur in the months following. Margaret Sekaggya, Special Rapporteur on Defenders, stated during her last visit to Honduras in February 2012, that human rights defenders played a significant role during this period by bravely raising their voices against state abuses and by making visible state deficiencies, placing what happened in the country firmly on the international agenda.²⁹ During that time, the situation of this group was especially critical, as they became the target of attacks and harassment aimed at repressing their public reports. It is no coincidence that during the months following the coup the IACHR granted a total of 19 precautionary measures to at-risk individuals, groups of individuals and organisations. In most cases, this risk was associated with the critical position they assumed during the coup.

The serious nature of this situation is demonstrated by the fact that, after more than three years since the coup, an apparent return to normality after the elections and the readmission of Honduras to the OAS, the situation for those working in the defence of human rights remains extremely vulnerable. The lack of investigation and punishment into events which took place has contributed to the persistence of a hostile and unsafe environment for defenders, and they continue to be the victims of multiple attacks. Within the overall environment of insecurity, certain categories of activists are at particular risk, as stated by the Special Rapporteur on defenders. They include journalists, lawyers, public justice officials, activists defending the rights of women and children, the lesbian, gay, bisexual, transgender and intersexual (LGBTI) community, campesinos, indigenous peoples, Afro-Honduran communities, environmental defenders and those who defend access to land.³⁰

28. UN. Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, December 20, 2010.

29. UN, Special Rapporteur on the situation of human rights defenders, Declarations on completion of her visit to Honduras, February 2, 2012.

30. Ibid 29.

REQUESTS FROM HUMAN RIGHTS ORGANISATIONS INTERVIEWED BY PBI DURING IN SITU VISITS IN 2011 AND 2012

REQUESTS	SPECIFIC ACTIVITIES PROPOSED
Training	<ul style="list-style-type: none"> • Provide workshops on international protection mechanisms (in particular the EU Guidelines on the protection of human rights defenders); • Workshops on peace education and mental health and; • Specific workshops on economic, social and cultural rights; • Provide workshops and support for the coordination of workshops on physical security and security of information (in coordination with the Technical Protection Unit for Human Rights Defenders in Honduras)
Protection	<ul style="list-style-type: none"> • Permanent international accompaniment in rural and urban areas of the country (in coordination with international accompaniment organisations already present – PROAH, CICA, Peace Watch and others); • Systematisation of the implementation protocols for the protection of human rights defenders and; • Creation and strengthening of international support networks.
International monitoring and awareness raising on the situation of human rights defenders	<ul style="list-style-type: none"> • Monitoring and systematisation of violations of international human rights standards; • Increase spaces for denouncement before the international community and; • Involvement by Embassies, particularly European Embassies, on human rights issues.

3.1.1 RIGHT TO FREEDOM OF EXPRESSION AND OPINION

"Honduras has the highest rate of murders of journalists in proportion to its population of any country in the region. Attacks on journalists should not be seen as attacks on the rights of a person, but as attacks on the right of the whole of society, the right to be informed and to seek access to information".³¹ These statements were made by Frank La Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (hereafter "Special Rapporteur on freedom of expression") after his visit to the country, in August 2012. Indeed, the impact of coercion on the right to inform and be informed, goes far beyond threatening individual integrity, as it has the effect of silencing opinions and information, which is absolutely incompatible with the principles of pluralism and tolerance inherent in democratic societies. The IACHR categorically states in its "Declaration of Principles on Freedom of Expression"³² that this right is an indispensable prerequisite for the development and consolidation of democracy. Freedom of speech and democracy are, thus, two indivisible concepts, which is why it is fundamental to respect this freedom.

A number of international institutions have coincided in pointing out that the months following the coup d'état of June 2009 were particularly fierce for the information and communications sector, with media closures and attacks of

31. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August 2012.

32. IACHR, Declaration of principles on freedom of expression.

various kinds on journalists and community radio stations. Various sectors reported the use of violence by the state security forces, arbitrary arrests and the imposition of decrees that violated fundamental rights. International bodies such as the OHCHR and the IACHR agreed that freedom of expression was one of the most violated rights during this period.³³

More than three years after the coup, the situation of people dedicated to exercising the right to inform and be informed, remains serious. It is not only of concern that impunity prevails regarding violations committed in the post-coup period, but also that the hostile environment has continued against these human rights defenders. It is no coincidence that Reporters without Borders lists Honduras as "the most dangerous country in the continent for the press after Mexico".³⁴ The Special Rapporteur on defenders also defined journalists as one of the groups most at risk in Honduras.³⁵

The IACHR Special Rapporteur for freedom of expression notes that 10 journalists were killed in 2010, as well as the persistence of multiple aggressions such as fires started in community radio stations, threatening calls, raids, text messages, acts of intimidation, sabotage of equipment, and use of violence by the state security forces.³⁶ Because of this serious situation, the IACHR granted precautionary measures in 2010 to 24 individuals threatened for exercising their right to freedom of expression, mostly journalists. During 2011 and 2012 the situation has not improved. The Committee for Free Expression (Comité por la Libre Expresión - C-Libre) clearly demonstrate this fact **in their 2011 report, in which they report a total of 115 acts of aggression, including seven murders. One of these cases is the murder of the former coordinator of the fight against drug trafficking, Gustavo Alfredo Landaverde, who was for many people in the press, the most relevant news critic on issues of police security, organized crime and drug trafficking³⁷.**

Press releases issued by the Government to dissociate these attacks from the dissemination of information and communications work, and link them to organized crime or common crime, stigmatize journalistic work and place it under greater risk. The IACHR also continues to urge the Honduran State to consider the possibility that victims have been killed in retaliation for exercising their right to freedom of expression and to conduct exhaustive investigations into this. They also stress the urgent need for the State to create special bodies and investigation protocols and protection mechanisms to guarantee the integrity of those who are threatened because of their journalistic work.³⁸

Among the indirect attacks documented by the C-LIBRE organisation in 2011, the use of legislation is one of the most frequent. These attacks consist mainly of passing restrictive laws on the freedom and independence of the media.³⁹

33. UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009, par. 41. IACHR, "IACHR presents preliminary observations on its visit to Honduras".

34. Reporters without Borders. Annual Report 2011.

35. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

36. IACHR. Rapporteur on the Freedom of Expression, Follow-up report, 2010

37. La Prensa, Honduras: they have silenced José Alfredo Landaverde (Honduras: silencian a José Alfredo Landaverde), December 8, 2012

38. IACHR, press release on the assassination of Alfredo Villatoro, May 2012.

39. C-LIBRE: Report on Freedom of Expression 2011, Mortal silence, the ultimate censorship (Silencio mortal, la máxima censura), March 2012.

VIOLENT KILLINGS OF JOURNALISTS IN 2012

In the year 2012, at the date of printing of this report, 9 journalists were victims of murder.

DATE	DATA
29 FEBRUARY	Saira Fabiola Almendares Borjas Student of Communications at the Universidad Metropolitana de Honduras (UMH) and sports journalist.
10 MARCH	Fausto Elio Hernández Journalist from Radio Alegre.
23 APRIL	Noel Alexander Valladares Escoto Presenter and producer at Canal 66 Maya TV.
7 MAY	Erick Martínez Avila Founder of the Movement for Diversity in Resistance and active member of the political group known as Los Necios, member of KUKULCÁN. See more information on this case in the section on sexual diversity.
15 MAY	Ángel Alfredo Villatoro Rivera Journalist and presenter of the morning programme on Radio HRN.
8 JULY	Adonis Felipe Bueso Gutiérrez Social Communicator on the Christian radio station Radio Stereo Naranja.
10 AUGUST	José Noel Canales Worker for the digital newspaper hondudiario.com and for Professional Communications Services (SEPROC).
28 AUGUST	Julio Cesar Guifarro Casaleno Spokesperson for the National Traffic Department (Dirección Nacional de Tránsito) and director of a television programme for the National Police on Canal 66 Maya TV.
8 NOVEMBER	Ángel Edgardo López Fiallos DJ and operator at the evangelical radio station Stereo Luz 103.7 FM.

The Garifuna community radio station Faluma Bimetu is one of 40 community radios which operate at Low Frequency and will be affected by CONATEL Resolution NR 003/2011. (PBI)



Human rights organisations have also denounced to the IACHR, Resolution NR003/2011 which the National Telecommunications Commission (CONATEL) issued on February 24, 2011. This resolution suspends the issuance of permits and licenses for radio frequencies for the operation of Low-Power Stations with Frequency Modulation. This provision has highly negative consequences for the 40 or so community and alternative radio stations operating in Honduras at this frequency range, mainly in campesino, indigenous and Afro-Honduran communities. The IACHR has reported that the Honduran State is not fulfilling the commitments made during the UPR in 2010 when it agreed to “generate a debate between Congress and civil society in order to adapt the regulatory framework of the telecommunications sector and ensure its alignment with international standards on human rights, particularly in relation to public, private and community broadcasting”⁴⁰.

40. IACHR. Second report on human rights defenders, May 2011.

RADIO PROGRESO: MULTIPLE THREATS AND CONSTANT HARASSMENT

Radio Progreso is a radio association which has steadily exposed abuses by the State, before and after the coup, in favour of the most vulnerable sectors in the country.

SECURITY SITUATION

Radio Progreso was one of the first victims of the coup, as a few hours after the expulsion of Manuel Zelaya, soldiers arrived at their offices and forced them to cancel programming. They resumed work within a few days, but with severe restrictions and the constant threat of definitive closure. In addition, members of the radio station suffered a number of attacks while covering protests in the weeks after the coup.⁴¹

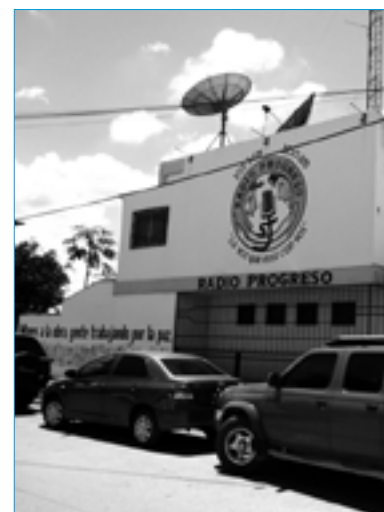
The hostility towards Radio Progreso has continued until the time of writing this report and has achieved international visibility especially because of the figure of Father Ismael Moreno, known as "Melo", director of the radio station and one of the most critical voices regarding the many human rights violations committed by police and soldiers. Father Melo has been the target of death threats on a regular basis in recent years, and at times the intensity of these has forced him to take exceptional protection measures and to go into hiding for a period of time.⁴²

Father Melo is not the only member of the radio station under attack. In the early months of 2010, reporters Leticia Castellanos and Gerardo Chévez and lawyer Luci Mendoza, who works for the Reflection, Research and Communication Team (Equipo de Reflexión, Investigación y Comunicación - ERIC), closely linked to Radio Progreso, reported being the victims of threatening messages to their cell phones.⁴³ Throughout 2011 events like these continued to occur. For example, in July 2011, Roberto Garcia Fúnez reported that he and his family were victims of threats and surveillance. These attacks began after he presented a series of reports for Radio Progreso, denouncing the construction of hydroelectric dams in the department of Atlántida.⁴⁴ At the beginning of August 2012, police officers surrounded the radio station for more than two hours in an act of intimidation, while some interviews were being broadcast with members of campesino organisations from Bajo Aguán, with the aim of arresting some of them. This took place hours before Frank La Rue, Special Rapporteur on freedom of expression, arrived in Honduras.⁴⁵

THE REACTION OF THE INTERNATIONAL COMMUNITY

The IACHR granted provisional measures to Radio Progreso and ERIC because of the risks they face. The work of Radio Progreso has been recognized internationally. In August 2011, one of its journalists, Karla Rivas, was awarded the Peter Mackler prize for courageous and ethical journalism. Reporters without Borders made the following statement during the award ceremony: "The effort to inform on the human rights situation carried out by Radio Progreso is rewarded

The Inter-American Court granted provisional measures to Radio Progreso due to their situation of insecurity. (PBI)



41. Reporters Without Borders, Report 2009.

42. Front Line, Press release, Death threats against human rights defenders Father Ismael Moreno, Mr. Gerardo Chévez, Ms. Leticia Castellanos and Ms. Luci Mendoza, May 10, 2010.

43. Ibid 42.

44. Global Network for Free Expression, press release, Radio Progreso Correspondent receives Death Threats, July 28, 2011.

45. El Mundo de Mañana, The Police take Radio Progreso just hours before the arrival of the Rapporteur on the Freedom of Expression (La policía toma Radio Progreso a unas horas de la llegada del Relator de Libertad de Expresión), August 4, 2012.

today. A haven of dialogue in an extremely polarized society, Radio Progreso continues to assume with courage its journalistic and educational role, despite threats and persecution".⁴⁶

COMMISSION FOR REFORM OF THE SECURITY AND JUSTICE SYSTEMS

Its mandate was established in Decree 4-2012 of the National Congress. The Commission could, according to the International Commission of Jurists (ICJ) "represent a tool for purging various state security and justice institutions, which the country needs to consolidate the reconstruction of the rule of law"^{R1}. Given that the lack of confidence in the institutions responsible for security is one of the weaknesses identified by defenders for the implementation of protection mechanisms; this purging process has raised expectations for the future.

ALFREDO VILLATORO: THE KIDNAPPING AND MURDER OF THIS JOURNALIST REMAINS UNPUNISHED

Alfredo Villatoro coordinated a morning news program for the media chain HRN Radio station, which has one of the largest radio audiences in the country, and which had repeatedly addressed the issue of purging of the police.⁴⁷

SECURITY SITUATION

On May 15, 2012, seven days after he was kidnapped, the body of Alfredo Villatoro was found with several shot wounds to the head, dressed in a uniform similar to that used by the "Cobra" police squad, and with a red scarf over his face⁴⁸. According to information received by the IACHR, armed men had captured the journalist on the morning of May 9, after intercepting the vehicle in which he was driving to work. It was confirmed that he had been killed just before his body was found, in the same location.⁴⁹

THE REACTION OF THE STATE AND NATIONAL HUMAN RIGHTS ORGANISATIONS

On May 16, President Porfirio Lobo Sosa announced that a reward of 3 million lempira (over 150,000 USD) would be paid to those with information about the persons responsible for the crime. One hypothesis on the reason for this crime is that the murder was carried out in retaliation for the constitutional reform approved by the National Congress for the extradition to third countries of Hondurans accused of drug trafficking.⁵⁰ As part of this reform, the United States government had requested that the Honduran government extradite senior police officers. Despite the assumption held by some quarters about the possible involvement of police officers in the murder of Villatoro, the director of the Office for Investigation and Evaluation of the Police Profession (Dirección de Investigación y Evaluación de la Carrera Policial - DIECP) stated that there was no evidence that the police were involved in organized crime or in the murder of the journalist⁵¹.

In the midst of the deterioration of their rights and impunity for violations against freedom of expression, journalists' associations and other media professionals stated that the murder of Villatoro signified a turning point in attacks, since the message sent was addressed not only to the journalistic profession but to all those who defend human rights.

46. Reporters Without Borders, Karla Rivas named 2011 winner of Peter Mackler Award, August 22, 2012.

47. La Prensa, After 167 days the motive of the crime against Alfredo Villatoro has yet to be known (Van 167 días y no se sabe móvil del crimen de Alfredo Villatoro), October 28, 2012.

48. América Infobae, Kidnapped journalist is killed in Honduras (Mataron al periodista secuestrado en Honduras), May 16, 2012.

49. IACHR. Press release R52/12, The Office of the Special Rapporteur Condemns Murder of Journalist Kidnapped in Honduras, May 17, 2012.

50. Zocalo, UN Rapporteur urges Honduras to investigate crimes (Relator ONU urge a Honduras a esclarecer crímenes), August 14, 2012.

51. La Prensa, After 167 days the motive of the crime against Alfredo Villatoro has yet to be known (Van 167 días y no se sabe móvil del crimen de Alfredo Villatoro), 28 de octubre 2012.

R1. CIJ, Press release during the election of the Judicial Council in Honduras, August 31, 2012.

THE REACTION OF THE INTERNATIONAL COMMUNITY

Several international bodies have condemned the murder of the journalist, including the Spanish government and the Special Rapporteurs for freedom of expression of the IACHR and the UN, demanding that the State conduct a diligent, timely and comprehensive investigation which takes into account the possibility that the professional work of this journalist could have been the cause of his murder⁵².

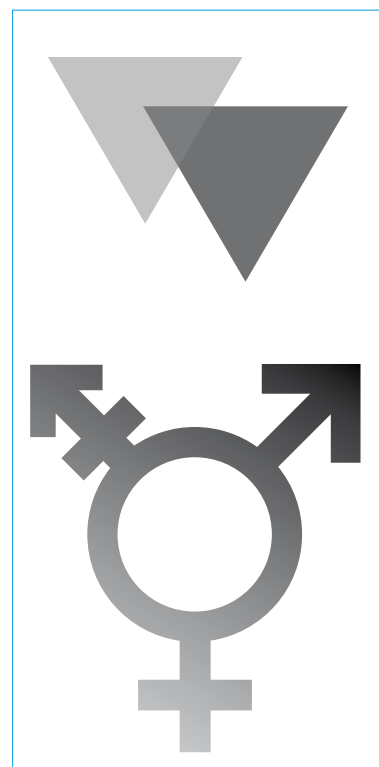
3.1.2 RIGHTS OF THE LGTBI COMMUNITY

Various regional and international human rights protection systems have recognized the importance of the struggle for the rights of LGBTI people and their fundamental role in favour of equality and non-discrimination. They have also expressed their alarm at the continuing violence unleashed against activists from these organisations and have stressed the obligation of states to ensure effective protection. In late 2009 Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders, said that she was “deeply concerned about the continuing denigration campaigns and the violent threats against defenders of lesbian, gay, bisexual and transgender rights”.⁵³ In its latest report on human rights defenders, in 2011, the Inter American Commission on Human Rights also highlighted the increase in violence towards this group of defenders.

