

## HONDURAS ACCOMPANIMENT PROJECT – PROAH

### SUMMARY OF HUMAN RIGHTS ISSUES AND EVENTS IN HONDURAS OCTOBER, NOVEMBER & DECEMBER 2013

The human rights landscape in the last quarter of 2013 was dominated by the elections on November 24, with an increase in killings and other attacks on political activists, particularly LIBRE. The stigmatization of human rights defenders was particularly acute in the Bajo Aguan and extended beyond the elections. There was some good news regarding criminalization of human rights defenders, with the provisional dismissal of one set of charges against the COPINH leadership, and the entry of AZUNOSA in conciliation negotiations with campesinos and the CNTC. However, there was no let-up in the killings and persecution of particular target groups including journalists, lawyers and members of the LGBTI community.

Honduras also featured prominently in the 149th period of sessions of the Inter-American Commission on Human Rights (IACHR), from 24 October to 8 November (see annex for more details).

#### PERSECUTION OF POLITICAL AND HUMAN RIGHTS ACTIVISTS IN THE CONTEXT OF THE ELECTIONS

The **general elections** took place as planned on November 24, with a broadly peaceful atmosphere on the day and strong voter turnout, of 60%. Juan Orlando Hernández of the ruling National Party was declared victor in the presidential race.<sup>1</sup> Although the elections were described as 'transparent' by the observer missions of the European Union (EU), the Organization of American States (OAS), and by the US State Department<sup>2</sup> a range of serious irregularities were reported by independent groups of international and national observers<sup>3</sup>, including a 'dissident' member of the EU observer mission<sup>4</sup>. The EU report itself had pointed to serious systemic problems potentially opening the way to fraud, such as the fact that 30% of the people on the electoral roll had either died or emigrated.<sup>5</sup> The TSE (Supreme Electoral Tribunal) rejected LIBRE's call for a recount of over 3,000 ballot boxes, while the Supreme Court of Justice rejected a legal challenge to the results which the party filed<sup>6</sup>.

The **OAS** in its press statement on its observer mission<sup>7</sup> made no mention at all of the **climate of violence and militarization** in the country in the run-up to the elections, while the **EU** in its report<sup>8</sup> stated that all candidates were able to operate “*without any greater security problems than those experienced by citizens in day-to-day life*”. During the 90 days of campaigning, it recorded 25 cases of intimidation or violence against political candidates (without giving more details), with LIBRE the party most affected with 9 cases, followed by PAC (Anti-Corruption Party) with 6, but concluded that it was impossible to ascertain if the attacks were politically-motivated, since the victims did not report them and/or the authorities failed to investigate them.

Both Honduran and international human rights organizations, on the other hand, issued declarations expressing deep concern at the pre-election climate,<sup>9</sup> which was characterized by an increase in

<sup>1</sup> BBC News Website [Honduras: Juan Orlando Hernandez confirmed as president](#)

<sup>2</sup> <http://www.state.gov/r/pa/prs/ps/2013/11/218057.htm>

<sup>3</sup> See, for example, statements by the US [National Lawyers Guild](#), [SOAWatch](#) and the German [Honduras Delegation](#)

<sup>4</sup> Opera Mundi article ['The results of the elections in Honduras were changed, says EU observer'](#)

<sup>5</sup> [http://www.eueom.eu/files/pressreleases/english/preliminary-statement-eueom-honduras-2013\\_eng.pdf.pdf](http://www.eueom.eu/files/pressreleases/english/preliminary-statement-eueom-honduras-2013_eng.pdf.pdf)

<sup>6</sup> El Libertador [Ratifica Zelaya desconocimiento a presidente electo por el Tribunal Electoral de Honduras](#)

<sup>7</sup> [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-459/13](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-459/13)

<sup>8</sup> [http://www.eueom.eu/files/pressreleases/english/preliminary-statement-eueom-honduras-2013\\_eng.pdf.pdf](http://www.eueom.eu/files/pressreleases/english/preliminary-statement-eueom-honduras-2013_eng.pdf.pdf)

<sup>9</sup> See, for example, statements by Committee for Political Analysis of the [Human Rights Situation during the Electoral Process \(Mesa de Análisis sobre la Situación de Derechos Humanos durante las Elecciones Generales\)](#), [ADH \(Alliance for](#)

assassinations of **opposition activists**, and other acts of persecution, including threats and police raids. **US Congressmen Grijalva, Honda, and Hank Johnson** sent a letter to John Kerry, head of the State Department, urging him to speak out against the militarization of civil society ahead of the elections, in particular the use of the newly-formed **Public Order Military Police (PMOP)**, the creature of Juan Orlando Hernández ([see PROAH human rights summary for July to September](#)). They also expressed concern at the attacks on members of the LIBRE Party, and the fact that the ruling National Party now dominated all the key institutions of the government, including the country's electoral authority and the military, which controls the ballots, particularly given allegations of widespread fraud during the primary elections in November of 2012.<sup>10</sup> In addition, they referred to reports by the **FIDH (International Federation for Human Rights)**, based on its mission to Honduras in September ([see PROAH human rights summary for July to September](#)), which expressed great concern at the "absolute dysfunction" of the Honduran justice system, the "politicization of justice for electoral ends," and the concentration of power.<sup>11</sup>

The government's response to the human rights organizations – both Honduran and international – was to embark on **a campaign of demonization**, and a number of candidates and other figures joined in, in a surge pre-election 'patriotic' fervor (see 'Stigmatization of Human Rights Defenders' at P.7).

### **Killings and Attacks**

On October 21, **Rights Action** published a report listing killings and attacks linked to the political campaigns in Honduras<sup>12</sup>, from May 2012, 6 months prior to the November 2012 primary elections, based on data from COFADEH. Rights Action acknowledges that the list is incomplete, as it relies almost entirely upon reports from the Honduran media that generally under-report human rights abuses and are likely to under-report politically-motivated violence. Furthermore, as Bertha Oliva of COFADEH stated (see our summary for July-September), a significant number of LIBRE activists and their families failed to report such violence because they feared further persecution if they did so.

Nonetheless, the report concludes that **LIBRE party pre-candidates, candidates, their families and campaign leaders suffered more killings and armed attacks than all other political parties combined**, indicating that many of the killings have been politically motivated. Of the 36 killings up to October 19, 2013, people associated with LIBRE were victims in half the cases (18), followed by the National Party with 11, and were the victims of 15 of the 24 armed attacks, followed again by the National Party with 6 cases.

It was noticeable that, **while murders of LIBRE candidates, campaigners and their families during the period of the report averaged 1 a month, this rose to 3 in October 2013**, the month before the general elections. The first was on October 2 - **Terensio Paz**, Deputy Campaign Coordinator for the North District of La Iguala municipality, in Lempira; then **Brayan Ariel Osorto Flores**, son of Amadeo Osorto, Congressional candidate for Francisco Morazan (October 6), and **Elvin Hernandez**, Congressional candidate runner-up for Mercedes Emilia Avila Panchame, municipality of Olanchito, Yoro (October 15) (see [Rights Action report](#) for more details).

Terensio Paz's murder highlights **one of the difficulties mentioned in the report of establishing a motive in many of the killings**. As well as the failure of the authorities to investigate, LIBRE activists may have been murdered for their involvement in social causes, although it can be argued that their political and social activities are inextricably linked. In the case of Paz, he was also involved in a land

[Human Rights\)](#)

<sup>10</sup> See [letter to Secretary Kerry](#)

<sup>11</sup> See FIDH press release [Elections in Honduras: militarisation and serious attempt to the Judiciary](#) and Preliminary Report (in Spanish) [Elecciones En Honduras: Militarización y Grave Atentado Contra el Poder Judicial](#)

<sup>12</sup> Rights Action - [Context of the Honduran Electoral Process 2012-2013: Incomplete list of Killings and Armed Attacks Related to Political Campaigning in Honduras \(May 2012 to October 19, 2013\)](#)

and environmental recuperation and protection committee in the area that has suffered threats and attacks in the past.<sup>13</sup> The report also states that drug-related crime may be implicated in some of these attacks, as has been alleged in the case of Noe Guardado Rivera, mayor and candidate for the National Party in Jutiapa, Atlántida.

As well as these murders of candidates and campaigners, and their families, **there were also killings of LIBRE members in October.** On October 5 in La Ceiba, **José Reinaldo Montúfar**, a grassroots activist, was forced to get out of his truck, which he used to deliver sand, and was then shot many times by four men armed with high-caliber weapons.<sup>14</sup>

Then, on October 23, the cameraman **Manuel Murillo Varela** was found murdered in Comayagüela, in the capital, shot three times in the face. He had been strongly identified with the Zelaya regime, and after the coup with the FNRP (National Popular Resistance Front) and then LIBRE. He had worked for Channel 8 (the official government channel established during Zelaya's presidency), recording the army's assault on Zelaya's house on the day of the coup, in June 2009. He then immediately joined the FNRP and filmed all its protests, documenting state repression. The IACHR had granted him precautionary measures after he and one of his colleagues at Radio Globo were held captive for 24 hours and tortured by about 20 policemen in plain clothes, on February 2, 2010. The police wanted him to hand over the videos he had recorded of FNRP protests against the coup, and threatened to kill his family if he refused.<sup>15</sup> Manuel Murillo Varela continued to suffer threats and intimidation until he was murdered. He also worked for TV Globo en 2010 and was working directly for the LIBRE congressional candidate, Rassel Tomé, at the time of his death.<sup>16</sup> His murder was preceded by the killing of Aníbal Barrow ([see PROAH June summary](#)) and was followed by that of Juan Carlos Argeñal on December 7 (see P.17), all three journalists identified with LIBRE. Manuel Murillo Varela's murder was condemned by the Director-General of UNESCO.<sup>17</sup>

The only killing of a non-LIBRE party activist recorded in October was on 22nd - **Marcos Leverón Peña**, Deputy Mayor of La Masica, Atlántida, from the National Party, who was also a dairy farmer, was shot many times at the gateway to his farm. The motive is not known. He is the second deputy mayor to be murdered in Atlántida department this year.<sup>18</sup>

On November 1, **Santiago Mendoza**, a young volunteer for PAC, was shot in Intibucá but appears to have survived,<sup>19</sup> and then on November 5, **Carlos Pérez** a Liberal party candidate for town councilor (*regidor*) for the municipality San Pedro, Copán, was found dead in his car with a bullet wound to his neck in Talgua, Lempira.<sup>20</sup> Both shootings were in the west of the country.

There appears to have been a lull in the killings of LIBRE activists in **November** until the night of 23rd, on the very eve of the elections, when **Julio Ramón Araujo Maradiaga** and **María Amparo Pineda Duarte**, were murdered when their car was ambushed, in Cantarranas municipality, Francisco Morazán. They were leaders of LIBRE in the area, and were returning from a training session for the party's polling station officials when they were killed. Their car was clearly identifiable as belonging to

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<sup>13</sup> [Defensoresenlinea Hombres fuertemente armados asesinan a dirigente social y Subcoordinador de Campaña de LIBRE en Lempira](#)

<sup>14</sup> <http://www.hondurastierralibre.com/2013/10/honduras-era-activista-de-libre-lo.html>

<sup>15</sup> See the [Commission of Truth report](#), P.179-183.