The LGBTI community in Honduras have for years been claiming their right to fully enjoy their reproductive, sexual, economic, civil, cultural and social rights, within an unfavourable social and political environment, as described above. The attention paid by the Honduran authorities to these claims has been historically poor and this has led to the restriction of the full recognition of these rights, and to permanent social stigmatisation and violence. Even before the coup, the LGBTI community was demanding the investigation of killings and other attacks on LGBTI people. In many cases it had been reported that the attackers were police officers. The Inter-American Commission on Human Rights, for example, granted precautionary measures to several LGBTI activists working to demand a criminal investigation into police officers who had sexually assaulted a member of the Cattrachas Lesbian Network (Red Lésbica Cattrachas). Because of this quest for justice, these human rights defenders were targeted through threats and other acts of intimidation.⁵⁴

Activists for sexual diversity played a significant role in actively protesting together with other groups in opposition to the coup d'état. Indeed, their visibility during the coup resulted in serious violence against them during Micheletti's de facto regime, when 22 people from the LGBTI community were murdered⁵⁵. This violence has continued in subsequent years, causing concern in the international community. **The Observatory on Violence at the Autonomous University of Honduras (Universidad Autónoma de Honduras - UNAH) recorded 101 crimes based on sexual orientation or gender identity from January 2010 to May 2012.**⁵⁶ This violence and impunity have made LGBTI

International human rights organisations have warned of the increase in violence against bisexual and transexual people.



52. IACHR. Press release R52/12, The Office of the Special Rapporteur Condemns Murder of Journalist Kidnapped in Honduras, May 17, 2012

53. UN, Report of the Special Rapporteur on the situation of human rights defenders, December 2009.

54. According to information updated by the IACHR on their website.

55. CT, Report of the Commission of Truth, The Voice of Greatest Authority is the Victims', October 2012.

56. According to data from the Observatorio de Violencia at the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH), June 2012.

people extremely vulnerable and highly exposed to attacks on their physical and emotional integrity. Not for nothing are crimes against them known as “hate crimes” because of the brutality with which attacks occur. This violence has a clear impact on the work of LGBTI activists. In several interviews during our visit LGBTI defenders reported that this situation has forced them to reduce their actions in defending human rights and even, at times, has led to the temporary closure of their offices.

During the UPR of Honduras in 2010, several recommendations were made which urged the Honduran State to adequately respond to this situation. **In meetings between PBI and sexual diversity organisations, we were informed that to date (October 2012), not one of these recommendations has been fulfilled.** Moreover, the Special Rapporteur on human rights defenders, during her visit to the country in February 2012, expressed her alarm at this reality and expressed concern about the actions of high ranking public officials in Honduras who have stigmatized LGBTI defenders in public statements.⁵⁷ The United States also expressed their concern and urged the Honduran government to take effective measures to investigate the guilty parties, punish them, and guarantee effective protection measures for this collective.⁵⁸ Speeches inciting or justifying violence, stigmatisation and discrimination against the LGBTI community can also be found in statements made by the media.

WALTER ORLANDO TRÓCHEZ: THREATS, KIDNAPPING AND MURDER OF A HUMAN RIGHTS DEFENDER FROM THE LGBTI COMMUNITY

Walter Orlando Tróchez was a human rights defender, member of the LGBTI community and member of the Association for a Better Life for People Infected and Affected by HIV / AIDS (Asociación para una Vida Mejor de Personas Infectadas y Afectadas por el VIH/ SIDA - APUVIMEH). Even before the coup he actively participated in a number of coordination groups between civil society and the State for the protection of the rights of the LGBTI community. After the events of June 2009 he was active in the National Popular Resistance Front (Frente Nacional de Resistencia Popular - FNRP).

SECURITY SITUATION

On December 13, 2009, Tróchez was killed by shots fired from a vehicle in the centre of Tegucigalpa. Importantly, in the months prior to this fatal outcome he had been the victim of a number of attacks, all extremely serious, foreshadowing the worst:

On July 5, 2009, he identified a vehicle with tinted windows and no number plates watching his home. The defender decided to move house after noticing this.⁵⁹

On July 20 of the same year, he was arrested by the authorities after participating in a peaceful sit-in at the National Congress. During his detention he was severely beaten and humiliated because of his sexual orientation.⁶⁰

On December 4, 2009, he was forced to climb into a car with an unknown

Since the day of Tróchez's murder, APUVIMEH has been holding marches and demonstrations on the 13th of each month. The walks culminate at the Public Prosecutor's Office where they deliver a statement to the Special Prosecutor for Human Rights in charge of the case. The murder of Tróchez remains unpunished. (APUVIMEH and PROAH)



57. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

58. United States Embassy, Press Release, United States Embassy Notes Concern for Recent Killings of Members of the LGBT Community, January 19, 2011

59. CT, Report of the Commission of Truth, The Voice of Greatest Authority is the Victims', October 2012

60. ILGA, Press Release on the murder of Walter Trochez, Honduras (Comunicado a raíz del asesinato de Walter Trochez, Honduras), December 15, 2009.

hooded and armed man. Inside he was beaten and threatened with death. After struggling with his captors he managed to jump to escape from the moving vehicle.⁶¹

THE REACTION OF NATIONAL HUMAN RIGHTS ORGANISATIONS AND THE INTERNATIONAL COMMUNITY

APUVIMEH continues to demand, nearly three years after the killing of Tróchez, the end of impunity for his murder and the murders of other victims from the LGBTI community.

Both the Commission of Truth (CT) and the Truth and Reconciliation Commission (TRC) have included in their reports a comprehensive analysis of this case, determining, in the case of the TRC, that “there are reasonable grounds to believe that members of the state security forces violated the right to life of Walter Orlando Tróchez. Agents from these institutions participated to some degree in the extrajudicial killing of the victim.”⁶²

The IACHR highlighted the murder of this LGBTI community human rights defender and activist in its 2010 report, and made a special appeal to the Honduran State to solve the case.⁶³

ERICK ALEX MARTÍNEZ ÁVILA, KIDNAPPING AND MURDER OF A JOURNALIST AND HUMAN RIGHTS DEFENDER FROM THE LGBTI COMMUNITY

Erick Alex Martínez Ávila was a student leader, journalist, human rights activist and member of the LGBTI Kukulcán collective. He was also an active member of the Roundtable for Sexual Diversity of the National Popular Resistance Front (FNRP) and a candidate for local primary elections of the Freedom and Refoundation Party (Partido Libertad y Refundación - Libre).

SECURITY SITUATION

Erick Alex Martínez Ávila was found dead on May 7, 2012 with signs of strangulation, after having gone missing two days earlier⁶⁴. He had participated in a demonstration on May 1 where he had handed out copies of the magazine produced by the Grupo de los Necios association, which had expressed a strong opposition to the coup d'état. On May 5, the same day of his disappearance, he had been elected as a deputy for the LIBRE Party by the FNRP Assembly in recognition of his work as a defender of the rights of the Honduran LGBT community⁶⁵.

61. Defensores en Línea, Press release, Hooded men kidnap human rights defender from the Lesbian and Gay Community (Encapuchados secuestran a defensor de derechos humanos de comunidad Lésbica-gay), December 7, 2009.

62. TRC Report of the Truth and Reconciliation Commission, Findings and Recommendations (Informe de la Comisión de la Verdad y la Reconciliación, Hallazgos y Recomendaciones), July 2011.

63. IACHR, Observations on visit to Honduras, June 7, 2010.

64. Europapress, Unesco Condemns the killings of a Honduran and a Ugandan journalist (La UNESCO condena las muertes de un periodista hondureño y otro ugandés) May 24, 2012

65. La Tribuna, Resistance Journalist found strangled (Estrangulado encuentran a periodista de la Resistencia), May 8, 2012

THE REACTION OF THE STATE AND NATIONAL HUMAN RIGHTS ORGANISATIONS

According to a Reporters without Borders press release, Erick Martínez was “a marked man for the enemies of human rights and pluralism in Honduras”⁶⁶. This case shows similarities to the murder of Walter Tróchez, and has inevitably caused members of the LGBTI community and human rights organisations to assume that the crime will be covered up as part of the reigning impunity in the country. In several of the interviews conducted during PBI’s research visit, organisations reported that after the murder of Martínez there was increased surveillance of their organisations and that they were forced to lower the profile of their work and even close their offices for a time.

According to the media, the alleged perpetrator of the crime, a teenage gang member, was arrested on September 12, 2012 in Tegucigalpa.⁶⁷ At the time of publication of this report, there is no further information on progress in this case.

THE REACTION OF THE INTERNATIONAL COMMUNITY

UNESCO and the IACHR immediately condemned the crime. The IACHR made an urgent call to the Honduran State to clarify the cause of this crime, identify, prosecute and punish those responsible, and take measures to ensure compensation for the relatives of the victim.⁶⁸

3.1.3 THE INDEPENDENCE OF JUSTICE OFFICIALS

The basic international principles concerning judicial independence state that the very nature of justice is the resolution of cases with impartiality, without subjection to pressure, threats or interference. The State has the obligation to promote, guarantee, respect and obey justice.⁶⁹ While these UN principles refer primarily to the role of the judiciary, in this report we intend to give a broader dimension to the concept of “judicial independence” and take into account the rest of the justice system, that is, prosecutors and lawyers. The impartiality with which they carry out their work, free from any external influence and pressure, are the pillars on which the consolidation of rule of law is based, in which citizens are guaranteed access to justice.

Before the coup, and in particular, after it took place, different national and international organisations have emphasized the institutional weakness of the judiciary and the Public Prosecutor’s Office (PPO) in Honduras, which inevitably affects the delivery of justice and leads to high levels of impunity. This weakness occurs mainly because of the absence of firm guarantees for the independence and autonomy of justice officials and weakness in the mechanisms which monitor this independence and autonomy. Already in PBI’s first visit to Honduras, in May 2011, many social organisations with whom PBI held meetings identified this as one of the main problems in the state system.⁷⁰ During our second visit, various organisations stated that this continues to be the case.

The Supreme Court of Justice has been questioned, particularly for its controversial role during the coup d’état (PBI)



66. RWB, Press release, Journalist and rights activist found dead, May 9, 2012.

67. El Proceso Digital, Alleged killer of Journalist Erick Martínez is arrested (Capturan a presunto asesino del periodista Erick Martínez) September 12, 2012.

68. IACHR, Press release R52/12, The Office of the Special Rapporteur Condemns Murder of Journalist Kidnapped in Honduras, May 17, 2012.

69. UN. Basic Principles on the independence of the Judiciary.

70. PBI, Working Group on Honduras: Report of the Short-term Mission to Honduras: the situation of human rights defenders, December 2011.

There are several contributing factors which contravene the independence and autonomy of the judiciary. Different types of harassment and pressure against justice officials have precisely this intention. In May 2010 the UN Special Rapporteur on the independence of judges and lawyers warned about continuing harassment against justice officials and lawyers in Honduras and framed these attacks within the general situation of non-compliance on the part of the State with the principles ensuring the independence of the judiciary. One example of this during PBI's visit to the country was the killing of prosecutor Manuel Eduardo Díaz Mazariegos, from the Regional Human Rights Prosecutor's Office in the Department of Choluteca.⁷¹ It is presumed that his murder was linked to human rights cases he was working on. Díaz also took part in a hunger strike in 2008 to protest about the inaction of the Public Prosecutor in cases of corruption against the political elite. His murder can therefore also be seen as a clear threat to those justice officials who try to carry out their work with thoroughness and independence.

According to information received by the UN⁷², 74 lawyers have been killed in Honduras over the past three years without an adequate response from the authorities. The latest case was that of lawyer Antonio Trejo Cabrera, in September 2012. This clearly shows why there are serious concerns about the insecurity of those who carry out legal actions to investigate human rights violations.

On the other hand, various organisations have denounced constant political interference in the appointment, promotion and regulation of the legal profession, which calls into question the legitimacy of the judiciary. The report of the Truth and Reconciliation Commission (TRC) in Honduras is adamant on this point, making it clear that in order to strengthen and consolidate the Rule of Law, it is essential that a number of reforms are made, including, for example, that the appointment of Supreme Court judges and PPO prosecutors is made by an independent body, free from political influence.⁷³ The Supreme Court of Justice (SCJ), the highest judicial body, has been questioned, in particular for its controversial role during the coup, when it endorsed both the coup itself and a series of restrictive measures which were imposed. Even after these events, the Supreme Court has continued to receive criticism for its alleged lack of independence, which, according to the IACHR, is evident in some of the decisions it has taken such as the stay of proceedings in cases of military personnel accused of involvement in the coup, and the dismissal of judges who sought to halt the coup by democratic means.⁷⁴

Another notable factor is the lack of independent investigators in the Special Prosecutor for Human Rights' Office, alerted by organisations such as Human Rights Watch.⁷⁵ This Office is supported by a team of police investigators, which leads to a conflict of interest when, in many cases, police officers are under investigation for alleged offences. Although this team of investigators is under the orders from the prosecutors, it is part of the Ministry of Security and therefore the same institutional culture of loyalty, which calls into question the thoroughness of investigations.

71. Heraldo, Prosecutor from the Public Prosecutor's Office is murdered (Asesinan a fiscal del Ministerio Público en Choluteca), September 25, 2012.

72. UN. Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, and the Special Rapporteur on summary executions, Christof Heyns, statement, Geneva, April 4, 2012..

73. TRC Report of the Truth and Reconciliation Commission, Findings and Recommendations (Informe de la Comisión de la Verdad y la Reconciliación, Hallazgos y Recomendaciones), July 2011.

74. IACHR, Observations on visit to Honduras, Washington, DC, June 7, 2010.

75. Human Rights Watch, After the Coup. Ongoing Violence, Intimidation, and Impunity in Honduras, 2010.

CRITICISM OF THE SUPREME COURT: STAY OF PROCEEDINGS FOR MILITARY PERSONNEL ACCUSED OF PARTICIPATING IN THE COUP D'ÉTAT

Legal proceedings against the Military Junta. On January 6, 2010, the Public Prosecutor's Office filed a complaint before the Supreme Court, requesting the initiation of legal proceedings against the Honduran military leadership for the expatriation of President Zelaya. Specifically, the Chief of State, Romeo Vásquez; the deputy Chief of State, General Venancio Cervantes; General Miguel Ángel García Padgett, Head of the Army; General Luis Javier Prince from the Air Force; Rear Admiral Juan Pablo Rodríguez from the Navy; and General Carlos Cuellar, Inspector General of the armed forces; were accused of the crimes of abuse of authority against the government and illegal expatriation to the detriment of safety. On January 26, 2010, Jorge Alberto Rivera Avilés, Judge and President of the Supreme Court dismissed the case in favour of the accused.^{R1}

R1. IACHR, Second Report on Human Rights Defenders 2011, Chapter on Honduras, March 2012.

THE ASSOCIATION OF JUDGES FOR DEMOCRACY REPORTS THE ARBITRARY DISMISSALS OF JUDGES AND MAGISTRATES TO THE IACHR

The Association of Judges for Democracy (Asociación de Jueces por la Democracia - AJD) was founded in 2006 in San Pedro Sula with the aim of working towards guaranteeing judicial independence and strengthening the rule of law in the country.

SECURITY SITUATION

After the coup d'état, the AJD did not endorse the position of the Supreme Court of Justice. This opposition resulted in the dismissal of Judges Adán Guillermo López Lone, Luís Alonso Chévez de la Rocha, Ramón Enrique Barrios Maldonado and magistrate Tirza del Carmen Flores Lanza on May 5, 2010. According to the Supreme Court, these dismissals responded to "a grave breach or violation of their positions" that endangered their impartiality and independence.⁷⁶

Human rights organisations, the UN and the Inter-American System of Human Rights considered this application of the Judicial Career Law⁷⁷ an unacceptable attack on the independence of the judiciary. The arbitrariness in the application of this legislation is shown by the fact that none of the members of the judiciary who declared themselves in favour of the coup suffered any penalty. The judges and the magistrate were dismissed without the right to be heard and were prevented from participating in the plenary sessions during which the decision was made to remove them, which can be considered as a violation of due process⁷⁸. Although those concerned challenged the decision of the Supreme Court before the Judicial Career Council of Honduras, this did not restore their violated rights or lead to the appropriate reparations.

THE REACTION OF THE INTERNATIONAL COMMUNITY

Given the failure on the part of the State to recognise and repair the injuries resulting from these arbitrary dismissals, the AJD has appealed to the IACHR citing the violation of rights and principles guaranteed in the American Convention on Human Rights. These include, among others, the right to due process, the right to defence for members of the judiciary, the principles of natural law and the principles of independence and impartiality. The case was accepted for consideration in April 2011 and the merits report is expected to be issued in early 2013.

The international community's reaction to the event has been considerable. The UN Special Rapporteur on the independence of judges and lawyers together with the Special Rapporteur on human rights defenders and the Special Rapporteur on freedom of expression, said in a statement "the fear of the penalty imposed on judges (...) may have a chilling effect on other members of this sector in the sense that they may refrain from expressing opinions different from those expressed by the current authorities".⁷⁹ The Rapporteur also stressed that the promotion of a climate of fear within the justice system can weaken the rule of law and obstruct justice.

As in neighbouring countries, the rate of impunity in Honduras is extremely high, reaching almost 98%. (APUVIMEH and PROAH)



76. A description of the actions that led to the dismissal of the judges and magistrate can be found in the IACHR Admissibility Report, Case of Adán Guillermo López and others vs. Honduras, March 31, 2011.

77. This Law contains the reasons and procedures for dismissal of judicial officers, which according to the Association of Judges for Democracy does not meet the standards of due process.

78. UN. Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, Special Rapporteur on freedom of expression, Frank La Rue, and Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, joint communiqué, July 29, 2010.

79. UN, Report of the Special Rapporteur on independence of judges and lawyers, Gabriela Knaul, Addendum: Summary of information, including individual cases, transmitted to Governments and replies received, par. 357, June 6, 2012.

ANTONIO TREJO CABRERA: THREATS WHICH EVENTUALLY MATERIALISED IN THE KILLING OF THIS LAWYER AND HUMAN RIGHTS DEFENDER

Antonio Trejo Cabrera was a lawyer with the Authentic Campesino Reclamation Movement of Aguán (Movimiento Auténtico Reivindicador Campesino del Aguán - MARCA) and represented several agricultural cooperatives in the region of Bajo Aguán in legal disputes with powerful landowners. He was involved in a famous case that ended in June 2012 in a decision which declared illegal the acquisition of farms in San Isidro, La Trinidad and El Despertar by businessmen Miguel Facussé and René Morales. As a result of this decision the court ordered the return of the lands, a total area of 1,776 hectares, to MARCA⁸⁰. The situation in Bajo Aguán is considered to be one of the bloodiest land conflicts in the history of Central America.

SECURITY SITUATION

On the night of Saturday, September 22, 2012 Antonio Trejo was shot to death while in the vicinity of Toncontín Airport in Tegucigalpa.