<sup>16</sup> [See Reporters without Borders Another journalist murdered a month before general elections](#) and Anncol [Oct 24. Honduras sangra: Ejecutan a Camarógrafo beneficiario de medidas cautelares otorgadas por la CIDH](#)

<sup>17</sup> UNESCO press release [UNESCO Director-General deplores murder of Honduran cameraman Manuel Murillo Varela](#)

<sup>18</sup> La Prensa [En su hacienda acribillan a vicealcalde de La Masica, Atlántida](#)

<sup>19</sup> La Tribuna [Atentan contra seguidor de Nasralla en Intibucá](#)

<sup>20</sup> La Prensa [Matan a aspirante a regidor de Copán](#)

LIBRE supporters as it was covered in party stickers and banners.<sup>21</sup> However, another or parallel motive for the killings could have been their involvement in the El Carbón Cooperative, for which Pineda Duarte served as President. According to Franklin Almendares, Secretary General of the CNTC (National Farmworkers Federation), of which they were also members, they had been receiving threats for a long time, some of which came from a National Party councilor in the area who claimed to own the land to which the Cooperative had gained the title deeds in 2002. (At the same press conference at COFADEH, Almendares also denounced the murder and beheading, on November 27, of **Gilberto Lara** of the CNTC group in La Laguna, Santa Bárbara - over 100 CNTC members have been killed since the coup).<sup>22</sup>

The timing of the next murder was equally significant, as was the choice of victim. **José Antonio Ardón**, an well-known FNRP activist, was shot dead on the night of November 30, in La Sosa neighborhood in the east of Tegucigalpa as he went out to the shops. He was known as **Emmo II**, because of his resemblance to another prominent member of the FNRP, Mahadeo Roopchands Sadloo, murdered in September 2011.<sup>23</sup> He was one of the group of motorbike riders who have led all the marches in support of Zelaya and Xiomara Castro since the coup, and was to have taken part in the one organized by LIBRE and FNRP for the following day to protest election fraud. Instead, his coffin was carried on the roof of Zelaya and Castro's car at the rally.<sup>24</sup>

### Hit List

Only days before the elections, C-Libre, the organization promoting freedom of expression, was handed a **list of 36 names of journalists, lawyers, trade unionists, human rights defenders and prominent members of opposition parties**. According to C-Libre's source, military intelligence had drawn up profiles of these people in order to assassinate them. The list was made public on November 25, the day after the election, by a FIDH delegation.<sup>25</sup>

The list includes Beatriz Valle (see P.5) and Patricia Rodas of LIBRE; Vitalino Alvarez and Yony Rivas of MUCA (Aguan Unified Campesino Movement); the lawyers Víctor Fernández and Fredín Fúnez, who represent communities and organizations defending land and the environment, including COPINH; Carlos H. Reyes, President of STIBYS (Union of Beverage and Related Industry Workers); Bertha Oliva and Berta Cáceres, Coordinators respectively of COFADEH and COPINH (Civic Council of Popular and Indigenous Organizations of Honduras), and the journalists David Romero, Director of Radio Globo and Félix Molina, presenter of the station's program *Resistencia*.<sup>26</sup>

### Threats and Harassment

According to a press statement issued by the Committee for Political Analysis of the Human Rights Situation during the Electoral Process,<sup>27</sup> up to October 25, **20 activists and members of the LIBRE party had received death threats this year** in the departments of Francisco Morazán, Comayagua, El Paraíso, Lempira, Olancho and Santa Bárbara.<sup>28</sup> The FIDH observer mission in Honduras issued a formal statement on 28 September in which it mentioned **five cases, all involving LIBRE candidates**

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<sup>21</sup> La Tribuna [Ultiman a balazos a dos activistas políticos](#)

<sup>22</sup> Sandra Cuffe [www.defensoresenlinea.com delegacion-internacional-cntc-denuncian-asesinatos-irregularidades-en-el-proceso-electoral](http://www.defensoresenlinea.com/delegacion-internacional-cntc-denuncian-asesinatos-irregularidades-en-el-proceso-electoral)

<sup>23</sup> El Herald [Asesinan a "Emmo 2", miembro de la Resistencia](#)

<sup>24</sup> <http://www.popularresistance.org/thousands-march-to-demand-vote-recount-in-honduras/>

<sup>25</sup> CONEXIHON [Honduras: Defensores de DD.HH. y políticos opositores investigados supuestamente por inteligencia militar](#)

<sup>26</sup> Defensoresenlinea [FIDH recomendando instalación de oficina de Alto Comisionado de Naciones Unidas en Honduras](#)

<sup>27</sup> *Mesa de Análisis sobre la Situación de Derechos Humanos durante el Proceso Electoral*: Its members are COFADEH, CDM (Women's Rights Center), CEM.H (Women's Studies Center - Honduras), STIBYS (Union of Beverage and Related Industry Workers), Visitación Padilla Women's Peace Movement (*Movimiento de Mujeres por la Paz Visitación Padilla*).

<sup>28</sup> <http://www.friendshipamericas.org/sites/default/files/COFADEH%20pre-election%20communication.pdf>

**with credible assassination threats against them.** Two of them - Rafael Alegria, Coordinator of the Via Campesina, and the journalist Esdras Amado López, were warned by high-ranking government officials of plots to kill them.<sup>29</sup> There were also reports of death threats against candidates of the other parties, the most notable being **Juan Orlando Hernandez**, who said he had been threatened by organized crime,<sup>30</sup> implying that it was because his hard-line security policies were having an effect. The claim was met with some skepticism by his political rivals. The family Maradiaga Rivera, allegedly of Los Cachiros drug-trafficking gang, accused of being the source of the threats, filed a complaint with 'a human rights body' over the allegation.<sup>31</sup> In general, the threats against LIBRE candidates and activists did not receive much coverage in the mainstream press, an exception being **Beatriz Valle, Deputy Foreign Minister in Zelaya's government**, who reported to the Prosecution Service that she had received information from reliable sources that she was going to be assassinated in two days' time, on November 1, and had been advised by CIPRODEH to leave the country.<sup>32</sup> She said that she did not know the source of the threats.