A number of organisations had previously reported his risk situation. For example, the report of the International Verification Mission in Bajo Aguán⁸¹ which took place in early 2011, reported threats against Trejo and his family. He himself had reported this to state and international bodies, including to the General Office for Criminal Investigation (Dirección General de la Investigación Criminal) and the UN Special Rapporteur on human rights defenders. Trejo was arrested, along with 24 campesinos from MARCA, on August 21, 2011 when the Supreme Court passed sentence in the case of land in Bajo Aguán. Several human rights organisations, including COFADEH and CODEH, filed complaints against the police on charges of illegal arrest and abuse of authority. A few hours before his death, Trejo had participated in a televised debate in which he accused political leaders of using projects for "model cities" to raise funds for their electoral campaigns.⁸²

THE REACTION OF THE INTERNATIONAL COMMUNITY

The entire international community made public statements on this case. The UN⁸³, the Inter-American System of Human Rights⁸⁴, the German Embassy on behalf of the EU⁸⁵, and the U.S. State Department⁸⁶ all expressed serious concerns about the safety of human rights defenders and urged the State to further investigate these crimes, to hold criminal proceedings and to punish the perpetrators and also those who planned the crimes.

80. APRODEV, CDM Watch, CIFCA, FESPAD, FIAN, LAWG, OMCT-FIDH, PIDHDD, Rel-UITA, Sisters of Mercy and Vía Campesina. International communiqué, International organisations condemn the murder of a campesino human rights lawyer and defender from the Bajo Aguán and of the special prosecutor for human rights. October 2012.

81. International Mission to Bajo Aguán, "Honduras: Human Rights Violations in Bajo Aguan," July 2011.

82. Yucatan, UN experts condemn murder of lawyer in Honduras (Condenan expertos de ONU asesinato de abogado en Honduras), October 1, 2012.

83. UN Special Rapporteurs on the situation of human rights defenders, Extrajudicial Executions and Freedom of Expression, Joint Communiqué, October 1, 2012.

84. IACHR Condemns Murder of Human Rights Defenders in Honduras, September 28, 2012.

85. EU, Local Declaration of the European Union on the murders of lawyer Antonio Trejo and prosecutor Manuel Eduardo Díaz Mazariegos (Declaración Local de la Unión Europea sobre los asesinatos del abogado Antonio Trejo y del fiscal Manuel Eduardo Díaz Mazariegos), September 27, 2012.

86. U.S. State Department, communiqué Victoria Nuland, September 24, 2012

3.1.4 ACCESS TO LAND AND THE RIGHT TO FOOD

In Honduras, as in many of its neighbouring countries in Central and South America, there is a marked inequality in land ownership. According to the World Bank and the United Nations Food and Agriculture Organisation (FAO), over a third of the country's territory is composed of arable land and pasture⁸⁷, of which 40% is in the hands of 1.6% of producers. According to the Economic Commission for Latin America and the Caribbean (ECLAC), 72% of producers have at their disposal 12% of cultivated land and around 44% of the rural population has either no access or very little access to land⁸⁸. In view of these figures it is clear that in Honduras there is a high concentration of land in the hands of a few people, causing high levels of impoverishment among the rural population, in a country with many natural resources.

Over the years a number of campesino movements have been created, which are struggling for access to land and the right to food, leading to strong tensions between these movements and local landowners. Different representatives from national and international organisations, including Special Rapporteur Margaret Sekaggya, have been denouncing that leaders from the campesino movement claiming land restitution are the victims of brutal repression.⁸⁹ Legal persecution of the campesino movement and the use of force in evictions are part of a strategy of repression already observed by PBI in May 2011. **In a meeting with PBI, Mr. Marvin Ponce, vice president of the National Congress, made reference to over 1,500 campesinos who have been prosecuted and given sentences which include alternatives to imprisonment, after being accused of the theft of property and unlawful demonstration, among other crimes.**

The obligation of States to protect against evictions from homes and land is established in a number of international legal instruments that protect the human right to adequate housing and other related rights⁹⁰. According to information shared with PBI by the vice president of the National Congress of Honduras, Mr. Marvin Ponce, so far **in 2012 between 20 and 30 forced evictions have been reported in the country, 19 of which are documented in a recent report by the International Federation of Human Rights and the Center for Constitutional Rights**⁹¹. As part of the implementation of these forced evictions there have also been reports of the excessive deployment of the security forces, accompanied, in many cases, by disproportionate use of force. Campesino organisations, reported in an interview with PBI that during evictions all their crops are destroyed, "brute force" is used and, according to witness statements, at times evictions are carried out in the hours of the early morning, while people are asleep, violating provisions in Honduran law regarding evictions.

More than a third of the lands in the country are arable grasslands, 40% of which are in the hands of 1.6% of the Honduran population. (PBI)



87. FAO, WTO Agreement on Agriculture: The Implementation Experience - Developing Country Case Studies, 2004

88. ECLAC, The agrarian structure and campesinos in El Salvador, Guatemala and Honduras (La estructura agraria y el campesinos en El Salvador, Guatemala y Honduras), September 2001.

89. ACSUR Las Segovias, communiqué, Military repression against campesinos in Honduras (Represión militar contra campesinos en Honduras), April 15, 2010.

90. UN. Basic Principles and Guidelines on Development-Based Evictions and Displacement Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.

91. Enewsf, NGOs Submit Evidence to ICC on Crimes Against Humanity and Impunity in Honduras, Call on Court to Take Up Case, November 15, 2012.

These practices contravene international standards on this practice⁹², which urge States not to use violence and to respect at all times the dignity and human rights of those evicted. In several documented cases it has been reported that private security firms or unidentified hooded individuals were used during evictions. During his last visit to Honduras, in August 2012, the Special Rapporteur on freedom of expression stated that "evictions of campesino land occupations, although sometimes legal, should not be carried out using private security companies or with excessive use of force"⁹³. There are also reports of the excessive militarisation of some territories which are in the midst of conflict over lands, which not only fails to contribute to solving the problem but may increase the risk situation of particularly vulnerable people.

ZACATE GRANDE: MULTIPLE ATTACKS ON THE DEFENCE OF ACCESS TO LAND AS A WAY OF LIFE

Zacate Grande is an island located in the Gulf of Fonseca, in the south of Honduras. It is a rich, natural and scenic location, with fertile lands for agricultural production and white sandy beaches. It has a population of about 5,000 people who have lived on the island for decades, since the time when the island was depopulated. The population therefore has natural rights to the land.

SECURITY SITUATION

Organized communities have been working for the legalisation of their ownership of the land and other land rights, in particular since the 1990's, when the interests of big business for the exportation of shrimps and melon culminated in the illegal appropriation of much of the land, as reported by national and international organisations.⁹⁴ Moreover, the Zacate Grande peninsula became a popular place for the construction of luxury holiday villas. From this time, the rights of the indigenous population have been violated, especially in relation to food, because landlords have grabbed vast extensions of land, installing fences and private security groups to intimidate the population.⁹⁵ The campesinos in the area have complained that the little land they have left is not sufficient to grow enough grains, which poses a serious threat to their food sovereignty and right to housing. Fishing has also been affected, a traditional activity for the local population, which has declined significantly due to extensive fishing by large companies.

In May 2011, PBI received information about various acts of harassment against the inhabitants of Zacate Grande because of their demands. The community radio station La Voz de Zacate Grande has received constant attacks, including boycott and eviction, threats and criminalisation processes against its members and even an assassination attempt against its director, Franklin Meléndez. Mr. Melendez was attacked with a firearm by two men who had insulted him moments earlier because of coverage on the radio about the land dispute in the area⁹⁶, thereby demonstrat-

AGRARIAN REFORM

The most important initiative for land reform in Honduras dates back to 1962, when the Agrarian Reform Act was passed, which provided for land distribution in a way which did not guarantee the social function of property. The "golden era" of agrarian reform in Honduras was the 1970's, especially between 1973 and 1977, when 120,000 hectares were distributed in just five years. Since 1992, the land reform process has not progressed and the Agricultural Modernisation Law was passed as part of Structural Adjustment Programs. Campesino organisations say that this law has severely limited access to land for Honduran campesinos.^{R1} In November 2011, a bill for Comprehensive Rural Agrarian Reform was presented to Congress.

92. UN. Basic Principles and Guidelines on Development-Based Evictions and Displacement Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.

93. UN Special Rapporteur for Freedom of Expression, Frank La Rue, observations and recommendations on his visit to Honduras, August 2012.

94. Colectivo Italia Centroamérica (CICA), Report of the international human rights delegation to the peninsula of Zacate Grande (Informe de la delegación internacional de derechos humanos a la peninsula de Zacate Grande) September 2006

95. Ibid 94.

96. Zacate Grande, The IACHR requires that Honduras protects members of La Voz de Zacate Grande (CIDH exige que Honduras proteja a integrantes de La Voz de Zacate Grande), April 2011.

R1. FIAN, Global Campaign for Agrarian Reform, Information Leaflet, May 2010.

ing that this attack and others committed against activists from Zacate Grande are carried out with the aim of putting a stop to their land claims. Other leaders and members of organisations from the peninsula, such as the Association for the Development of the Zacate Grande Peninsula (Asociación para el Desarrollo de la Península de Zacate Grande - ADEZPA), have been the victims of unfounded criminal proceedings on charges such as land grabbing.⁹⁷

THE REACTION OF THE INTERNATIONAL COMMUNITY

The IACHR Special Rapporteur for freedom of expression has stated that the evictions and attacks against the radio station which have occurred in recent years "are aimed at preventing it from continuing with reports and critical analysis on matters of public interest in the region".⁹⁸ The IACHR granted precautionary measures for broadcasters from this radio station in April 2011.⁹⁹

VALLE DE SULA: REPORTS OF INCOMPLIANCE WITH THE MINIMUM STANDARDS FOR EVICTION

On April 17, 2012, as part of the celebration of the International Day of Peasant's Struggle, and customary practice for some years now, campesinos occupied lands in a number of departments, (Olancho, Francisco Morazán, El Paraíso, Yoro and Cortés). The occupations were carried out by 13 groups of campesinos, organised in the National Farm Workers Union (Central Nacional de Trabajadores del Campo - CNTC) and a sector of the National Campesino Association of Honduras (Asociación Nacional de Campesinos de Honduras - Anach), led by the International Campesino Movement (La Vía Campesina). This action sought to denounce the deterioration of the situation in the area caused by impunity, militarisation and the power waged by agribusiness and landowners¹⁰⁰.

Among the land occupied were the estates of two sugar mills located in the Sula Valley, namely the Northern Sugar Company (Azucarera del Norte S.A. - AZUNOSA) and the Honduran Sugar Company (Compañía Azucarera Hondureña S.A. - CAHSA), which had been expropriated from the companies by Resolution 050-2012 issued by the National Agrarian Institute (Instituto Nacional Agrario - INA) in May 2012. This resolution ordered the expropriation of some 6,600 hectares from the sugar companies for failing to legally and duly apply for an extension of the landholding ceiling¹⁰¹ established under the Agrarian Reform Act. The resolution ordered the expropriation of the hectares that exceeded the authorization to go above the ceiling, that is, 3,644 hectares in AZUNOSA's case and 2,969 hectares in CAHSA's case¹⁰².

97. Defensores en Línea, Eight arrest warrants against leaders and residents of Zacate Grande (Ocho órdenes de captura contra dirigentes y pobladores de Zacate Grande), April 8, 2011.

98. IACHR. Rapporteur for Freedom of Expression. Annual Report, December 2011.

99. IACHR, PM 115/11-Workers from the Voz de Zacate Grande, Honduras", granted on April 18, 2011.

100. Via Campesina, Honduras: Honduras: Campesino farming organisations occupy land in different departments (organizaciones campesinas realizan tomas de tierras en diferentes departamentos), April 17, 2012.

101. In an interview between the Red UITA and the head of the legal services division of the INA it was clarified that in the case of Valle de Sula the maximum land ceiling was 200 hectares, however AZUNOSA has a little more than 10 thousand hectares, backed by the land ceiling authorisation that covered around 6,000 hectares.

102. Rel – UITA, interview with Marco Ramiro Lobo, head of legal services division of the INA, August 7, 2012.

SECURITY SITUATION

In San Manuel, in the department of Cortés, the third eviction order was sent on June 12, 2012 for the subsequent expulsion of the campesinos from the land which they had been occupying since April 17, some of which was part of the land expropriated from CAHSA by the INA. During the eviction, members of the judiciary were supported by a large deployment of state security forces and some members of the Campesino Movement of San Manuel (Movimiento Campesino de San Manuel - MOCSAM) were arrested. Subsequently the MOCSAM camp and three storerooms where staple foods were being sold were destroyed using bulldozers.¹⁰³ As a result of the evictions carried out this year in San Manuel, some 141 members of the group of campesinos were arrested and they are currently being held under house arrest and are not allowed within 500 metres of the disputed land.

In Santa Elena, Aguas Blancas, in the department of Yoro, on August 15, 2012 a large contingent of police, military and security guards carried out the second eviction of campesinos from land expropriated by the INA from the AZUNOSA company some months earlier. During this eviction it was reported that around 40 people were arrested, including 14 minors, accused of the crime of stealing land,¹⁰⁴ and sentenced to a suspended prison sentence. According to statements made to the media by those evicted, this was an “illegal eviction because it was conducted by an officer of the Criminal Investigation Department (Dirección General de Investigación Criminal - DGIC), who posed as an executing magistrate”. It was also reported that the eviction order was not notified to families prior to eviction.¹⁰⁵

THE REACTION OF THE INTERNATIONAL COMMUNITY

The AZUNOSA investment is owned by the British-South African company SAB-Miller. The head of the legal division argues that strong pressure has been placed upon INA to stop expropriating lands, on the part of the Honduran Council of Private Enterprise (Consejo Hondureño de la Empresa Privada), the National Federation of Farmers and Ranchers of Honduras (Federación Nacional de Agricultores y Ganaderos de Honduras) and the National Association of Manufacturers (Asociación Nacional de Industriales). An INA adviser also reiterated this position in an interview with PBI. SABMiller reached the point of threatening to leave the country and move their investment to El Salvador.¹⁰⁶

BAJO AGUÁN: VIOLENCE PLACES THE DEFENCE OF CAMPESINO ORGANISATIONS AT RISK

In PBI’s May 2011 report, we referred to the historical origins of the conflict in this area and the complexity of the situation resulting from the presence of different legal and illegal state and non-state actors. In the 1980s the government promoted a policy which encouraged the colonisation of this area by farmers from different parts of the country and led to the creation of cooperatives. The current conflict originated with the entry into force of the Law for the Modernization of Agricultural Development (Ley para la Modernización del Desarrollo

The INA issued a resolution in May 2012 in which they expropriated 6,600 hectares of land from the companies CAHSA and AZUNOSA due to irregularities under the Agrarian Reform Law. (PBI)

103. Resistencia Honduras, The Movement of San Manuel Cortes (MOCSAM) enters again to recover lands (El Movimiento de San Manuel Cortes (MOCSAM) ingresa nuevamente a recuperar las tierras), June 17, 2012.

104. El Libertador, Honduras: 40 campesino farmers evicted, including eight children (Honduras: 40 campesinos son desalojados; entre ellos ocho menores), August 16, 2012.

105. Rel - UJTA, Who are the land usurpers? (¿Quiénes son los usurpadores?), August 12, 2012.

106. Rel - UJTA, interview with Marco Ramiro Lobo, Head of legal services division of the INA, August 7, 2012.



Honduras currently produces more than 300,000 metric tons of palm oil, almost 70% of which is for export. This plant is grown on 120,000 hectares (40,000 in the 1990s and 80,000 by 2005), mostly located in the northern departments of Colón and Atlántida, and especially in the Valle del Aguán region ^{R1}.

Agrícola¹⁰⁷, which promoted the privatisation of land. Among the factors that have aggravated the situation in this region, making it one of the bloodiest land conflicts in Central America, is the rise of African palm oil cultivation for export. The land dedicated to this crop, belonging to both campesino cooperatives and large landowners, is now highly profitable, and economic interests which have arisen in the area have worsened the conflict situation.

SECURITY SITUATION

According to documents systematized by the International Verification Mission on the Situation of Human Rights in Bajo Aguán¹⁰⁸ (hereafter the International Mission to Bajo Aguán), 54 people linked to campesino organisations, one journalist and his partner, and lawyer Antonio Trejo, have been killed between September 2009 and October 2012, as part of this agrarian conflict. Moreover, another farmer has been missing since May 15, 2011. According to data provided by the Special Prosecutor for Human Rights, there has been no impartial investigation of these crimes.¹⁰⁹

The militarisation of the area has intensified in recent months. In August 2011, new military contingents were deployed, including the operation known as Xatruch II that combines police and the army. In 2012 this operation was strengthened to constitute Xatruch III. According to the International Federation of Human Rights (FIDH), agents belonging to this military operation have participated in acts of torture.¹¹⁰ The militarisation of the area is compounded by the presence of a strong contingent of private security guards employed by the landowners. They have also been accused by several international organisations of participating in violent acts, including evictions, murders, shootings, intimidation and disappearances.

One attempted forced eviction recorded in 2012 in Bajo Aguán took place during the dispute over the farms in San Isidro, La Trinidad and El Despertar. Court decisions confirmed that the acquisition of these three farms by businessmen Miguel Facussé and René Morales was illegal. As part of the court judgment, the farmlands were handed over to campesinos from MARCA. Nevertheless, the businessmen presented applications of amparo (a constitutional protection measure) to reverse this restitution of land, thereby contravening existing laws.¹¹¹ The legal decision granted a reversal of the land restitution, resulting in evictions. On July 18, 2012 an attempted eviction was conducted by a military contingent of more than 300 police, dozens of soldiers and trucks carrying heavy weapons, led by security guards of landowner Miguel Facussé.¹¹² On September 9, 2012 a large group of soldiers and police carried out a violent eviction, which included ill-treatment, persecution and arrests of the campesinos. According to the media, tear gas and powerful heavy weaponry were used.¹¹³

107. Decree issued in Honduras, number 31-92 published in the Gazette on April 6, 1992.

108. Ibid 107.

109. International Mission to Bajo Aguán, International organisations warn: the State of Honduras must guarantee the independence and impartiality of the justice system, July 17, 2012.

110. FIDH, NGOs to denounce serious human rights violations in Bajo Aguán to the IACHR (ONG denunciarán graves violaciones de derechos humanos en el Bajo Aguán ante la CIDH), October 2012.

111. International Mission to Bajo Aguán, International Organisations warn: the State of Honduras must guarantee the independence and impartiality of the justice system, July 17, 2012.

112. Voz el Soberano, Berta Oliva: Eviction of Facussé guards was a trap used to fool the international community (Berta Oliva: Desalojo de guardias de Facussé fue una trampa para engañar a la comunidad internacional), July 18, 2012.

113. La Tribuna, 34 arrested in eviction of farm in Bajo Aguán (34 detenidos en desalojo de finca en el Bajo Aguán), September 9, 2012.

R1. International Mission to Bajo Aguán, Honduras: Human rights violations in Bajo Aguán, July 2011.

DATE	DATA
20 JANUARY	Mattia Valle ^{T1} Member of MUCA.
11 APRIL	Doninely López Alvarado ^{T2} Member of the Camarones Associated Campesino Company and member of MUCA.
16 MAY	Juan José Peralta Escoto ^{T3} Member of MUCA.
6 JULY	Gregorio Chávez Aranda ^{T4} Active member of the catholic church.
7 JULY	Jacobo Erazo López ^{T5} Member of MUCA and former director of the El Tranvío Associated Campesino Production Company.
8 JULY	José Luis Dubón Díaz ^{T6} Member of MUCA.
27 JULY	Israel García Pérez ^{T7} Member of the Campesino Movement for National Recovery in Aguán.
27 AUGUST	José Braulio Díaz López ^{T8} Secretary of the El Tranvío Associated Campesino Production Company and member of MUCA.
10 NOVEMBER	José Cecilio Pérez ^{T9} Leader with MARCA.

◀ LIST OF VIOLENT KILLINGS OF FARMERS IN BAJO AGUÁN IN 2012

The criminalisation of the defence of land rights in Bajo Aguán is also demonstrated by more than 160 cases of campesinos prosecuted for their activities. About 80 remain temporarily imprisoned.¹¹⁴ The international mission that visited the area in early 2011 reported to the IACHR that in some of these cases due process is not being respected.¹¹⁵ One significant example is the case of the criminalisation of 24 campesinos from Bajo Aguán who were arrested in August 2012 while taking part in a protest outside the Supreme Court of Justice and charged with the crime of unlawful demonstration.¹¹⁶ Actions like these have been noted by international organisations, who have reported these cases as evidence of the severe criminalisation of the campesino movement and have urged the Honduran government to put a stop to this kind of harassment¹¹⁷.

T1. <http://www.agenciapulsar.org/nota.php?id=20023>

T2. <http://nicaraguaymasespanol.blogspot.com/2012/04/honduras-bajo-aguan-hasta-cuando.html>

T3. http://www.resistenciahonduras.net/index.php?option=com_content&view=article&id=4679:ante-el-asesinato-de-campesinos-y-periodistas-en-honduras&catid=81:comunicados-de-solidaridad&Itemid=279

T4. <http://nonosolvdamosdehonduras.blogspot.com/2012/07/observatorio-de-ddhh-demanda.html>

T5. <http://nicaraguaymasespanol.blogspot.com/2012/07/bajo-aguan-ofensiva-criminal-contra.html>

T6. Defensores en Línea, "El Aguán sigue reportando muertes violentas de campesinos", julio 2012.

T7. <http://nicaraguaymasespanol.blogspot.com/2012/07/bajo-aguan-en-un-laberinto-de-violencia.html>

T8. Defensores en Línea: Represión, persecución y asesinato hacia los campesinos del Bajo Aguán, agosto 2012.

T9. <http://proceso.hn/2012/11/10/Caliente/Contin.C.BAa/59992.html>

114. CIFCA, CIDSE, APRODEV, OBS, ODHACO, PBI Guatemala and PBI Colombia, FIAN, and Dutch Platform against Impunity. The criminalization of human rights defenders in Latin America. An assessment from international organisations and European networks, June 2012.

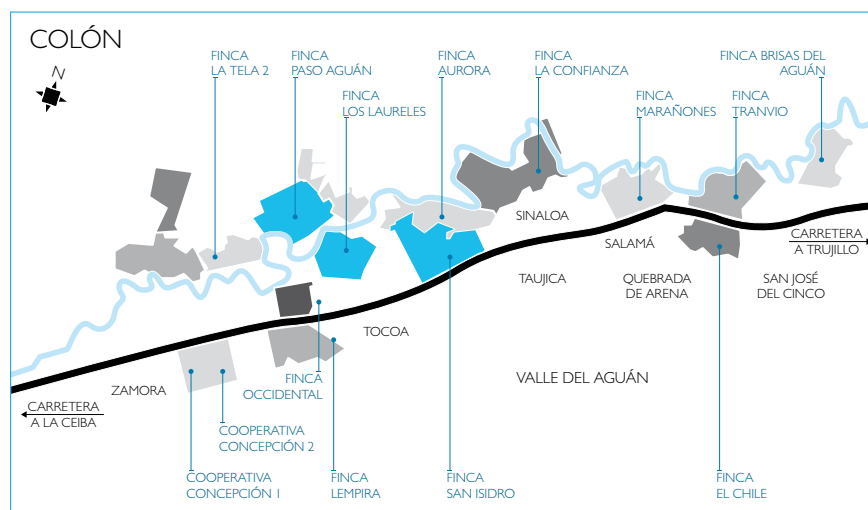
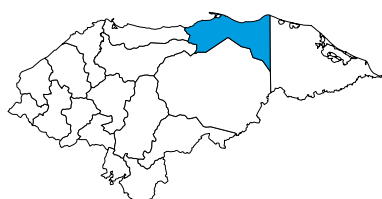
115. Ibid 114.

116. Derechos Nizkor, Detention order for 24 farmers accused of participating in illegal demonstration (Auto de prisión para 24 campesinos acusados de participar en manifestación ilícita), October 5, 2012.

117. International Press Release "Expresan profunda preocupación sobre los recientes actos de represión, violencia y criminalización contra las organizaciones campesinas del Bajo Aguán", August 30, 2012.

AGRARIAN CONFLICT
IN BAJO AGUAN

SOURCE: EL HERALDO AND FIAN
MAP DESIGN: PBI



- San Isidro: attempted forced eviction on July 18, 2012. This farm along with La Trinidad and El Despertar, where several forced evictions took place in 2010 and 2011, have been the object of judicial decisions which order that they be returned to the member cooperatives of the MARCA.
- Los Laureles: farm evicted on September 9, 2012.
- El Paso Aguán: farm under threat of forced eviction.

3.1.5. DEFENDING TERRITORY
AND THE RIGHT TO A HEALTHY ENVIRONMENT

The UN International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention 169 of the International Labour Organization (ILO) recognize the right of all peoples to freely dispose of their wealth and natural resources, to be informed and consulted and not be deprived, under any circumstances, of their own livelihoods. Moreover, ILO Convention 169 establishes respect for the rights of indigenous peoples to land and territory (art. 13-17); including the right to remain living in their territories, recognition of rights over natural assets and participation in their administration. Here too, the UN Guiding Principles on Internal Displacement (1998) and the Rio Declaration on Environment and Development (1992) establish important international provisions prohibiting arbitrary resettlement and reiterate the obligation to undertake environmental impact assessments for any proposed activities that may have a negative impact on the environment.

Honduras is situated at the heart of the Mesoamerican Biological Corridor, a conservation strip that extends across eight States, from Mexico to Panama and has an extensive wealth of natural resources and biodiversity. In the country there are 35 primary watersheds of which two, from the Patuca and Ulúa rivers, cover an area of 25,000 and 22,000 km² respectively. The Honduran forest makes up about 50% of the territory. Deforestation is so severe and illegal logging is so widespread that the Honduran forest authorities themselves acknowledge that they do not know the size of the annual loss.¹¹⁸ The subsoil are also rich in minerals, as shown by the 637 mining concessions registered by April 2011, of which 284 have been granted and 353 are on hold, pending the approval of the new Mining Law. Honduras also has enormous oil wealth on the Atlantic Ocean coasts, in territories where indigenous and Afro-Honduran peoples live.

Several of the organisations interviewed by PBI expressed disagreement with the adoption of a series of laws during the two years following the coup, which consolidate a development model which facilitates the exploitation of natural resources and violates the right to land of campesino,

118. Environmental Investigation Agency and Centre for International Policy. The Illegal Logging Crisis in Honduras, 2005

indigenous and Afro-Honduran communities. Among them is the Law on Special Development Regions (Ley de Regiones Especiales de Desarrollo), better known as the “law on model cities”, which would entail the amendment of several articles of the Constitution and would allow the creation of independent cities, with their own legal and security systems, between the bay of Trujillo and the Sico river, lands inhabited by indigenous Garifuna communities.¹¹⁹ Organisations also reported that in the middle of the institutional crisis generated by the coup, the National Congress approved the General Water Law (Ley General de Aguas) that allows the granting to third parties of the country’s water resources. Under this law, Congress granted 47 water tenders without consultation with affected communities, which triggered rejection by indigenous peoples, Afro-Honduran communities and various social organisations¹²⁰.

The exploration of natural resources has historically been marked by irregularities and minimum benefits for communities. Despite not knowing for sure what the threats will be for indigenous peoples and the surrounding communities due to a possible flood of concessions, since the official information is not widely available despite current campaigns for transparency, the affected communities have documented their experiences. Information accessed by PBI described devastating impacts on health and the environment¹²¹. This is the case, for example, with open pit mining in the Valle de Siria, where the San Martín project is located, owned by the Entre Mares Honduras Company, a subsidiary of Canadian company Gold Corp, which obtained concessions for a maximum extension of 118,000 hectares and directly and indirectly affected the communities of Cedros, Marale, San Ignacio, El Porvenir and Palo Alto.¹²²

Different Honduran organisations, including indigenous movements, have mobilized in order to raise awareness in communities about the impacts of these mega projects, the need for prior environmental impact studies and to ensure respect for the right of communities to be informed and consulted. Campaigns have also been started for the protection of water, metal resources, land and agriculture, forests, the radio spectrum and urban ecology, and 15 municipalities in the country have declared themselves to be mining-free zones¹²³.

As a result of their actions to defend lands and the environment, indigenous and environmental organisations face threats, harassment, attacks on their physical integrity and criminal. According to the IACHR, these events are becoming more frequent and these defenders are in a high risk situation.

Several such cases have been reported by indigenous organisations. On May 1, 2012, for example, they denounced the murder, allegedly by members of the

Honduras has integrated part of these standards into national law, but human rights organisations complain that this legal framework is not respected which results in impunity. In addition to this, according to information received during PBI’s visit to Honduras^{R1}, the judiciary and the PPO ignore and/or fail to comply with the provisions of international standards recognized and ratified by the State of Honduras as in the case of ILO Convention 169.

119. CT, Report of the Commission of Truth, The Voice of Greatest Authority is the Victims’ (La Voz más autorizada es la de las Víctimas), Honduras, October 2012

120. Radio Progreso, Declarations by COPINH, Opposition to the concession of rivers for renewable energy projects (Se oponen a concesión de ríos para proyectos de energía renovable), August 24, 2010.

121. The People’s International Health Tribunal, August 25, 2012. Information published on their website.

122. CIFCA, CIDSE, APRODEV, OBS, ODHACO, PBI Guatemala and PBI Colombia, FIAN, and Dutch Platform against Impunity. The criminalization of human rights defenders in Latin America. An assessment from international organisations and European networks, June 2012.

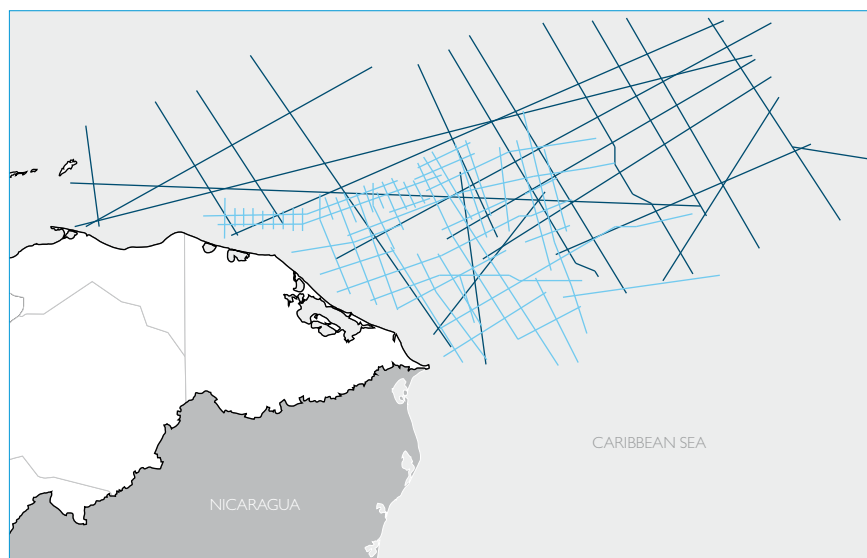
123. On June 20, 2011 these were: Santa Bárbara, San Francisco de Ojuera, Atima, San José, Jesús de Otoro, San José de la Paz, San José de Comayagua, Chinacla, Ajuterique, Teupasenti, Yorito Yoro, Belén Gualcho, Ocotepeque; El Rosario Comayagua; Mapulaca Lempira; Arenales Santa Bárbara.

R1. PBI, Information received from the Broad Movement for Dignity and Justice (Movimiento Amplio por la Dignidad y la Justicia) based on cases presented “to the PO and the judiciary, invoking rights established in ILO Convention 169 which are not even mentioned in its decisions by the Public Prosecutor and judges who know the causes.”, November 2012.

OIL FIELD STUDIES OF EXPLORATION IN THE ATLANTIC OCEAN

SOURCE: PETROLEUM GEO-SERVICES^{M1}
MAP DESIGN: PBI

In a television program broadcast on October 25, 2012, presidential adviser Roberto Herrera Cáceres said the current administration would be signing a memorandum of understanding with the British company British Gas, for the exploration and exploitation of hydrocarbons in an area of 3,500 km², located in the exclusive economic zone off the La Moskitia coast.^{M2}



“HONDURAS OPEN FOR BUSINESS”

This event was held in San Pedro Sula in May 2011, and was aimed at promoting foreign investment and projecting an image that the country was back to normal after the coup, thereby setting the scene for the readmission of Honduras to the OAS on June 1, 2011. At this time, PBI received reports of violence used by government security forces to repress demonstrations taking place in opposition to this event. This case illustrates the difficulties faced by organisations, communities and individuals who demand respect, promotion and effective protection of land rights and territorial rights.

National Police, of Alberto Santos Rodriguez¹²⁴. Santos was a member of the Civic Council of Popular and Indigenous Organisations of Honduras (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras - COPINH), an organisation which promotes processes to improve the lives of indigenous Lenca People through social, political, economic and cultural mobilisation. Their denouncements have been echoed by international organisations such as Cultural Survival, which works to defend the rights of indigenous peoples, and which stated during the UPR of Honduras that “the indigenous peoples of Honduras risked losing their ancestral lands and their natural resources, and were subjected to acts of violence and intimidation that violate their freedom of opinion” and their work to defend their territories.¹²⁵

For their part, environmental groups in opposition to illegal logging such as the Environmental Movement of Olancho (Movimiento Ambientalista de Olancho - MAO), have also reported multiple death threats and physical intimidation against their members.¹²⁶ They insist that the aim of the attacks is to silence their opposition to the exploitation of natural resources in the country. This situation is not lost on international organisations, who have made a number of statements about the seriousness of this situation and the need for further action to end it. Back in 2009 the Inter-American Court issued a judgment against the State of Honduras regarding the case of human rights defender Jeannette Kawas, an environmental activist murdered for her opposition to illegal logging. This judgment ordered, among other things, the creation of an awareness campaign to highlight the important work carried out by environmental defenders in the country.¹²⁷

124. Defensores en Línea, Police murdered indigenous Lenca man and member of COPINH, Santos Dominguez Benitez (Policia asesina a Santos Dominguez Benitez indígena lenca miembro de COPINH), May 1, 2012.

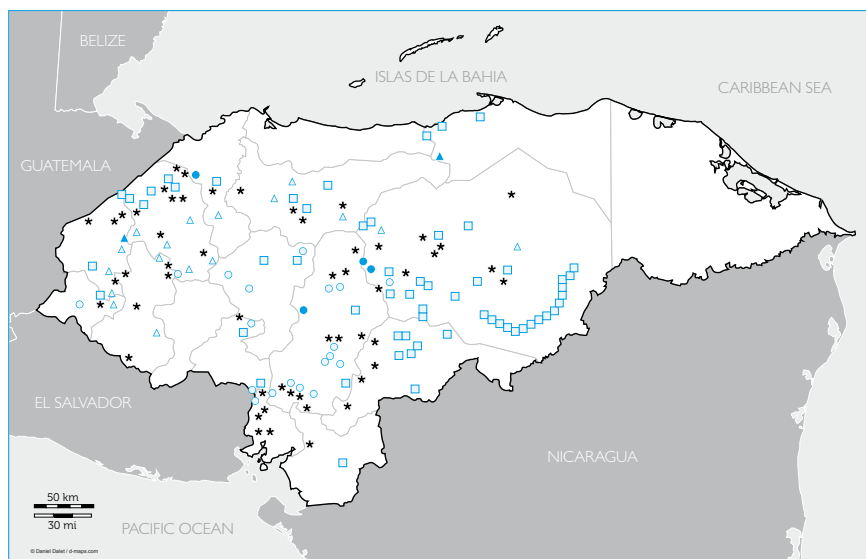
125. Cultural Survival, “Observations on the State of Indigenous Human Rights in Light of the UN Declaration on the Rights of Indigenous Peoples in Honduras” presented during the UPR of Honduras before the Human Rights Council, April 2010.

126. Environmental Investigation Agency and Centre for International Policy. The Illegal Logging Crisis in Honduras, 2005

127. CEJIL, Greets the Visit of UN Special Rapporteur on the situation of human rights defenders (Saluda la visita a Honduras de la relatora especial de la ONU sobre la situación de defensores de derechos humanos), February 6, 2012.