The newly-formed **Public Order Military Police (PMOP)** appeared on the streets for the first time in mid-October.<sup>33</sup> Its establishment has been highly controversial, as it reverses the decision in the 1990s to de-militarize policing in Honduras.<sup>34</sup> As a result, a legal challenge was filed against it in the Constitutional Court on October 25.<sup>35</sup> Ramon Custodio, the National Human Rights Commissioner (CONADEH), also considered it unconstitutional, and wrote to the Honduran Congress protesting at the blurring of the lines between the police and military. He criticized a draft law presented before the elections – and now adopted - making provision for the PMOP within the constitution, whose aim was to protect the force from being dissolved in the event of a LIBRE victory at the polls.<sup>36</sup>

The fears of human rights organizations have been realized. As COFADEH has pointed out, although the military police were ostensibly established to combat drug-trafficking, organized crime and Honduras' general security crisis, **“strangely, its activities are focused on members of the LIBRE party”**<sup>37</sup> contributing significantly to the climate of fear in the run-up to the elections. Although PROAH is aware that there have been acts of persecution by the military police which have not been made public, **two raids on the homes of private individuals demonstrate the sinister nature of this force, and its lack of accountability.**

On October 10 at 5:00 am, the PMOP raided the home of **Marco Antonio Rodriguez, Vice President of SITRAPANI** (National Child Welfare Agency Worker's Union). They forced him and his son out onto the street, made them lie face down and handcuffed them while they searched the house. Meanwhile, his wife and daughter were forced to stand facing a wall with guns pointed at them. When Marco Antonio Rodriguez asked to see the search warrant, the police replied, “What search warrant? Here we can do whatever we want.” In the light of this incident and other acts of persecution targeted at him and Pedro Elvir, SITRAPANI's ex-president, COFADEH applied for **precautionary measures**

<sup>29</sup> Defensoresenlinea [Llamado urgente de responsables de misión en Honduras de la FIDH](#)

<sup>30</sup> Proceso Digital [Atentados y amenazas a muerte contra aspirantes a cargos electorales marcan víspera de elecciones generales](#)

<sup>31</sup> Radio America [Abogado de familia Rivera Maradiaga denuncia que Juan Orlando prepara un auto atentado](#)

<sup>32</sup> La Tribuna [Candidata a diputada de Libre denuncia amenazas a muerte](#)

<sup>33</sup> The actual date is unclear. According to Tiempo newspaper, it was October 13 ([Policía Militar se estrena](#)), but according to a report by COFADEH, it was already in operation - and persecuting LIBRE sympathizers - by October 10. See defensoresenlinea article [Policía Militar: Cuál orden de allanamiento acá nosotros podemos hacer lo que queremos](#)

<sup>34</sup> [Upside Down World Re-militarizing the Police: Turning the Clock Back in Honduras;](#)  
[Pan American Post Honduras Deploys Controversial Military Police](#)

<sup>35</sup> La Prensa [Presentan recurso contra la Policía Militar en Honduras](#)

<sup>36</sup> Press statement CONADEH [Reforma Para Blindar Policia Militar Atenta Contra La Institucionalidad](#)

<sup>37</sup> Defensoresenlinea article [Policía Militar: Cuál orden de allanamiento acá nosotros podemos hacer lo que queremos](#)

for them from the IACHR at the end of October.<sup>38</sup> (See P.15 for the latest incident, involving the son of SITRAPANI's president).

The second notable raid on a private home happened on October 23, when heavily armed PMOP agents broke down the doors of the house of **Edwin Robelo Espinal, a long-standing FNRP activist**, in the Flor del Campo neighborhood in Tegucigalpa. Accompanied by a military judge and public prosecutor, and with their faces entirely covered by balaclavas, the police searched his house looking for 'weapons and a rocket-propelled launcher'. The search warrant, authorized by a military judge, identified Edwin Espinal as a member of the LIBRE party and his house from the LIBRE flag outside. The current persecution is probably directly related to his political work organizing the community against the efforts of local National Party activists to privatize the community soccer field. He was granted protective measures by the IACHR after he was disappeared for 5 hours and tortured by police officers Flor del Campo in June 2010. His partner, Wendy Avila, died from the effects of tear gas in September 2009 after the security forces violently dispersed a peaceful FNRP demonstration.<sup>39</sup>

A potential **PMOP raid of the LIBRE offices in the Kennedy neighborhood**, only 36 hours before the elections, on November 22, was prevented when around a hundred people gathered – neighbors, international observers, Honduran human rights defenders and the media. An alert went out to them on Radio Globo after three PMOP patrols arrived, surrounded the building and tried to force the doors. When PMOP had first arrived, there had only been four LIBRE party workers in the building.<sup>40</sup>

In another disturbing development, in the week leading up to the elections, **groups of soldiers had been going to the houses of women involved in the election process**, especially those acting as observers and polling station officials, gathering information on the occupants. Some soldiers were in uniform, masked, and others in civilian clothes, and **put the houses under surveillance**, taking photos and asking who lived there and how many. For Gladys Lanza, of the Visitacion Padilla Women's Peace Movement, who reported this, it was another example of the government seeking to intimidate political opponents.<sup>41</sup>

### **Harassment of international election observers**

Alongside the persecution of political activists, there was harassment of non-governmental international election observers on the part of the Honduran Immigration Service (DGME) in the run-up to the elections.

For example, on November 22, in El Progreso, **4 people identifying themselves as immigration agents disrupted an election observer training of the North American Honduras Solidarity Network and Alliance for Global Justice delegations at the La Fragua retreat center**. Only one hour earlier, the delegation had completed three hours of formal training in the same room with official representatives of the TSE. Without prior warning, the officials intimidated observers by demanding to see everyone's passports and observer credentials. Originally, the official in charge said he was responding to complaints from neighbors, but later changed his story to say that (ex) General Cervantes, the DGME Director, had sent orders from Tegucigalpa to investigate the group.<sup>42</sup>

The following day, at 11 am, on the very eve of the elections, **6 people identifying themselves as immigration officials, but heavily armed and wearing ski-masks, entered the Hotel Suite Aurora in Tegucigalpa**, and announced that the 'foreigners', twenty people from Latin American countries, had

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<sup>38</sup> Ibid.

<sup>39</sup> Rights Action report [Pre-Election Persecution Increases In Honduras: New Military Police and State Forces Persecute FNRP and LIBRE activists Weeks Before the General Elections](#) (contains striking photos of military police)

<sup>40</sup> Sandra Cuffe defensoresenlinea [Policía militar intenta entrar en la sede de LIBRE de la Colonia Kennedy](#)

<sup>41</sup> Defensoresenlinea [Militares llegan las casas de las mujeres en barrios y colonias a preguntar quien vive alli](#)

<sup>42</sup> [HSN – Northern Zone Statement on Immigration Harassment of Delegation](#)

to show their documents at reception. Many are political figures in their countries, and they were asked if they belonged to a political party, in an intimidating fashion. The immigration officials refused to speak to the press to justify their actions. The observers believed that the raid was due to the fact that their group had been invited by LIBRE.<sup>43</sup>

### **Repression of Post-Election Protest**

On November 26, a couple of days after the elections, **the police violently cracked down on a peaceful protest on the campus of the UNAH** (National Autonomous University of Honduras) against the coup and election fraud. PROAH accompanied COFADEH to the campus. Dozens of officers attacked the students with batons, stones and tear gas canisters, some of which were aimed at the students' bodies, resulting in some being hospitalized. A dozen Military Police also arrived, but left after 15 minutes when they found that the police had the situation 'under control'.<sup>44</sup>

On the morning of December 1, a **military roadblock** was set up at La Barca, a major junction in the north of the country, to prevent LIBRE supporters from Tela, San Pedro Sula and El Progreso from traveling to that day's protest against election fraud in Tegucigalpa (referred to on P.4). Around 10 police patrols and 100 soldiers were involved in the operation.<sup>45</sup>

### **Stigmatization of Human Rights Defenders**

One of the many disturbing developments in the run-up to the elections was the stigmatization of Honduran human rights defenders, who were accused of undermining the electoral process by criticizing the situation in the country.<sup>46</sup>

One particularly worrying incident involved **Bertha Oliva of COFADEH and Victor Fernandez of MADJ**, who were vilified following their appearance before the IACHR during its 149th period of sessions in Washington, when they also met with a range of US politicians and officials during their visit at the end of October and beginning of November. On November 5, on the television talk show *Frente a Frente* (Face to Face), the host read from what he said was a leaked diplomatic cable sent by Honduras' ambassador in Washington to President Porfirio Lobo containing negative comments about Bertha Oliva and Victor Fernandez's participation in a panel discussion in Washington, co-sponsored by a United States congressional caucus about the elections in Honduras and El Salvador. The host read from the alleged cable which said '*The participation of Bertha Oliva and Victor Fernandez proves the conspiracy of NGOs and Honduran people against the electoral process in Honduras.*' The cable also summarized Bertha Oliva's comments that human rights violations, corruption, and impunity were widespread in Honduras and that members of LIBRE had been persecuted. The host and the four guests, all election candidates, strongly criticized Bertha Oliva's comments and disparaged her for expressing her views about the election<sup>47</sup>. One of the key points in the program was Bertha Oliva's reference to the kidnapping of two members of PROAH in La Nueva Esperanza. Neither the host nor the guests claimed to have heard of the incident and accused Bertha Oliva of making unsubstantiated allegations. Although MADJ was able to appear on the program the following week to explain the situation in La Nueva Esperanza, including the kidnapping, the host was unapologetic, and PROAH was forced to issue a formal clarification as the government representatives on the program

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<sup>43</sup> Defensoresenlinea [Agentes de Migración irrumpen en hotel, intimidando a observadores internacionales](#)

<sup>44</sup> Defensoresenlinea [Primera represión violenta contra estudiantes universitarios que protestaban contra el fraude electoral](#)

<sup>45</sup> voselsoberano.com [Militares retienen buses y carros de miembros de LIBRE que viajaban a Tegucigalpa](#)

<sup>46</sup> See comment by President Lobo, for example. Proceso Digital [Lobo critica a malos hondureños que quieren desprestigiar el proceso electoral en el exterior](#)

<sup>47</sup> Human Rights Watch [Honduras: Smears Put Activists at Risk](#)

misrepresented the situation regarding the abduction.<sup>48</sup>

**Berta Cáceres**, the general coordinator of **COPINH** also came under fire for 'obstructing renewable energy projects' for her opposition to the **Agua Zarca dam in Rio Blanco**. At the end of October, the President of COHEP (Honduran Business Council) accused her of giving the country a bad name abroad, and of impeding development, while being shielded by organizations such as Amnesty International and the IACHR.<sup>49</sup>

The stigmatization of human rights defenders, local and international, was particularly acute in the **Bajo Aguan**, both ahead of the elections and beyond, with the commander of Operation Xatruch, Colonel Alfaro, accusing them of wishing to destabilize the region. Among international human rights defenders, **Annie Bird of Rights Action** came under particular attack (see Bajo Aguan section on P.14).