M1. See Petroleum Geo-Services: www.pgs.com/en/Data_Library/South-America/Honduras/Honduras-MC2D/

M2. OFRANEH, Hydrocarbons in Moskitia, British Gas and the right to consultation (Hidrocarburos en la Moskitia, British Gas y el derecho a la consulta), October 29, 2012



◀ MAP OF MINERALS

SOURCE: SERNA
MAP DESIGN: PBI

- △ Antimonio
- Iron
- ▲ Mercury
- Gold
- Silver
- ★ Polymetallic

**THE BROAD MOVEMENT FOR DIGNITY AND JUSTICE:
CRIMINALISATION, THREATS AND HARASSMENT IN RESPONSE
TO THEIR OPPOSITION TO HYDROELECTRIC DAM CONCESSIONS
IN THE DEPARTMENT OF ATLÁNTIDA**

The Broad Movement for Dignity and Justice (Movimiento Amplio por la Dignidad y la Justicia - MADJ) provides advice and support to indigenous and campesino communities struggling against hydroelectric concessions and other projects (implemented without consultation with communities or environmental impact assessments) and the illegal logging of forests. This organisation is accompanying the Atlántida Departmental Network for the Defence of Natural Resources (Red Departamental de Atlántida en Defensa de los Recursos Naturales - hereafter the Network), a community resistance movement which emerged in opposition to hydroelectric projects in the department, which in most cases have been granted without prior consultation with the affected communities.

SECURITY SITUATION

Social organisations state that these projects violate Honduran legislation, placing particular emphasis on the General Law on the Environment (Ley General de Medioambiente) designed to ensure the protection and sustainable management of the environment and natural resources which are of social interest, and which establishes that prior consultations must be carried out with affected communities whose territories will be affected, as well as environmental impact studies.

Members of MADJ informed PBI of the existence of complaints they have made against two projects before the national justice system: one against the CONTEMPO company because of abuse of authority and environmental damage in the town of La Masica; and another against the SEMSA company for the case of the Mezapa project in the municipality of Arizona. In the first case, three affected communities saw their water supply affected due to the opening of a seven-kilometre stretch of road by this company. According to the information presented by the MADJ to the Public Prosecutor's Office, the construction of this road caused mudslides which led to the total silting of the dam. Moreover, members of the Municipal Corporation of La Masica had stated that they had no knowledge of the projects, and so the communities were not informed

LEGISLATION THAT REGULATES THE EXPLOITATION OF NATURAL RESOURCES ► **Special Development Regions Bill (RED)**

DECREE 04/2011

This bill would lead to the modification of a number of articles in the Constitution and would allow for the creation of independent cities with their own systems for justice and security, between the Trujillo Bay and the Sico river, on lands inhabited by the Garifuna indigenous people. In January 2011, the Legislative power, by a vote of 126 of the 128 deputies present, approved the creation of the RED, thereby agreeing that this did not violate the sovereignty, form of government, or territory of Honduras. Human rights organisations and indigenous communities immediately reacted to this decision by filing 68 constitutional challenges and one accusation of treason against the 126 deputies. In October 2012, the Supreme Court Plenary ruled with 13 judges against and one in favour, and the abstention of its president, Jorge Rivera. The President publicly expressed his regret over the decision of the Court.

General Water Law

DECREE 181/2009

Amid the institutional crisis generated by the coup, the National Congress approved the General Water Law^{T1}, which allows the rights over the country's water resources to be awarded to third parties. In October 2011^{T2} under this Law the Congress approved 47 water tenders without consulting affected communities, which was rejected by indigenous peoples, Afro-Caribbeans and various social organisations^{T3}.

Hydrocarbons Law

1984

This law determines the fee which must be paid for the exploitation of hydrocarbons. Article 70 states that "During the exploitation period the contractor will pay, both on land and in inland waters and at sea, an annual surface fee of ten lempira per hectare and twenty lempira per hectare for the extension of that period". On February 8, 2011, the current administration of Lobo, suspended the activities of oil exploration via decree PCM-007-2011, arguing that Honduras needs a new law.^{T4}

Mining Bill

PRECEDING DECREE 292/98 FEBRUARY 1999

This bill was drafted behind closed doors by the Mining Commission, and according to human rights organisations seriously violates the territorial, cultural, and spiritual rights of indigenous and Afro-descendant people. Among other provisions, it establishes the continuity and promotion of open-cast mining; in a clear violation of the human right to water, it does not protect or guarantee access to water for communities by giving the mining industry privileged use of water; it ensures the validity of tax shields for companies; it restricts and prevents access to information on mining; and it establishes that binding public consultation is only provided for in exceptional cases and not as a general rule.^{T5}

T1 Ley de Aguas (Decreto 181-2009).

T2 Véase: <http://argentina.indymedia.org/news/2010/11/759566.php>

T3 Declaraciones COPINH. <http://radio-progreso.com/content/index.php?option=com-content&view=article&layout=edit&id=42:noticias&Itemid=99>

T4 OFRANEH. Comunicado Hidrocarburos en la Moskitia, British Gas y el derecho a la consulta, 29 de octubre 2012.

T5 Véase <http://www.miningwatch.ca/es/news/organizaciones-sociales-de-honduras-rechazan-proyecto-de-ley-minera-por-poner-los-intereses>



◀ DRAFT LAW RED:
LOCATION OF MODEL CITIES
SOURCE: EL HERALDO
MAP DESIGN: PBI

The establishment of model cities, with their own judicial and security system, between the trujillo Bay and the Sico river, territory in which garifuna communities live.

about them. In the second case regarding SEMSA, the company has been accused of the crime of fraud, as they used signatures of people who attended a briefing organized by the company, as false proof to SERNA that the communities had been informed about the project.¹²⁸

As a result of their strong opposition to hydroelectric investment in the area, several members of the organisation and communities have been subjected to pressure, harassment and threats. In the last months of 2012 the situation has worsened and several people have had to leave the country. All these facts have been reported to the PPO and CONADEH, with the aim of ensuring the safety of those people who have been threatened¹²⁹. Despite these complaints, so far the authorities have not taken steps to protect the victims or to identify, prosecute and punish those responsible.¹³⁰

THE REACTION OF THE INTERNATIONAL COMMUNITY

The IACHR recently issued a statement in relation to this case which indicates that unknown individuals illegally entered the home of Alvarenga Amador, a member of MADJ, in order to intimidate him.¹³¹

COPINH: Members of the indigenous organisation, the Civic Council of Grassroots and Indigenous Organisations (Consejo Cívico de Organizaciones Populares e Indígenas - COPINH) in a demonstration in Honduras, January 2010. (Pascal Bodemeijer)



128. MADJ, Against all corruption. Natural Resources are the right of everyone, not the commodity of the few (Contra la corrupción siempre. Los recursos naturales son un derecho de todos, no mercancía de pocos), July 18, 2010

129. PBI. Interview with Víctor Fernández, lawyer and member of the MADJ, October 2012.

130. Ibid 129.

131. Cejil Press Release, The Inter-American Commission on Human Rights orders the Protection of environmentalists in Honduras (La Comisión Interamericana de Derechos Humanos ordena proteger ambientalistas en Honduras. Los defensores de derechos humanos enfrentan situación de riesgo y violencia), October 9, 2012

TRIUNFO DE LA CRUZ: TOURIST INTERESTS THREATEN INDIGENOUS GARÍFUNA COMMUNITIES

The indigenous Garífuna community Triunfo de la Cruz, located in the Bay of Tela in the Caribbean department of Atlántida, has spent decades struggling to be granted titles to the land they have inhabited since ancient times. Although they were awarded land titles by the INA in 1978 guaranteeing their occupation of the lands, there is strong interest in converting the Bay of Tela into a tourist complex, a fact that places the community in a vulnerable situation.

SECURITY SITUATION

Since the 1990s the municipality of Tela has been seeking to expand its urban area, which would convert the community of Triunfo de la Cruz into a neighbourhood belonging to the municipality and lead to the loss of the communities' ancestral lands. Meanwhile, unauthorised individuals have sold parts of the land to private companies interested in investing in the tourism sector. This situation led to the birth of the Committee for the Defence of Lands in Triunfo (Comité de Defensa de la Tierra de Triunfo - CODETT) with the support of the Fraternal Black Organisation of Honduras (Organización Fraternal Negra Hondureña - OFRANEH).

As a result of the defence of their territory, including their claim for the right to consultation on the development of mega projects, several community leaders have been the victims of different attacks, including physical violence, murder, defamation and criminalisation processes, which have led to a situation of severe insecurity and risk for themselves and their community.¹³²

The conflict has intensified in the aftermath of the coup. Members of the community were victims of surveillance, harassment and illegal detention after participating in protests.¹³³ On January 6, 2010 the Faluma Bimetu community radio station was burned down by unknown assailants. After these actions, the Truth and Reconciliation Commission (TRC) stated that it is clear that this radio station was the victim of selective repression carried out after the coup, which has been directed against any person who raises their voice in protest.¹³⁴ The fire was reported to the authorities, but at the time of writing this report, there has been no investigation into these events. In January 2011, the radio station was closed again for fear that the facilities would be attacked once more, after threatening messages were received to that effect.¹³⁵ On a night in April 2011 unknown assailants set fire to the house of community leader Mr. Alfredo López Álvarez.¹³⁶

THE REACTION OF THE INTERNATIONAL COMMUNITY

Triunfo de la Cruz are currently waiting for the merits report on their petition to the IACHR in which they accuse the Honduran State of being responsible for the violation of the right to judicial guarantees, to property and to judicial protection, enshrined in the American Convention on Human Rights and ILO Convention 169. In their petition they expressed that "even though the National

The Garífuna community of Triunfo de la Cruz is located in the Tela Bay in the department of Atlántida. (PBI)



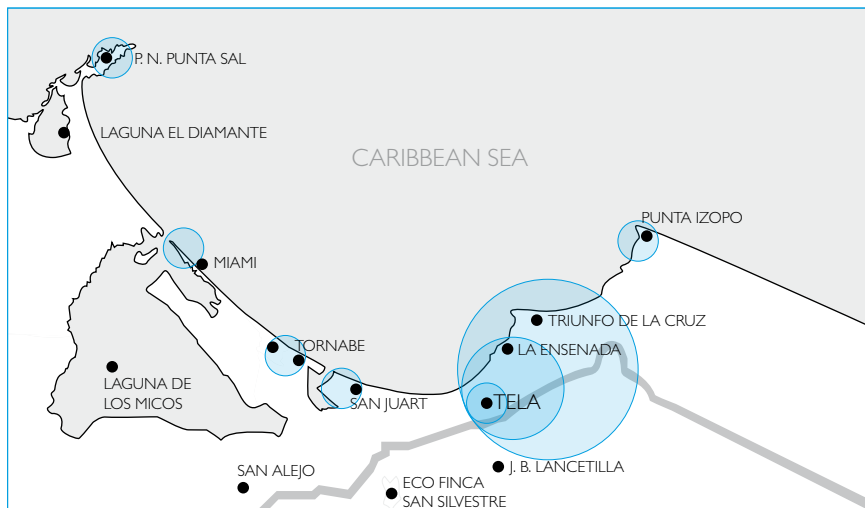
132. PBI. Interview with Mr. López Álvarez on September 26, 2012.

133. Ibid 132.

134. TRC. So that events are not repeated: Report of the Truth and Reconciliation Commission, July 2011.

135. Fraternal Black Organisation of Honduras (Organización Fraternal Negra Hondureña), Temporary Closure due to Insecurity of the Garífuna Community Radio Station (Cierre temporal por inseguridad de radio comunitaria garífuna), 17 de enero 2011.

136. PBI. Interview with Mr. López Álvarez, September 26, 2012.



◀ CURRENT PRESENCE AND FUTURE PROJECTION OF TOURISM MEGAPROJECTS IN THIS REGION

SOURCE: GARÍFUNA INDIGENOUS COMMUNITY OF TRIUNFO DE LA CRUZ
MAP DESIGN: PBI



Agrarian Institute (...) gave the Community two titles (...) to their ancestral lands, the possession of this land has not been peaceful due to the actions of public authorities and interested third parties¹³⁷. The community was granted precautionary measures by the IACHR in 2006.¹³⁸

3.2 TYPES OF ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

During the research conducted by PBI in Honduras, we learned of different attacks against human rights defenders, their families and their communities, all aimed at paralyzing their work in the defence and promotion of human rights, with a resulting closure of space for human rights work. Using this information, PBI has been able to identify the most vulnerable groups as well as some of the most common patterns of aggression. Below, we share a brief analysis of these patterns.

THREATS AND INTIMIDATION

Sending threats to human rights defenders has become a fairly common practice, especially text messages to mobile phones, emails or phone calls. It is an easy, inexpensive, yet highly effective method because the fear and insecurity caused can inhibit any initiative to claim rights. A large number of activists in the country have reported receiving this kind of message at one time or another, which are clearly aimed at intimidating them, as in most cases the messages refer to the human rights work being carried out by the defender. On more than one occasion these threats have proved to be the prelude to a more serious attack, including kidnapping, assault and even murder.

A clear example of this is the case of activist Gladys Lanza, who has been receiving threats since 2009, because of her critical position regarding the coup d'état. The intensity of these threats increased until in August 2012 she was

PHOTO 16: The strategy of criminalisation has been widely denounced, mainly by indigenous and campesino organisations. Members of COPINH during a protest, 2012. (Nina Kreuzinger)



137. IACHR, Case of the Garífuna Community Triunfo de la Cruz and its members vs. Honduras, paragraph 3, Admissibility Report of March 14, 2006.

138. IACHR Precautionary Measures published on their website.

followed by an unknown individual who tried to attack her¹³⁹. Sometimes, it is the family, in particular of women defenders, who suffer harassment. This is the case of journalist Dina Meza who informed PBI that on November 19, 2012, her 19 year-old son was followed and intimidated by unknown individuals on his way home on public transport. The journalist, who was granted precautionary measures by the IACHR in 2006 and 2009, sees this as a direct threat to her because of her work with COFADEH.¹⁴⁰

ATTACKS TO PHYSICAL INTEGRITY

The most heinous crime of this type is murder. Due to the lack of rigorous and comprehensive official records, it is difficult to establish the exact number of human rights defenders killed in Honduras as a result of their work, however COFADEH refers to some 132 political assassinations in the past three years¹⁴¹. As mentioned in the previous chapter of this report, the last cases which occurred during PBI's visit to the country and which have provoked strong international reactions were the murders of lawyer Antonio Trejo and human rights prosecutor Manuel Eduardo Díaz Mazariegos. In addition to murders, other physical attacks have been reported such as kidnapping, torture and cruel treatment. One such example is the case of journalist Karla Zelaya, who, after several threatening messages to her cell phone, was kidnapped and tortured for several hours at the end of October 2012.¹⁴² The TRC has exposed some of these kinds of attack in its report, adding that in many cases the police and the military are the perpetrators of these attacks. Many of the 129 recommendations made during the UPR to Honduras in late 2010 were aimed at eliminating abuses carried out by the state security forces¹⁴³.

CRIMINALISATION

Unfounded criminal investigations against human rights defenders and disproportionate sentencing have harmful effects on their work, since they paralyze their activity and stigmatize them, making them more vulnerable. The use of baseless criminal proceedings as a strategy has been highlighted by the UN and the IACHR as one of the main obstacles faced by defenders¹⁴⁴. In Honduras, the case of the Syria Valley Committee (Comité del Valle del Siria), which PBI discussed in its previous report¹⁴⁵, is emblematic in this regard, as several members of the committee are under prosecution for participating in a demonstration. The case of the arrest of Alfredo López, an indigenous Garífuna community leader from Triunfo de la Cruz, is also emblematic. He spent six years on remand

Bertha Oliva from COFADEH, January 2010.
(Pascal Bodemeijer)



139. Defensores en línea, The life of Gladys Lanza is in serious danger after she is followed by men on a motorcycle and in cars without number plates (En grave peligro la vida de Gladys Lanza: En motocicleta y autos sin placas le dan seguimiento), August 30, 2012.

140. PBI, information received from Dina Meza, November 21, 2012.

141. CELS, Conectas Derechos Humanos, Corporación Humanas, COFADEH, Movimiento de Mujeres por la Paz Visitación Padilla. Letter to GRULAC states on the plight of human rights in Honduras. (Carta a los estados del GRULAC sobre la grave situación de los derechos humanos en Honduras), June 18, 2012

142. Defensores en línea, MUCA journalist Karla Zelaya kidnapped for several hours (Secuestran por varias horas a Karla Zelaya periodista de MUCA) October 23, 2012.

143. C-LIBRE: Report on Freedom of Expression 2011, Mortal silence, the ultimate censorship (Silencio mortal, la máxima censura), March 2012

144. PBI Guatemala, Legal Action Against Human Rights Defenders: Overview of the Current Context and its Consequences, First Bulletin 2011, No. 23

145. PBI, Working Group on Honduras: Report of the Short-term Mission to Honduras: the situation of human rights defenders, December 2011.