*The following three cases, Rio Blanco, the Tolupan community of Locomapa, and La Nueva Esperanza, were all raised at the hearing on Prior Consultation and Mega-Projects in Honduras at IACHR's 149th period of sessions (see annexe)*

### **RIO BLANCO: HARASSMENT OF COMMUNITY ALONGSIDE GOOD NEWS ON COURT CASES**

During the period October to December, this Lenca indigenous community in western Honduras, and its supporters, continued to suffer persecution because of its peaceful opposition to the Agua Zarca hydroelectric scheme, imposed without its consent.<sup>50</sup>

However, there has been some good news in relation to the criminalization of the COPINH leadership - Berta Cáceres, Tomás Gómez and Aureliano Molina. **The charges of land usurpation, damage to private property and coercion for COPINH's support of the community<sup>51</sup> were provisionally dismissed** on January 4, 2014, by the Appeal Court in Comayagua through lack of evidence. The eviction notice applied to the roadblock erected by the community to prevent the passage of machinery of DESA, the hydro-electric company, has also been revoked.<sup>52</sup> As the dismissal is only provisional, there is always the possibility that the charges against them will be revived if new 'evidence' comes to light.

There appear to be **no further developments regarding the case against Berta Cáceres for illegal possession of arms**. On November 6, a **conciliation process** was initiated in the court in Santa Barbara, attended by PROAH. The representative from the Attorney-General's Office expressed concern that, as a result of this case, as well as the one against the three leaders, Berta faced prison pending trial (as a person can only benefit from alternative measures to prison for one set of charges), and said that "The state had no interest in subjecting Berta Cáceres to judicial persecution". (Slightly surprising since the charges are widely believed to be trumped-up, and the Prosecution Service had

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<sup>48</sup> PROAH blog [Public Clarification of the Circumstances Surrounding the Abduction of Two Observers from PROAH in La Nueva Esperanza](#)

<sup>49</sup> La Tribuna [Empresarios denuncian que grupos oscuros entorpecen la producción de energía renovable, Proceso Digital](#) [Presidenta del Cohep denuncia que grupos liderados por Bertha Cáceres impiden desarrollo de proyectos de energía renovable](#)

<sup>50</sup> See video by Ocote [Honduras. Continúa desnudándose las ilegalidades de DESA / Proyecto Hidroeléctrico Agua Zarca: Firmas Falsas Rio Blanco](#) about the way in which consent signatures were obtained fraudulently. For detailed background, see report by Rights Action [The Agua Zarca Dam and Lenca Communities in Honduras: Transnational Investment Leads to Violence against and Criminalization of Indigenous Communities](#)

<sup>51</sup> See [PROAH summary for July-September 2013](#).

<sup>52</sup> COPINH website <http://www.copinh.org/article/de-radio-progreso-buenas-noticias/>

successfully appealed against a previous verdict in Berta's favor.) There have been some disagreements about the wording of the conciliation agreement, and the date of the next hearing is not yet known.

Although these legal developments are positive, **November saw a number of worrying incidents affecting both the community itself and its supporters:-**

On November 1, **masked and heavily armed police raided the village of La Tejera**, forcing the doors of houses in search of Francisco Sanchez, president of the indigenous council, and threatening to shoot children and old people. They had taken advantage of the fact that many of the villagers were attending the funeral of the daughter of one of the community members, who had died in her twenties only the day before. The impact of this raid has been felt particularly by the children, who are showing signs of physical illness and anxiety.<sup>53</sup> Although the officers hid their identification during the raid, a couple were recognized as from the police station a kilometer away, recently imposed upon the community seemingly with the sole aim of persecuting it and repressing its opposition to the hydro-electric scheme.

On November 8, **Aureliano Molina** of COPINH was travelling from Tegucigalpa to La Esperanza, where COPINH is based, when he **was followed by two cars** without license plates for almost two hours, believed to belong to DESA. They flashed their lights at him, to show that he was being followed and to intimidate him.<sup>54</sup> Two days before, **Victor Fernandez**, COPINH's lawyer in the Rio Blanco case had also been followed for a long time by a car without number plates as he returned to San Pedro Sula after a meeting with COPINH about the case.<sup>55</sup>

On November 20, **a SOAWatch delegation was stopped** at a road block on the way to Rio Blanco, at the community of Santa Ana, by employees of the DESA hydro-electric company and 4 members of the council of Santa Ana, in complicity with the police.<sup>56</sup> The stand-off lasted 5 hours, at the end of which the delegation continued to Rio Blanco on foot, abandoning their bus at the road block.

## **MINING: IACHR GRANTS PRECAUTIONARY MEASURES TO 38 MEMBERS OF THE TOLUPAN INDIGENOUS GROUP**

On December 19, **38 Tolupans were awarded precautionary measures by the IACHR** because of the threats that they have received for their peaceful opposition to illegal logging and antinomy mining in Locomapa, Yoro.<sup>57</sup> The beneficiaries are 18 members of MADJ plus family members, and follows the murder, on August 25, 2013, of three of their number at a roadblock which the community had set up to prevent the passage of logging and mining vehicles.<sup>58</sup> Before the killings, the authorities had been notified of death threats against community leaders but had failed to act. Arrest warrants have been issued for the two killers but they remain at large, members of the “Matute Gang” of hit men, who offer their services to companies engaged in illegal logging and mining on Tolupan territory, and who operate with complete impunity.<sup>59</sup> Meanwhile, eight members of the community, including leaders, who were forced to flee the area for their own safety, have been unable to return because they are still at risk, and those who remain continue to receive death threats. The precautionary measures were

<sup>53</sup> Conexihon [Río Blanco, nuevamente bajo amenaza de agresión armada](#)

<sup>54</sup> COPINH Press Release [DENUNCIA PÚBLICA: Nuevamente los esbirros dan persecución vehicular, esta vez al compañero Aureliano Molina Villanueva, miembro del COPINH. \(08-11-2013\)](#)

<sup>55</sup> COPINH Press Release [Copin-h-Denuncia Pública: Continúa hostigamiento contra el compañero Víctor Fernández. \(ayer 06-11-13\)](#)

<sup>56</sup> COPINH Press Release [Detention of International Human Rights Observation Delegation headed to Río Blanco!](#)

<sup>57</sup> IACHR precautionary measures – [PM 416/13 of December 19, 2013 – 18 members of the Movimiento Amplio por la Dignidad y la Justicia \(MADJ\) and their Families, Honduras](#) (in Spanish only).

See also MADJ website [La CIDH otorga medidas cautelares a 38 indígenas compañeros y compañeras del MADJ](#)

<sup>58</sup> See PROAH article [Mining: Three members of Tolupan indigenous group murdered in Yoro.](#)

<sup>59</sup> MADJ document 'Dignidad y Justicia para el Pueblo Tolupan' (19.9.13)

requested jointly by MADJ and CEJIL (Center for Justice and International Law).<sup>60</sup>

### **MINING: LA NUEVA ESPERANZA**

The IACHR also granted **precautionary measures** on December 24 for members of the community of La Nueva Esperanza, Atlantida, and of Florida Regional Community Council (*Patronato*), which includes the village, because of the threats they have received due to their peaceful opposition to various mining projects in the area (see our summaries for [June](#) and [July to October](#)). The measures cover 18 people in total.<sup>61</sup> The Honduran government had failed to respond to the IACHR's request for information on these cases, made on August 28. Two leaders of La Nueva Esperanza, César Alvarenga and Roberto García, both members of MADJ, had already been beneficiaries of precautionary measures, having been the victims of death threats and other acts of intimidation, allegedly by the mining company, Minerales Victoria, in August 2012.<sup>62</sup>

Following the incident in July which two volunteers from PROAH were held captive at gunpoint for two and a half hours when visiting La Nueva Esperanza, **an arrest warrant was eventually issued in October** for Wilfredo Funes, the foreman of the workers of the mining exploration, who lives in the community and who was the ring-leader of the kidnapping. However, **the warrant still has not been implemented and he continues to intimidate the villagers**. For example, PROAH has learned from members of the community that the teacher at the village school, who had fled in June because of death threats, returned a couple of months ago to attend a funeral. However, Wilfredo Funes threatened him and the teacher had to flee again. As a result of the security situation, the school remains closed, Concepción Gutiérrez, one of the beneficiaries of the precautionary measures and from whose home the PROAH volunteers were kidnapped, is still living outside the community with her children for fear of their safety, and Father César Espinoza, the village parish priest, has been unable to return to give mass because of death threats. Charges have also been brought against four of the security guards of the mining company, but no warrant has so far been issued for their arrest.

**At the end of November, there was what appeared to be good news in that all the workers at the mine completely abandoned the site**, including the security guards who have imposed a reign of fear on the community since the beginning of June.<sup>63</sup> Initially it was thought this was because the exploration had been unsuccessful, but it is now believed that the mining company will return January or February with a full mining license, now that the exploratory phase has finished.

### **INTER-AMERICAN COURT: JUDGMENT IN THE CASE OF THE ENVIRONMENTALIST CARLOS LUNA**

The Inter-American Court of Human Rights criticized the Honduran state for its failure to **protect environmental human rights defenders** in its judgment in the case of Carlos Luna López, a town councillor in Catacamas, Olancho department.<sup>64</sup> He was murdered in 1998 after exposing corruption in the Municipal Corporation regarding logging permits and alleged illegal logging. Luna López publicly and repeatedly stated that he had received threats from different sectors, including some

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<sup>60</sup> For information on the day-to-day challenges facing the Tolupan, see CONEXIHON article on a community in Francisco Morazan department [Sobrevivir, un reto para indígenas tolupanes de la Montaña de la Flor](#)

<sup>61</sup> IACHR precautionary measures – PM 195/13 of December 24, 2013 – Leaders and Human Rights Defenders of the Community of La Nueva Esperanza and of Florida Regional Community Council, Honduras <http://www.oas.org/es/cidh/decisiones/cautelares.asp>. (in Spanish only)

<sup>62</sup> IACHR precautionary measures – PM 342/12 of 3 October 2012 – César Adán Alvarenga Amador and Roberto García Fúnez, Honduras. <http://www.oas.org/es/cidh/decisiones/cautelares.asp>. (in Spanish only)

<sup>63</sup> See [message on the community's Facebook page](#)

<sup>64</sup> [Inter-American Court of Human Rights. Case of Luna López Vs. Honduras. Merits, Reparations and Costs. Judgment of October 10, 2013. Series C No. 269 \(in Spanish only\)](#). See also [press release on the judgment](#).

from public officials, and filed a complaint with the Public Prosecution Service. The state was criticized for failing to investigate the death threats and to put in place protection measures for him. The case exposed the general vulnerability of environmental rights defenders in Honduras. According to information gathered by the Court, **at least 16 Honduran environmentalists were murdered between 1991 and 2011, of which 9 were in Olancho**, including Carlos Luna, with the other 8 following his death, primarily because of their clashes with logging interests. The Court also pointed out that in 2006 and 2012, respectively, both Hina Jilani, the UN Special Representative on Human Rights Defenders, and her successor, Margaret Sekaggya, had registered their particular concern at the vulnerability of Honduran environmentalists in their reports to the UN Human Rights Council. In its judgment the Court ordered the Honduran government to introduce an effective public policy to protect human rights defenders, particularly those working on environmental issues.