◀ ANALYSIS OF ATTACKS REPORTED AGAINST HUMAN RIGHTS DEFENDERS

TYPE OF ATTACK	HUMAN RIGHTS MOST AFFECTED	CASES IN REPORT
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Threats and intimidation against defenders and their families

<ul style="list-style-type: none"> • Text messages to mobile phone • E-mails • Telephone calls • Surveillance in workplace and home 	Defence of territorial rights	Members of MAO members of communities accompanied by MADJ
	Women's rights	Activist Gladys Lanza
	LGBTI Community	Donny Reyes (Arcoiris)
	Freedom of Expression	Journalists Karla Zelaya and Dina Meza
	Independence of the judiciary	Lawyer Antonio Trejo, Members of CODEH

Attacks to physical integrity

<ul style="list-style-type: none"> • Killings (In some cases this was preceded by kidnapping, torture, cases of cruel treatment) 	Freedom of expression	Journalists Alfredo Villatoro, Nahum Palacios, Gustavo Alfredo Landaverde
	LGBTI Community	Walter Orlando Trochez, Erick Alex Martínez Ávila,
	Independence of the judiciary	Antonio Trejo Cabrera, attorney Manuel Eduardo Díaz Mazariegos
	Access to land and defence of territorial rights	Members of MARCA and MUCA, members of the Garífuna indigenous community of Triunfo de la Cruz, members of COPINH, Jeannette Kawas

Criminalisation

<ul style="list-style-type: none"> • Unfounded criminal proceedings • Use of legislation and association • Stigmatisation 	Access to land and defence of territorial rights	Association for the Development of the Zacata Grande Peninsula, members of MARCA and MUCA, MOCSAN, Garífuna indigenous community of Triunfo de la Cruz, Committee for the Siria Valley, members of COPINH, members of CNTC
	Freedom of expression	Community radio stations of the COPINH, Garífuna Indigenous radio station
	LGBTI Community ^{T1}	Falemu Bimetu APUVIMEH, Cattrachas Lesbian Network

Restriction of rights to freedom of expression and association

<ul style="list-style-type: none"> • Forced evictions carried out in a violent manner and by military forces and/or private security • Abuse by state security forces during protests • Unjustified dismissals of judges 	Access to land and defence of territorial rights	MARCA&MUCA in Bajo Aguán, MOCSAN in San Manuel
	Journalists, members of the LGBTI community, defence of access to land and territory	Radio Progreso, Community radio station La Voz de Zacate Grande
	Independence of the judiciary	Association of Judges for Democracy

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 T1. CIDH, Segundo informe sobre defensores 2011, marzo 2012 :El viceministro de Seguridad, Armando Calidonio, dijo que "hasta el momento no existe relación de las muertes de los periodistas con el ejercicio de su profesión".

before being acquitted without the case ever coming to trial.<sup>146</sup> Similarly, in October 2012 an arrest warrant was issued to 24 farmers from MARCA, in which they were accused of holding illegal demonstrations.<sup>147</sup> The adoption of legislation aimed at restricting human rights work has also aroused the concern of social organisations and international institutions. This legislation includes the Specialist Law for Non-governmental Development Organisations (Ley Especializada de Fomento para las organizaciones No-gubernamentales de Desarrollo), the Special Law for Intervention in Private Communication (Ley Especial para la Intervención de Comunicación Privada) and the Law Against the Funding of Terrorism (Ley Contra el Financiamiento del Terrorismo), since, according to the Special Rapporteur on human rights defenders, these laws establish a legal framework conducive to criminalizing and stigmatizing the work of human rights defenders or interfering in their organisations, in order to control them.<sup>148</sup>

### RESTRICTIONS TO FREEDOM OF EXPRESSION AND THE RIGHT TO PROTEST

The various limitations on the right to collect and disseminate information are aimed at silencing voices raised against the status quo. This is true of the attacks suffered by several Honduran community radio stations, for example, or repressive acts against journalists and social communicators after they covered different street protests.<sup>149</sup> Nevertheless, as highlighted by Special Rapporteur Frank La Rue, freedom of expression also includes the right to peaceful protest and mobilization used to express discontent. The State is obliged to guarantee this right and put no restrictions upon it. For this reason, actions to repress peaceful demonstrations are worrying. The use of force and arbitrary arrests during demonstrations has been denounced by both Honduran civil society and international bodies, in particular during the crisis of the coup, but also today.<sup>150</sup>

During 2011 the IACHR received information indicating that the police and the army made disproportionate use of public force against those involved in public demonstrations called by opposition groups, which resulted in severe episodes of violence and repression against the demonstrators. Among the victims of this repression of protesters is Professor Ilse Ivania Velásquez Rodríguez, who died after being run over on Friday March 18, 2011, by the driver of a vehicle belonging to a television channel, while she was escaping from the place where a group of teachers were being evicted by the police using tear gas.

*Excessive use of force by the state security forces has been reported by Honduran civil society and international organisations. (James Rodriguez)*



146. CEJIL, The Inter American Court hears the case of Alfredo López (La Corte Interamericana conoce el caso de Alfredo López), July 29, 2005.

147. Defensores en línea, Detention order for 24 farmers accused of participating in illegal demonstration (Auto de prisión para 24 campesinos acusados de participar en manifestación ilícita), October 5, 2012.

148. UN, Special Rapporteur on the situation of human rights defenders, Declarations on completion of her visit to Honduras, February 2, 2012.

149. C-LIBRE: Report on Freedom of Expression 2011, Mortal silence, the ultimate censorship (Silencio mortal, la máxima censura), March 2012.

150. Human Rights Watch, World Report, Chapter on Honduras, 2012.

### Bill on Non-Governmental Organisations<sup>T1</sup>

DECREE 32/2011

This law, which has not yet entered into force, defines the nature of development organisations and creates a registry of NGOs to which all registered organisations must submit their accounts, budgets, and information about the source and origin of the organisation's funds. A number of organisations have pointed out the risk "that the State will be able to arbitrarily, through the Secretary of the Interior and Population (SEIP), cancel the legal status of institutions registered as NGOs with the Registry and Tracking Unit of Civil Associations (URSAC), simply for being suspected of undertaking illicit activities such as drug trafficking and money laundering".<sup>T2</sup>

◀ LEGISLATION WHICH COULD RESULT IN THE CRIMINALISATION OF THE DEFENCE OF HUMAN RIGHTS

### Law for Intervention in Private Communication<sup>T3</sup>

DECREE 243/2011

The new legislation establishes that it will be legal to intervene in the communications not only of people who are charged with crimes, but also everyone else, through the creation of an additional figure called "persons under investigation", which means that anyone could fall under this category without the need for reasonable evidence that they have committed a crime. This is particularly serious in Honduras where human rights defenders could be considered as persons under investigation which could therefore justify intervening in their communications. The law states that judges must immediately make decisions on applications for intervention in communications, in a maximum time frame of four hours.<sup>T4</sup>

### Law Against the Funding of Terrorism<sup>T5</sup>

DECREE 241/2010

Chapter XIII of this Law sets out the operations and obligations of not-for-profit associations or organisations. The law establishes a new form of controlling the work carried out by this type of organisation, and Article 58.1 establishes the obligation to report all donations to the Financial Information Unit (Unidad de Información Financiera) which are equal to or greater than two thousand US dollars. Article 61 establishes the sanctions for breach of the law's provisions, including a fine of up to 2,000 minimum wages, a ban on activities for up to five years or even the dissolution of the association or organisation.<sup>T6</sup>

T1. <https://www.cohep.com/pdf/PLDecretoNo32-2011.pdf>

T2. Informe de la Misión a corto plazo de Brigadas Internacionales de Paz, mayo 2011.

T3. [https://www.cohep.com/contenido/Asesoria\\_Legal/Ley\\_especial\\_comunicaciones\\_privadas.pdf](https://www.cohep.com/contenido/Asesoria_Legal/Ley_especial_comunicaciones_privadas.pdf)

T4. Informe Comisión de Verdad, octubre 2012, pag 106.

T5. <http://www.poderjudicial.gob.hn/juris/Leyes.aspx>

T6. Informe Comisión de Verdad, octubre 2012, pag 105-106.



## PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS

Despite some progress made at the national level, including the creation of mechanisms to ensure the safety of human rights defenders, and the existence of international initiatives aimed at recognizing and strengthening the role of human rights defenders, Honduran human rights organisations continue to denounce a lack of willingness and resources on the part of the State to ensure the protection, promotion and effective respect for human rights in the country. This is demonstrated by the constant serious attacks reported and the lack of compliance by the government of Honduras with some of the human rights recommendations issued by international bodies. It is therefore appropriate to dedicate a section of this report to the analysis of protection mechanisms and their practical application.

### 4.1 NATIONAL PROTECTION MECHANISMS

Efforts have been made by the State and human rights organisations to implement national mechanisms to guarantee the safety of human rights defenders. The creation of public bodies to improve the precarious situation of human rights, such as the Ministry of Justice and Human Rights (Secretaría de Justicia y Derechos Humanos), the Ministry for Indigenous Peoples and Afro-Hondurans (Secretaría de Pueblos Indígenas y Afrohondureños), the Commission for Truth and Reconciliation (Comisión de la Verdad y la Reconciliación) and Commission for Reform of the Security and Justice Systems (Comisión de Reforma del Sistema de Seguridad y Justicia), established above all because of domestic and international pressure following the human rights violations committed after the coup, are a gesture of good will on the part of the Honduran State. Another example is in the formulation of the draft Law on the Protection of Human Rights Defenders, Journalists, Communicators and Justice Officials (Ley de Protección para Defensores de los Derechos Humanos, Periodistas, Comunicadores y Operadores de Justicia) which, according to information shared by the Honduran authorities with PBI, was created with input from civil society.

Despite these initiatives, it is important to mention the weakness of these institutions, including the Ministry of Justice and Human Rights and the CONADEH itself, which should be key to the effective protection of human rights defenders, and the lack of coordination between these institutions. Below, we will



briefly discuss some of these institutions and consider how their performance has been viewed:

- The **National Human Rights Commissioner** (Comisionado Nacional de Derechos Humanos - CONADEH) is an institution created by Decree No. 2-95 of the National Congress, in order to guarantee the rights and freedoms recognized in the Constitution and treaties, covenants and conventions ratified by the Honduran government.<sup>151</sup> The Special Rapporteur on human rights defenders noted, after her visit in 2012, that this institution is not fulfilling its functions effectively<sup>152</sup>. Moreover, during the UPR, many of the final recommendations alluded to the need to strengthen this figure and ensure its independence<sup>153</sup>. It is important to distinguish between the institution itself and the person who holds the position, namely Ramón Custodio. Custodio maintained a controversial position during the coup, by openly supporting the de facto government and describing events as “constitutional succession”. This caused him to lose the confidence of much of civil society who have since that time questioned his rigor and autonomy in the post. While the actions of the majority of officials from the CONADEH were faultless during the coup, the Commissioner has been described as negligent, including by institutions such as the TRC<sup>154</sup>.
- The **Ministry of Justice and Human Rights** (Secretaría de Justicia y Derechos Humanos - SJDH) was created to promote, coordinate, formulate, implement and evaluate policies on justice and human rights. Despite the fact that international bodies have recognized efforts being made by this Ministry, a number of organisations have warned of risks to the sustainability of this institution. Some people have stressed that strengthening a new institution, with additional resources to those already set aside in the national budget, within a context where older institutions are being given less and less money, is not the most appropriate way forward. The mandate of the Ministry is still weak and lacks independence from the government, and their powers to protect human rights activists or to influence other branches of government, such as Congress and the Supreme Court, are limited because they can only dictate policies for the Executive<sup>155</sup>.
- The **Ministry of Security** originated in the 1990s as part of major institutional changes aimed at creating a public security force detached from the military. This Ministry is responsible for implementing concrete actions to activate protection mechanisms aimed at ensuring the safety of threatened human rights defenders. These measures include, among others: police patrols in areas where defenders’ offices are located and accompaniment from plain-clothed police officers. In the meeting with the Ministry’s special unit responsible for investigating cases of human rights violations, officials stated that the ineffectiveness of these mechanisms is mainly caused by the lack of coordination between the various agencies that make up the Inter-Institutional Human Rights Commission (Comisión Interinstitucional de Derechos

## DRAFT LAW ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS, JOURNALISTS, COMMUNICATORS AND JUSTICE OFFICIALS

This legal instrument will aim to guarantee and fulfil human rights, implementing preventive measures, protection and urgent measures to guarantee the life, integrity, liberty and security of people who are at risk as a consequence of the defence and promotion of human rights. The draft bill shared by human rights organisations with the PBI team, provides for the creation of a National Council for the Protection of Human Rights Defenders, Justice Officials, Journalists and Social Communicators which will be presided over by the Ministry of Justice and Human Rights and will consist of the following bodies: National Commissioner for Human Rights; Human Rights Attorney; Ministry for Security; the Judiciary; Human Rights Commission of the National Congress; National Anticorruption Council; three representatives of the Advisory Council; and three representatives from human rights organisations. Among the possible preventive measures contained in the draft bill we found references to the presence and accompaniment of international observers.

151. CONADEH, Information taken from their website.

152. UN, Special Rapporteur on the situation of human rights defenders, Declarations on completion of her visit to Honduras, February 2, 2012.

153. UN, Report of the Working Group on the UPR of Honduras to the Human Rights Council, January 2011

154. TRC, So that events are not repeated: Report of the Truth and Reconciliation Commission, July 2011

155. CIFCA, APRODEV and other European networks. Letter to Mrs Ashton on the situation in Honduras, October 2012.

## INTER-INSTITUTIONAL COMMISSION FOR HUMAN RIGHTS

This Commission was created in 2006, is responsible for implementing the recommendations of international bodies and mechanisms and has powers to promote the inclusion of human rights in national legislation, monitor the implementation of precautionary measures ordered by the IACHR and issue recommendations to the government. The Commission however, is inefficient because it lacks clear regulations, its recommendations are not binding and it lacks its own permanent staff.<sup>R1</sup>

Humanos).<sup>156</sup> This was also described in the press which echoed the statements of Andrés Pavón, a representative from the CODEH, who said that in the case of the murder of lawyer Antonio Trejo, failure in communications and monitoring between the Ministry of Justice and Human Rights and the Ministry of Security led to a lack of protection for this defender<sup>157</sup>. A number of human rights organisations interviewed by PBI agreed with this analysis.

- The **Special Prosecutor for Human Rights** is a unit of the Public Prosecutor's Office responsible for investigating human rights violations committed by authorities which are classed as offenses under the criminal code. Despite efforts to strengthen the operation of this unit, by increasing resources and allocating of a group of investigators, this institution still has deficiencies which contribute to the incomplete protection of human rights in Honduras. The reigning impunity over attacks is a clear sign that the investigation and crime-solving function of the office is not being sufficiently fulfilled. One of these weaknesses is a lack of resources which prevents the unit from efficiently covering all complaints filed.<sup>158</sup> Furthermore, lack of cooperation by other state bodies, according to information provided by the Special Prosecutor's Office itself, can also have serious impacts.<sup>159</sup> The lack of security experienced by the prosecutors themselves also seriously affects their work, as they are victims of constant pressure and attacks which hinder investigations. International and national organisations have reported that this office does not have its own team of investigators, but rather a team of police officers. This can affect impartiality due to a conflict of interests; since many cases are related to other police officers accused of human rights violations. The TRC recommends in its report that an evaluation process should be undertaken, with the participation of civil society, regarding the role of this office.
- The **Truth and Reconciliation Commission**: created in 2010, this body issued its report "So that events are not repeated"<sup>160</sup> in July 2011. The report describes the events of June 28, 2009 as a coup d'état, not a constitutional succession as described by the de facto government of Roberto Micheletti. The Commission put forward a set of 88 recommendations in eight areas: constitution, institutions, human rights, strengthening the rule of law, electoral policy, the struggle against corruption, media, international affairs, and collective memory policy. Only 13 of these recommendations had been implemented by June 2012 and no progress had been made in relation to solving impunity<sup>161</sup>.

As stated by different international bodies, it is extremely important to remember that the obligation of the State to protect is not only fulfilled by the creation of mechanisms and institutions but that this must also be accompanied by publicly legitimizing the work of human rights defenders. If this does not hap-

156. PBI, Interview with Ms. Castañeda, Vice-Minister in the Ministry for Security, October 2012

157. La Prensa, Lawyer Trejo did not receive precautionary measures (Abogado Trejo no recibió las medidas cautelares), September 26, 2012.

158. Observation that the IACHR reiterated in the report on its visit to Honduras in May 2010 and in the chapter on the situation of human rights defenders in Honduras in the second report of the Rapporteur in March 2012.

159. PBI, Interview with the Director of the Human Rights Prosecutor's Office, October 3, 2012.

160. TRC, So that events are not repeated: Report of the Truth and Reconciliation Commission, July 2011

161. El Heraldo, Only 13 of the 8 recommendations of the Truth and Reconciliation Commission have been implemented in Honduras (Comisión de la Verdad y la Reconciliación ha cumplido Honduras), June 25, 2012.

R1. C-LIBRE, Report from civil society organizations on the human rights situation in Honduras for the UN Human Rights Council, Universal Periodic Review, Working Group on the UPR, November 2010.

pen and is instead contravened through statements which stigmatize the defence of human rights, the State is failing in its responsibility to provide protection. In this regard, it is worrying that high-ranking officials<sup>162</sup> have attempted to distance attacks against defenders from the work they carry out, attributing these crimes to common criminals, crimes of passion, or alleged links to drug trafficking. In this way, the identity of the defender as a victim is undermined, and this fuels the widespread perception for perpetrators of attacks that there is a low cost to attacking these people.

On the other hand, it is also essential to guarantee that human rights organisations are involved in the preparation, review and evaluation of public policies and, in particular human rights policies. During interviews with PBI, members of organisations stated that in most of the cases in which they had been invited to meetings to discuss these instruments, these were more like informative sessions than real participatory consultation processes. In the opinion of several organisations, the current government uses these spaces to “comply” with the recommendations of the UPR, but not to ensure the effective participation of organisations.

## 4.2 INTER AMERICAN HUMAN RIGHTS SYSTEM

Precautionary measures granted by the IACHR and provisional measures from the IACtHR are instruments for the protection of the work of human rights defenders, and have been recognized as such by the OAS member states. They provide a “precautionary” function, in the sense that they aim to preserve the enjoyment of fundamental human rights enshrined in the norms of the Inter American human rights system, and to avoid irreparable damage to people in the midst of serious situations. In practice, precautionary and provisional measures have been recognized as an important tool for the protection of human rights. Significantly, the lack of protection in Honduras for defenders has meant that 22% of the precautionary measures granted by the IACHR in 2010 and 20% of those granted during in 2011, were to individuals or groups of people from Honduras<sup>163</sup>.

By January 2011, the date of the submission of the UPR Working Group report, the IACHR had granted 341 precautionary measures, of which 253, according to information provided by the State of Honduras, had been agreed with the beneficiaries<sup>164</sup>. Despite this fact, the organisations interviewed by PBI who have been granted protection measures from the IACHR reported that the ultimate objective of these measures, that is to provide security, has not been fulfilled due to the incapacity of the Honduran State to implement the measures. This was also stated by the IACHR in its latest report, subsequent to the UPR, which states that according to information received “from all affected sectors, who pointed out the shortcomings of the authorities to implement the precautionary measures and the resulting ineffectiveness of the protection measures for

### WEAKNESSES IN THE NATIONAL PROTECTION MECHANISM IDENTIFIED BY PEOPLE INTERVIEWED BY PBI:

- Lack of inter-institutional coordination for the implementation of protection measures.
- Lack of a strong independent body dedicated to monitoring respect for human rights (CONADEH).
- Scarcity of human and economic resources.
- Existence of institutions which are not consolidated and which depend directly on the executive branch (SJDH).
- Lack of security for human rights attorneys.
- Lack of independence of police investigators.
- Only 15% of the TRC recommendations have been fulfilled.

162. IACHR, Preliminary Observations on their visit to Honduras, May 15 – 18, 2010, published on June 3, 2010. “The Ministry of Security presented a report to the National Congress on May 5, which reported on the current state of the investigations related to these killings. The report was reserved and its contents are unknown, as the Ministry of Security said that revealing them could harm the investigations. The Vice-Minister for Security, Armando Calidonio, said that ‘at the moment no link has been established between the journalists’ deaths and the work they carried out’ ” (unofficial translation)

163. IACHR, website, October 2012.

164. UN, Report of the Working Group on the UPR of Honduras to the Human Rights Council, January 2011

the human rights of affected people<sup>165</sup>. The case of Nahúm Palacios<sup>166</sup>, a journalist murdered on May 14, 2010; the case of Donny Reyes<sup>167</sup> member of the Association Arcoiris, who has received multiple threats and harassment; and the case of Dina Meza<sup>168</sup>, journalist and member of COFADEH who has received threats of sexual violence; all beneficiaries of precautionary measures, exemplify this reality.

There are many root causes related to the inadequate implementation of these protection measures. On the one hand there is distrust in the police. The implementation of the measures supposes the involvement of the national police force, an institution which the beneficiaries are suspicious of due to their links with repression after the coup and with groups related to organized crime<sup>169</sup>. PBI had the opportunity to verify that these fears continue to be felt today. In this regard, the Special Rapporteur for freedom of expression recommended "creating a Directorate for the Protection of Individuals, in the national police force that is given specific training to be able to carry out its functions and (...) desisting from using the armed forces (the army, navy or air force) for protection functions or police functions, since it is important to clearly define and separate military functions from policing which should be entirely civilian"<sup>170</sup>.

On the other hand there is a lack of effective response by the authorities. The implementation of the measures depends on coordination between three government agencies, namely the SJDH, the Special Prosecutor for Human Rights and the Ministry of Security. During their visit in May 2010, the IACHR received information indicating that the "coordination mechanism for the implementation of precautionary measures is ineffective"<sup>171</sup>. Several of these institutions told PBI that this lack of coordination leads to an inadequate application of the measures. They also informed us that they are working on the creation of a protocol for the implementation of precautionary and provisional measures granted by the IACHR and the IACtHR. This responds to recommendations issued by the TRC and the recommendations of the UPR<sup>172</sup>. PBI had the opportunity to meet with the three agencies involved in the formulation of this protocol and to pass on a request from Honduran organisations that such measures be designed and implemented in coordination with them

165. IACHR, Second Report on the situation of human rights defenders, 2011, Chapter on Honduras, published in March 2012

166. RWB, website, March 16, 2010.

167. Amnesty International, Urgent Action 243/12: "On 5 July, prominent LGBT activist Donny Reyes was pursued by an armed man on a motorbike. He managed to escape, but his life is in danger. The authorities have not provided him with any protection, even though they have been ordered to do so by the Inter-American Commission on Human Rights (IACHR)", July 15, 2012.

168. Amnesty Internacional, Urgent Action 106/12 "Dina Meza, a Honduran journalist and human rights activist, has received a series of threats of sexual violence against her in recent weeks. Her safety is at risk.", April 18, 2012.

169. IACHR, Second Report on the situation of human rights defenders, 2011, Chapter on Honduras, published in March 2012.

170. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August 14, 2012.

171. IACHR, Observations on its follow-up visit to Honduras, June 2010

172. SJDH, information published on their website, October 2012

### 4.3 EUROPEAN UNION GUIDELINES FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS

Since PBI made our first visit to Honduras in May 2011, we have observed that some initiatives have been taken by the EU and its Member States in compliance with the commitments set out in the Guidelines. These have been aimed primarily at recognizing the work of defenders, showing dismay at their lack of protection and demanding the immediate investigation of attacks. Other actions have included visits to the offices of human rights organisations, statements in cases of killings and threats, and other official communications.

Some of these actions are described in the “EU Annual Report on Human Rights 2011”, and in the various other communications issued by the EU delegation in Honduras, which include a communication of May 2012 on the persecution of human rights defenders, the declaration of September of the same year on the murder of lawyer and Antonio Trejo and prosecutor Manuel Eduardo Diaz Mazariegos, visits of staff from the delegation and EU embassies to the offices of Honduran human rights NGOs and their participation in public events<sup>173</sup>.

Despite these initiatives and the creation of some spaces to promote awareness-raising on the Guidelines, PBI must reiterate, as it did in May 2011, that there is still a general lack of knowledge about this protective mechanism among Honduran organisations. In fact, in several meetings, organisations made specific requests for training on this mechanism to PBI. The institutions most familiar with the Guidelines and with the work of the EU delegation, reiterated the need for greater involvement of the European embassies and, in particular, the EU delegation, in human rights issues. Reference was made to the good practices implemented in 2010 when monthly meetings were held with human rights organisations. It is important to note that, in most cases, it was the organisations that receive financial support from the EU, who stated that they had participated in the dialogue meetings organised by the EU delegation. In particular, these organisations placed greater emphasis on the need to direct efforts to increase the participation of the diplomatic corps in monitoring cases of threats against and criminalisation of defenders. In a communication of November 2012<sup>174</sup>, the EU referred to a donor coordination mechanism called the Stockholm Declaration Follow-up Group, better known as G-16<sup>175</sup>, as a space for establishing priorities for human rights in the country. In fact, a number of organisations and governmental institutions have identified this mechanism as appropriate to promote the systematic monitoring of the situation of defenders in the country.

*It is fundamental that human rights organisations are guaranteed participation in the process for drafting, revising and evaluating public policies, in particular policies related to human rights. Meeting with members of COPINH, September 2012. (Nina Kreuzinger)*



173. ALOP, APRODEV, CIDSE, CIFCA, and FIAN, Letter to Mrs. Ashton, The EU must adopt stronger measures in light of human rights violations October 7, 2012.

174. EU, European External Action Service, Letter from Mrs. Ashton's Office, November 2012 in response to the letter sent by European organisations, October 2012.

175. Initially the group was composed of Germany, Canada, Spain, United States and Sweden, it has since expanded and currently consists of: Germany, Canada, Spain, United States, Sweden, Japan, Italy, the Netherlands, France, Switzerland, World Bank, BCIE, IDB, IMF, UNDP and the European Commission.



#### 4.4 BEYOND PROTECTION MECHANISMS: THE ROLE OF THE INTERNATIONAL COMMUNITY

Without losing sight of this progress, PBI is concerned about information we have received about how the implementation of foreign policies, particularly from EU countries and North American countries, may contribute to a worsening in the human rights situation in Honduras. Indeed, several public reports from civil society organisations in Europe<sup>176</sup>, North America and Central America<sup>177</sup>, refer to trade relations where opportunities for consultation with and the participation of civil society are reduced and under which there is a decline in the promotion and protection of human rights<sup>178</sup>. PBI is particularly concerned about the situation of insecurity for people who, in defence of their social, economic and cultural rights, are critical of the provisions in trade agreements and express their opposition to the consequences of the actions of transnational corporations.

Equally, the human rights organisations interviewed by PBI expressed serious concerns about the existence of international cooperation programs that could be financing certain sectors of the Honduran State involved in extrajudicial killings, extortion, kidnapping and trafficking weapons. The same concerns were highlighted in the recent assessment conducted by the European Commission itself into EU cooperation in Honduras, especially in relation to the lack of civil society participation in the establishment of key program areas.<sup>179</sup> Based on the experience of PBI over 30 years of international accompaniment in other countries in the region such as Guatemala, we consider that the best practices are those aimed at promoting respect for human rights, as a way to contribute to their protection and to the non-violent prevention or resolution of conflicts.

Militarization in the region is increasing<sup>180</sup> and this has an adverse impact on the defence of human rights, according to a number of organisations interviewed, particularly in rural areas, because of military assistance provided by several European and North American States under the Central American Integration System (Sistema de Integración Centroamericana - SICA). This is reflected in a letter addressed to the secretary of state of the United States, Hillary Clinton, signed by 94 members of U.S. Congress, which explicitly requests the suspension of military aid to Honduras, in the absence of a serious commitment to put a stop to human rights abuses, investigate crimes and prosecute those responsible.<sup>181</sup>

*PBI is particularly concerned about the lack of security for people who, in defence of their economic, social and cultural rights criticise the provisions of Trade Agreements with other countries. (Nina Kreuzinger)*



176. APRODEV, CIFCA, CIDSE, Grupo Sur, FIAN and OXFAM, Press Release, The signing of the Free Trade Agreement on the anniversary of the coup d'état in Honduras marks a change of direction for the EU, June 2012

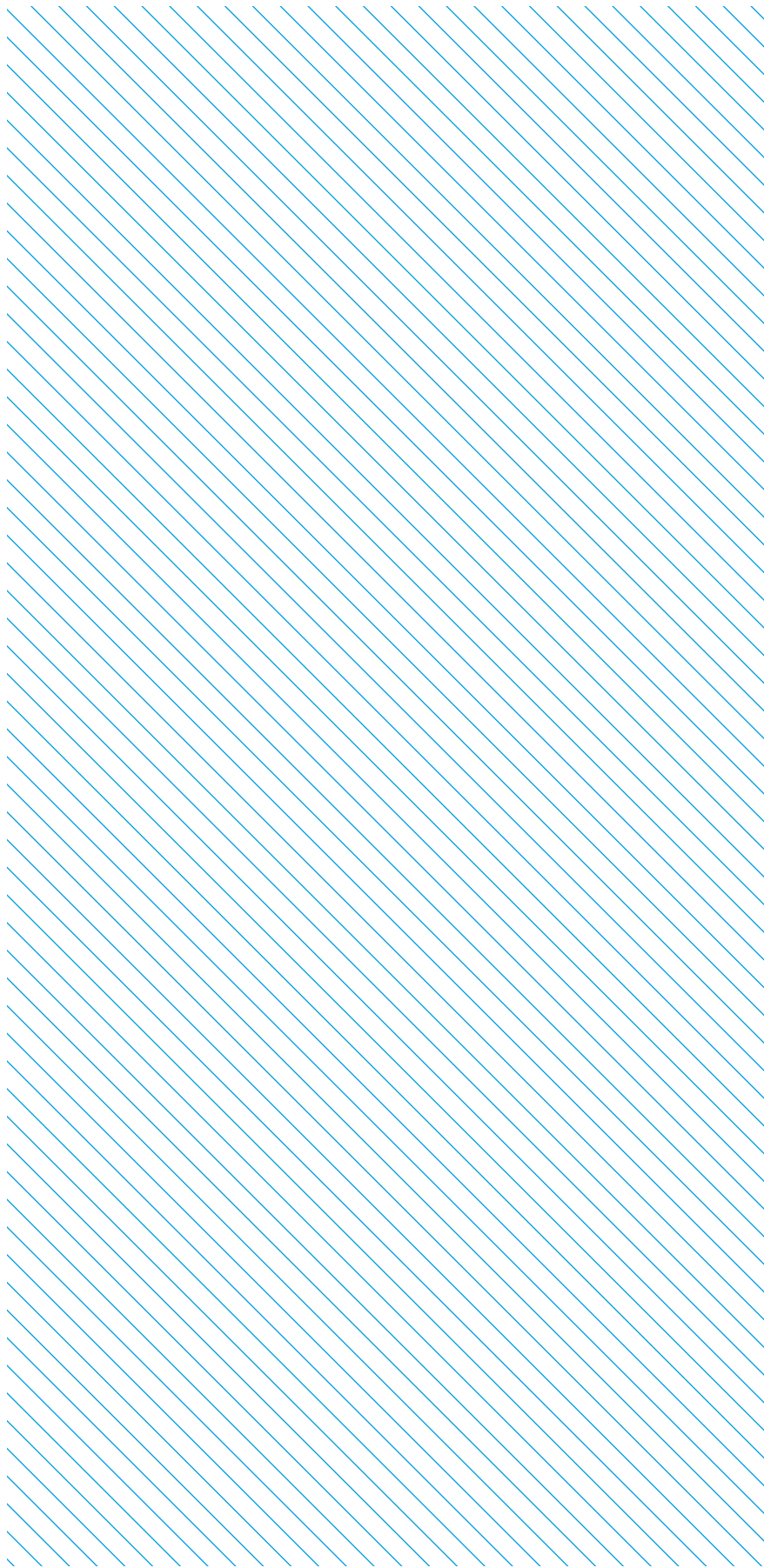
177. Via Campesina, Centro América por el Diálogo, Alianza Social Continental, Asociación Latinoamericana de Organizaciones de Promoción, La Iniciativa Mesoamericana de Comercio Integración y Desarrollo Sostenible, Red Centroamericana de Monitoreo del Libre Comercio, Red Latinoamericana de Comercio Comunitaria, La Red Latinoamericana sobre Deuda, Desarrollo y Derechos, Plataforma Interamericana de Derechos Humanos, Plataforma Sindical Común Centroamericana- Foro Mesoamericano de los Pueblos; Forum in Guatemala City; June 2012.

178. Ibid 177.

179. ALOP, APRODEV, CIDSE, CIFCA, and FIAN, Letter to Mrs. Ashton, The EU must adopt stronger measures in light of human rights violations October 7, 2012.

180. CEJIL, The strengthening of the militarisation in the "Northern Triangle" in Central America contradicts international human rights standards (Fortalecimiento de la militarización en el "triángulo norte" centroamericano contradice pautas internacionales en derechos humanos) 11 de diciembre 2011.

181. Delegation of members of US Congress, which included Democrat from Illinois, Jan Schakowsky, Letter to Mrs. Clinton. 94 US members of Congress ask for the suspension of support for the military and the police in Honduras, March 9, 2012.





## CONCLUSIONS AND RECOMMENDATIONS

### 5.1 CONCLUSIONS

Three years after the coup and an apparent return to normality after the elections and the readmission of Honduras to the OAS, the lack of protection and criminalisation of individuals, organisations and communities who defend human rights in Honduras continues to be alarming. Several international bodies such as the UN have stated that this deterioration of the situation for human rights defenders was exacerbated by the coup and continues today.

It is important to emphasize the role of women human rights defenders who with their work defy gender stereotypes imposed on them by society, according to which their fundamental role is the care of the home and family, which excludes them from participation in the public sphere. Moreover, in many cases, women are not recognized as defenders by the State or society. The situation for women defenders has also worsened after the coup which has led to weak and inoperative state institutions, incapable of responding effectively to the social demands of vulnerable sectors.

As already stated in our 2011 report, reigning impunity and the use of criminalisation and stigmatisation in order to hamper the defence of human rights, continue to be the main sources of danger to defenders, their families and their communities. Added to these problems is the abuse of public power which violates the right to peaceful demonstration, which is all too clear during the implementation of forced evictions. Given this situation of serious risks for organisations, communities and defenders, the State's response through its protection mechanisms, is inadequate and insufficient.

The impunity in the country represents the most serious attack on defenders, because it perpetuates the widespread view that there is no cost to attacking human rights defenders, and instead, this can lead to many benefits. There is little or no progress in the investigation of murder cases, for example, which is one of the most common types of attack in Honduras. In this climate, public statements made by national authorities are of serious concern, as they lead to stigmatisation and discredit the work of defending human rights, by distancing the attacks suffered by defenders from the work they carry out.<sup>182</sup> The creation of public policies which tend to give sweeping powers to the armed forces in scenarios for civilian protection, as a government response to the high levels of violence, has been strongly criticized by human rights organisations and international institutions. Of particular concern is the abuse of military force which leads to human rights violations and acts of repression, arrests and persecution aimed at silencing the defence of human rights.

182. Europa Press, press article, The Government says that none of the Honduran journalists were killed because of their profession (El Gobierno dice que "ninguno" de los periodistas hondureños asesinados murió por ejercer su profesión), January 4, 2011.

Criminalisation strategies have been widely reported, mainly by indigenous, tribal and campesino organisations, who lead processes for the defence of their ancestral and territorial rights in the face of mega-projects which have been proposed, adopted or implemented by state authorities without a participatory process of prior consultation.

The State's response to the security situation of those who suffer threats for their work defending human rights has been highly criticized. Despite the fact that human rights organisations recognise that some progress has been made, they continue to report a persistent lack of political willingness and resources on the part of the State. This is exemplified by the continuing and increasingly serious attacks reported, as well as the lack of compliance by the Honduran State of some of the recommendations made by different international organisations.

## 5.2 RECOMMENDATIONS MADE BY THE UN AND THE IACHR TO THE STATE OF HONDURAS

The human rights situation in Honduras has not gone unnoticed by institutions which monitor compliance with international standards, such as the IACHR and the UN system, who have issued multiple recommendations to the State of Honduras to improve the protection of human rights defenders. PBI believes it is essential that the entire international community join these urgent calls and urge the State of Honduras to implement the recommendations, some of which are detailed below:

### IMPUNITY IN CASES OF ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

To put an end to this phenomenon, the IACHR and the UN system have issued a number of recommendations calling for guarantees of impartiality, independence and transparency in the investigation, prosecution, punishment and reparation of human rights violations. We would like to highlight the following:

- The urgent need to investigate and punish those responsible for human rights violations committed during and as a result of the coup d'état, as well as guarantees of reparation and returning dignity to the victims of such violations<sup>183</sup>. In this sense it would be appropriate to review the recommendations made in the reports published by the CT and the TRC.
- Ensure that not only the perpetrators of these violations, but also those who planned them face justice<sup>184</sup>.
- Initially presume that attacks against defenders are due to their work, unless investigations prove otherwise<sup>185</sup>.
- Establish an independent body that protects the independence of the judiciary, and oversee the selection, promotion and regulation of the profession in accordance with international human rights standards<sup>186</sup>. In this regard it would be appropriate to review the recommendations of the International Commission of Jurists (ICJ) issued after their visit to the country in August 2012<sup>187</sup>.
- Guarantee that lawyers are able to perform their professional functions without intimidation or pressure<sup>188</sup>.
- Strengthen recently created institutions and special investigative protocols to guarantee the physical

183. CT: Report of the Commission of Truth, The voice of Greatest Authority is the Victims' (La Voz más autorizada es la de las Víctimas), Honduras, October 2012

184. IACHR, Communiqué after the assassination of Alfredo Villatoro, May 2012; and UN, Special Rapporteur on Freedom of Expression, Observations on his visit to Honduras, August 2012

185. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August 2012

186. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

187. ICJ, Press release Press release about the election of the Honduran Juridical Council, August 31, 2012.

188. UN, Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, and Special Rapporteur on summary executions, Christof Heyns, Joint press release, April 4, 2012

integrity of those under threat<sup>189</sup>.

- Strengthen with technical and financial resources the Office of the Special Prosecutor for Human Rights<sup>190</sup> and evaluate the performance of this Office in consultation with national organisations who have been attacked<sup>191</sup>.
- Strengthen efforts to purge the Police<sup>192</sup>. With regards to this it would be appropriate to review the recommendations of the ICJ issued after their visit to the country in August 2012.
- Amend articles 117 and 321 of the Criminal Code relating to the definition of the crime of murder and the crime of discrimination<sup>193</sup>. In early 2011 the government of Honduras reported the development of a proposal to reform both articles which had been submitted to Congress yet this has not been approved at the date of publication of this report.
- Extend an invitation to the Special Rapporteur on independence of judges and lawyers to undertake a mission to the country which would contribute positively to the struggle against impunity and to strengthening the justice system<sup>194</sup>.

### CRIMINALISATION AND STIGMATISATION OF HUMAN RIGHTS DEFENDERS

The biased application of the law accompanied by public statements aimed at questioning the defence of human rights, leads to a serious deterioration of the spaces in which this work can be conducted. Therefore, it is urgent that the State fully comply with the following recommendations:

- Make public statements and undertake campaigns which recognise the work of human rights defenders in order to eradicate the stigmatisation that they face because of this work<sup>195</sup>.
- Carry out timely investigations and sanctions in all cases of all stigmatisation against human rights defenders, whether public or private institutions are involved in this stigmatisation, including the media<sup>196</sup>.
- Carry out a review of national legislation, ensuring consistency with international standards, with the aim of decriminalizing defamation, libel and slander, and converting them into actions to be considered under civil law<sup>197</sup>; modify legislation on sedition and unlawful demonstration according to international law<sup>198</sup> and review resolution NR003/2011 which mainly affects community radio stations<sup>199</sup>.
- Improve training programs on economic, social and cultural rights for members of the judiciary and law enforcement officials<sup>200</sup>.

189. IACHR, The Office of the Special Rapporteur Condemns Murder of Journalist Kidnapped in Honduras, May 17, 2012.

190. UN, Special Rapporteur on the situation of human rights defenders, visit to Honduras in February 2012; and Special Rapporteur on freedom of opinion and expression, visit to Honduras in August 2012.

191. CT, Report of the Commission of Truth, October 2012

192. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

193. UN, Report of the Working Group on the UPR of Honduras to the Human Rights Council, January

194. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August 2012

195. IACHR, Sentence in the case of Kawas Fernández vs the State of Honduras, April 3, 2009 and; UN, Special Rapporteur on the situation of human rights defenders, visit to Honduras in February 2012.

196. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

197. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August

198. UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009, March 3, 2010.

199. IACHR, Second Report on the Situation of Human Rights Defenders 2011, Chapter on Honduras, March 2012; and UN, Report of the Working Group on the UPR of Honduras to the Human Rights Council, January 2011

200. UN, Final Observations of the Committee on Economic, Social and Cultural Rights, May 2001.

## USE OF PUBLIC AND PRIVATE SECURITY FORCES IN PEACEFUL DEMONSTRATIONS AND FORCED EVICTIONS

As discussed earlier, there have been numerous reports of human rights violations caused by the actions of the state security forces in demonstrations and forced evictions of rural communities. Based on this, international bodies have reminded the Honduran State to comply with the provisions of international conventions:

- Refrain from using the armed forces and military intelligence apparatus in public safety operations<sup>201</sup>.
- Do not proceed with the creation of a semi-military police force, which would result in the militarisation of policing<sup>202</sup>.
- Refrain from using force during peaceful protests and demonstrations. In exceptional cases, if a violent situation occurs, act using the minimum force necessary to restore order and without resorting to arbitrary detention for the sole reason of being a protester under the criteria of proportionality<sup>203</sup>.
- In application of the Basic Principles and Guidelines on evictions and displacement, do not use violence and respect the dignity and human rights of evicted persons and, in particular, do not use private security bodies to carry out such evictions<sup>204</sup>.
- Take measures to tackle the problems of people who have been forcibly evicted<sup>205</sup>.
- Review existing legislation and take all appropriate measures with a view to carrying out agrarian reform and addressing issues of land tenure, taking into account the needs of campesinos and indigenous peoples' rights to land.<sup>206</sup>

## INSUFFICIENT APPLICATION OF NATIONAL PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS WHO SUFFER THREATS DUE TO THE WORK THEY CARRY OUT

As stated by several United Nations Special Rapporteurs who have visited the country as well as the IACHR and others within the UN Human Rights Council, existing national protection mechanisms are insufficient and have been inappropriately implemented. It is therefore essential to recall some of the recommendations aimed at ensuring the protection of human rights defenders, including:

- Incorporate the United Nations Declaration on human rights defenders into national legislation<sup>207</sup>.
- Review and strengthen the figure of CONADEH in order to guarantee the proper functioning of an independent national institution to monitor compliance with international law on human rights<sup>208</sup>.
- Incorporate comprehensive protection measures ranging from peripheral protection, agile communications mechanisms, video camera installation and the use of armoured vehicles, and in the worst cases, moving the threatened individual and their family to another region of the country or abroad<sup>209</sup>.
- Strengthen and evaluate coordination between the agencies responsible for the implementation of

201. IACHR, Second Report on the Situation of Human Rights Defenders 2011, Chapter on Honduras, March 2012 and UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August.

202. Ibid 201.

203. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August 2012

204. Ibid 203.

205. UN, Final Observations of the Committee on Economic, Social and Cultural Rights, May 2001.

206. Ibid 205.

207. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

208. Ibid 207.

209. UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue, Preliminary Observations and Recommendations at the end of his visit to the Republic of Honduras (Observaciones y recomendaciones preliminares al final de la visita a la República de Honduras), August 2012

- plans, protocols and mechanisms for the protection and promotion of human rights in the country<sup>210</sup>.
- Guarantee the participation of organisations, communities and human rights defenders, in institutional meetings and processes for the creation, review and evaluation of public policies, in particular, national mechanisms for the protection of human rights defenders<sup>211</sup>. In particular, prior consultations with indigenous communities should be conducted under the provisions of ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples.
  - Ensure that both public and private actors, including transnational corporations, respect the work of human rights defenders<sup>212</sup>.

### 5.3 RECOMMENDATIONS FROM PBI TO THE INTERNATIONAL COMMUNITY

Based on the information in this report, we consider it appropriate to reiterate to the international community some of the recommendations we made in May 2011, and to make further recommendations emanating from our second visit to the country in 2012, with the aim of contributing to an improvement in the conditions in which individuals, groups and communities exercise their right to defend human rights.

In order to strengthen international mechanisms for the protection of human rights defenders, and to ensure compliance with international human rights standards, we make these recommendations to the following institutions:

#### TO THE UNITED NATIONS SYSTEM

- Reconsider thoroughly the request made by a number of international bodies and by the government of Honduras to establish an office of the United Nations High Commissioner for Human Rights in Honduras; and,
- respond to the open invitation made by the government of Honduras to UN Special Mechanisms and plan visits with the objective of monitoring the situation of economic, social and cultural rights in 2013.

#### TO THE ORGANISATION OF AMERICAN STATES AND ITS MEMBER STATES

- Urge and proactively support a visit to Honduras of the Inter-American Commission on Human Rights with the objective of monitoring the situation of human rights defenders during the general elections in November 2013;
- remind the Honduran State that as a Member State of the OAS and as a State Party to the American Convention on Human Rights it has a responsibility, recognized by the General Assembly of the OAS, to follow-up on the recommendations of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; and,
- guarantee that its cooperation and trade policies and mechanisms, and the operations of its companies, fully respect human rights.

#### TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

- Given the “open and permanent” invitation from the Honduran State to the IACHR, conduct an in situ visit of the IACHR Rapporteur on Human Rights Defenders, Commissioner José de Jesús Orozco Henríquez in 2013;
- we reiterate the recommendation we made in 2011, that the Honduran State create a specific fund to cover the security costs of the beneficiaries of precautionary measures and implement these meas-

210. IACHR, Report of its visit to Honduras 2010, Recommendations, June 2010

211. UN, Report of the Working Group on the UPR of Honduras to the Human Rights Council, January 2011

212. UN, Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Declaration on completion of her visit to Honduras, March, 2012.

ures in an appropriate form and in agreement with the beneficiaries (for example, that beneficiaries have independent or unarmed options for security);

- urge the Honduran State to sanction its public officials who do not comply with protection measures to guarantee the security of threatened human rights defenders..

#### **TO THE EUROPEAN UNION AND ITS MEMBER STATES**

- Dedicate more resources to the distribution of the Local Strategy of the European Union for Human Rights Defenders in Honduras to civil society organisations, including in the farthest regions of the country;
- strengthen the implementation of the Strategy by devoting more efforts to making pronouncements in favour of the legitimate work of human rights defenders and publicly rejecting any violence, threat or harassment of which they are victims; visiting defenders in their offices or during public events such as press conferences; attending public hearings against human rights defenders and others;
- lead within the G16 the creation of a space dedicated to examining the performance of the judiciary in specific cases of attacks and/or criminalisation processes against human rights defenders. It is important to ensure that the various organisations, individuals and/or communities that have been threatened because of their work to defend human rights have access to these spaces, and cases selected for monitoring should reflect this diversity;
- ensure that the elaboration of EU programs aimed at guaranteeing the protection and promotion of human rights is part of an open and effective consultation process with Honduran civil society (rural and urban). We also consider it to be of vital importance that these programs contain clear indicators and monitoring and evaluation mechanisms that include the participation of the Honduran civil society; and
- guarantee that its cooperation and trade policies and mechanisms, and the operations of its companies, fully respect human rights..

## GLOSSARY

|          |                                                                                                  |
|----------|--------------------------------------------------------------------------------------------------|
| ADEZPA   | Association for Development in the Zacate Grande Peninsula                                       |
| AECID    | Spanish Agency for International Development Cooperation                                         |
| AJD      | Association of Judges for Democracy                                                              |
| ANACH    | National Association of Honduran Campesinos                                                      |
| APUVIMEH | Association for a Better Life for Persons Infected or Affected by HIV-Aids in Honduras           |
| AWID     | Association for Women's Rights in Development                                                    |
| AZUNOSA  | Northern Sugar Processing Company                                                                |
| C-LIBRE  | Committee for the Freedom of Expression                                                          |
| CAHSA    | Honduras Sugar Processing Company                                                                |
| CDM      | Centre for Women's Rights                                                                        |
| CEJIL    | Centre for Justice and International Law                                                         |
| CIFCA    | Copenhagen Initiative for Central America and Mexico                                             |
| CIPRODEH | Centre for Research and Promotion of Human Rights                                                |
| CNTC     | National Union for Rural Workers                                                                 |
| CODEH    | Committee for Human Rights in Honduras                                                           |
| CODETT   | Committee for the Defence of Lands in Triunfo                                                    |
| COFADEH  | Committee of the Families of the Detained and Disappeared in Honduras                            |
| COHEP    | Honduran Council for Private Enterprise                                                          |
| CONADEH  | National Human Rights Commissioner                                                               |
| CONATEL  | National Telecommunications Commission                                                           |
| COPINH   | Civic Council of Grassroots and Indigenous Organisations                                         |
| CPTRT    | Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families |
| CT       | Commission of Truth                                                                              |
| DGIC     | General Office for Criminal Investigation                                                        |
| DIECP    | Office for the Investigation and Evaluation of the Police Profession                             |
| ECLAC    | Economic Commission for Latin America and the Caribbean                                          |
| ERIC     | Reflection, Research and Communications Team                                                     |
| EU       | European Union                                                                                   |
| FAO      | United Nations Food and Agriculture Organisation                                                 |
| FENAGH   | National Federation of Farmers and Ranchers in Honduras                                          |
| FIAN     | Foodfirst Information Action Network                                                             |
| FIDH     | International Federation of Human Rights                                                         |
| FNRP     | National Popular Resistance Front                                                                |
| GYCA     | Youth Coalition on HIV/AIDS                                                                      |
| HDI      | Human Development Index                                                                          |
| HPEC     | Honduras Project Exploratory Committee                                                           |
| IACHR    | Inter American Commission on Human Rights                                                        |



|         |                                                                  |
|---------|------------------------------------------------------------------|
| IACTHR  | Inter American Court of Human Rights                             |
| ICESCR  | International Covenant on Economic, Social and Cultural Rights   |
| ICJ     | International Commission of Jurists                              |
| ILO     | International Labor Organisation                                 |
| INA     | National Agrarian Institute                                      |
| IUDPAS  | University Institute for Democracy, Peace and Security           |
| LGBTI   | Lesbian, gay, bisexual, transgender and intersexual              |
| LIBRE   | Freedom and Refoundation Party                                   |
| MADJ    | Broad Movement for Dignity and Justice                           |
| MAO     | Environmental Movement of Olancho                                |
| MARCA   | Authentic Campesino Reclamation Movement of Aguán                |
| MBC     | Mesoamerican Biological Corridor                                 |
| MDR     | Movement for Diversity in Resistance                             |
| MOCRA   | Campesino Movement for National Recovery in Aguán                |
| MOCSAM  | Campesino Movement of San Manuel                                 |
| MUCA    | Unified Campesino Movement of Aguán                              |
| NGO     | Non-Governmental Organisation                                    |
| OAS     | Organisation of American States                                  |
| OFRANEH | Fraternal Black Organisation of Honduras                         |
| OHCHR   | Office of the United Nations High Commissioner for Human Rights  |
| PBI     | Peace Brigades International                                     |
| PPO     | Public Prosecutor's Office                                       |
| RWB     | Reporters Without Borders                                        |
| SCJ     | Supreme Court of Justice                                         |
| SDC     | Swiss Agency for Development and Cooperation                     |
| SEPROC  | Professional Communications Services                             |
| SERNA   | Office for Natural Resources and the Environment                 |
| SICA    | Central American Integration System                              |
| SJDH    | Ministry for Justice and Human Rights                            |
| TRC     | Truth and Reconciliation Commission                              |
| UN      | United Nations                                                   |
| UNAH    | Autonomous University of Honduras                                |
| UNDP    | United Nations Development Program                               |
| UNESCO  | United Nations Educational Scientific and Cultural Organisation  |
| UPR     | Universal Periodic Review                                        |
| UPTDH   | Technical Protection Unit for Human Rights Defenders in Honduras |
| U.S.A.  | United States of America                                         |

## ANNEXES

### I. LIST OF MEETINGS WITH LOCAL AUTHORITIES

**SPECIAL HUMAN RIGHTS ATTORNEY** German Enamorado, Coordinator of the Attorney's Office and Suyapa Vásquez, Deputy Attorney • **HONDURAN NATIONAL POLICE FORCE** Abrahán Figueroa Tercero, Director of Operations • **SECRETARY OF STATE FOR INDIGENOUS PEOPLES AND AFRO-HONDURANS (SEDINAFROH)** Luis Francisco Green Morales, Secretary of State and his technical team • **MINISTRY OF FOREIGN AFFAIRS** Ambassador Ramón Valladares Reina, and his assistant • **NATIONAL AGRARIAN INSTITUTE (INA)** Neptali Medina, Advisor to the Executive Minister • **SECRETARY OF STATE FOR NATURAL RESOURCES AND THE ENVIRONMENT (SERNA)** Rigoberto Cuéllar Cruz, Secretary of State • **SECRETARY OF STATE FOR JUSTICE AND HUMAN RIGHTS** Lolís María Salas Montes, Vice-Secretary of State for Justice and Ronis Rodil Vasquéz Florentin, consultant • **ARMED FORCES / MINISTRY OF DEFENCE** Colonel Carlos Ramón Lanza Duarte, Director of the Office of the Under-Secretary for Human Rights and Colonel Flores, Director of the Office of the Under-Secretary for Civilian Affairs • **SECRETARY OF STATE FOR SECURITY** Marcela Castañeda, Under-Secretary of State and Kelvin Aguirre, Director of the Human Rights Unit • **NATIONAL COMMISSIONER FOR HUMAN RIGHTS (CONADEH)** Ramón Custodio, Commissioner • **COMMISSION FOR THE REFORM OF PUBLIC SECURITY (CRSP)** Victor Meza and Matias Funes, Commissioners and Aida Romero, Technical Secretary • **SUPREME COURT OF JUSTICE** Roberto Ramos Bustos and Randofo Díaz Fernandez, Department of International Relations and Human Rights • **NATIONAL CONGRESS OF HONDURAS** Marvin Ponce, Vice-President of Congress and Secretary for the Commission on Agriculture and Forestry.

### II. LIST OF MEETINGS WITH THE DIPLOMATIC CORPS

**IN HONDURAS** **UNITED STATES EMBASSY** Nathan Anderson, Human Rights Officer • **FRENCH EMBASSY** Philippe Ardanaz, French Ambassador in Honduras and Bernard Monot, Senior Political Advisor • **DELEGATION OF THE EUROPEAN UNION** Peter Versteeg, Trade Officer; Laurent Sillano, Senior Political Advisor and Director of the Cooperation Office; Vanessa Valladares, Advisor on Cooperation and Human Rights; Johannes Trommer, German Ambassador • **SWISS AGENCY FOR DEVELOPMENT AND COOPERATION (SDC) IN LATIN AMERICA** Jourg Benz, Director of Cooperation • **SPANISH EMBASSY** Juan Pablo García Andújar, Consulate • **SPANISH AGENCY FOR INTERNATIONAL DEVELOPMENT COOPERATION (AECID)** Miriam Arredondo, Governability and Gender Officer • **ARGENTINIAN EMBASSY** Alejandra Marina Eguiño, Administrative Officer • **UNITED NATIONS** Antonio Maldonado, Human Rights Officer

**IN GUATEMALA** **DUTCH EMBASSY** Jacques Remmerswaal, Senior Officer on Governability and Human Rights • **BRITISH EMBASSY** Lisa Barret, Political and Consular Affairs • **SWEDISH EMBASSY** Kristine Elandsson Juárez, Second Secretary • **SWISS EMBASSY** Alexandre Guyot, Head of Mission • **NORWEGIAN EMBASSY** Sindre Bornstein, Second Secretary and Kristin Svendsen, Advisor • **KOREAN EMBASSY**

**IN COSTA RICA** **CANADIAN EMBASSY** Rainer Duschinsky, First Secretary, and Emilie Revil, Political Advisor • **DUTCH EMBASSY** Joost Hamelink, Coordinator of Policies and Human Rights • **BELGIAN EMBASSY** Jurgen van Meirvenne, Advisor on Political and Economic Affairs.

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*In a country like Honduras, with extremely high rates of violence against women, the work of women human rights defenders is of particular importance and deserves special recognition. The work of women human rights defenders confronts and challenges an extremely unequal and unjust social structure which seeks to relegate women to the private sphere and, more specifically, to the care of home and family. Their double identity as women and as human rights defenders considerably increases the severity and the magnitude of the risks they face. This report is especially dedicated to all those brave women who, despite hardship and risking their own lives, are giving massive amounts of their time and efforts in order to achieve a more just society for all Hondurans.*



*The Utopia Centre, COPINH, La Esperanza. (Nina Kreuzinger)*