### **INTER-AMERICAN COURT: CASES OF TWO GARÍFUNA COMMUNITIES REFERRED BY IACHR**

The Garífuna people are the descendants of shipwrecked African slaves and indigenous people from the island of Saint Vincent who, after a rebellion, were forcibly removed to the Bay Islands off the coast of Honduras by the British in the late 18th century, and from there settled on the Honduran coast, as well as in Guatemala, Belize and Nicaragua.

Over time, their ancestral land, and thus their way of life, has come under increasing pressure from a range of sources, including intensive agriculture, tourist projects and general encroachment by non-Garífunas. OFRANEH (Honduran Black Fraternal Organization) which represents the Garífuna people of Honduras, currently has **five cases concerning different communities before the IACHR, two of which – Triunfo de la Cruz and Punta Piedra – have now been referred to the Inter-American Court.**

PROAH accompanies the leaders of **Triunfo de la Cruz** who have suffered persecution because of their struggle to protect their land, primarily threatened by tourist interests. The community's problems began in 1993 when the municipality of Tela extended the city boundaries into its land without any consultation, and disregarding the fact that the community held the collective titles to their ancestral lands. Since then, the municipality has illegally appropriated areas of this collective land for tourist schemes and has 'bought' (also illegally) the land of individuals, and encouraged them to sell their land to private companies.<sup>65</sup>

In the second case, **Punta Piedra**, the state has acknowledged the community's claim to its ancestral lands by granting it full title to it, but failed to deal with the encroachment of non-Garífuna settlers, spearheaded by high-ranking military officers. Consequently, the community only has access to half its land, which has given rise to conflict, resulting in the death of one of its members.<sup>66</sup>

**Both cases, which were first lodged with the IACHR in 2003, are likely to be heard together in May 2014.** OFRANEH considers the hearing a landmark, as it will be the first time that cases concerning Honduran Garífuna land rights have been before the Inter-American Court.

### **LAND DISPUTES: AZUNOSA – HOPE OF A NEGOTIATED SETTLEMENT**

Members of the CNTC (National Farmworkers Federation) and the ADCP (Association for Campesino Development of Progreso) have suffered **judicial persecution** as a result of their peaceful efforts to

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<sup>65</sup> IACHR press release of April 4, 2013 No. 21/13 [IACHR Takes Case involving Honduras to the Inter-American Court](#). and OFRANEH press release [Caso de la comunidad Garifuna de Triunfo de la Cruz, transferido a la Corte Interamericana de Derechos Humanos](#)

<sup>66</sup> IACHR press release of October 11, 2013 No. 76/13 [IACHR Takes Case involving Honduras to the Inter-American Court](#) and OFRANEH press release [Honduras: CIDH Transfiere caso de la comunidad Garífuna de Punta Piedra a la Corte interamericana de Derechos Humanos](#)

regain land from AZUNOSA, a sugar company owned by the British multinational [SAB Miller](#)<sup>67</sup> which operates in the Sula Valley. Although INA (National Agrarian Institute) had originally found in the campesinos' favor regarding the land in dispute, in Agua Blanca Sur, its judgment was subsequently overturned and the campesinos evicted on June 19, 2013, despite their having lodged an appeal in the Supreme Court (see [our report for July to September](#) for more details).

**Magdalena Morales, the CNTC Regional Secretary for Yoro department**, who has been supporting the campesinos, was arrested on July 26, 2013 in her office in El Progreso and, in a judicial process with close parallels with that of the COPINH leadership, charged with usurping land. It is part of a wider criminalization campaign against those involved in the Agua Blanca land dispute, for whom, according to the latest CNTC figures, there are **108 arrest warrants outstanding**. One of their number, Felix Torres, has been under house arrest since June 30, 2013. Magdalena and other campesino leaders have also been suffering persecution in the form of surveillance and death threats, and fear for their lives.<sup>68</sup>

At the initial court hearing for Magdalena Morales, on October 26, it was announced that **AZUNOSA wished to embark on negotiations with the campesinos**, which would include the non-judicial resolution of her and the other cases. The next conciliation meeting between AZUNOSA lawyers and the campesinos' representatives is scheduled for January 29.

## LAND DISPUTES: BAJO AGUAN

The murders and intimidation of members of the campesino movements and their supporters continued.

### Murders

On September 29, **four members of MOCRA** (Campesino Movement to Regain the Aguan) were murdered in two separate incidents. MOCRA's president and secretary, Oscar Armando Caballero Caballero and Ricardo Escobar López, were shot by unknown gunmen near the settlement of La Confianza, which is controlled by MUCA (Aguan Unified Campesino Movement). MUCA's president, Yony Rivas condemned two newspaper reports claiming that the two men belonged to MUCA or MARCA, and that they were killed during an argument with him over his candidacy for LIBRE in the forthcoming elections. The two other members of MOCRA were kidnapped in the same area and later found shot dead near the settlement of El Barro, also in Tocoa municipality.<sup>69</sup> At least 600 families have joined MOCRA since it was established on July 20, 2012 to regain land in the Bajo Aguan, but they have been the victims of three violent evictions, as a result of which at least 54 members are subject to legal proceedings. At the moment, the families are occupying an area abandoned by CURLA (Atlantic Coast Regional University Center) many years ago.<sup>70</sup>

On October 17, unknown assailants shot dead **Eulalio Martínez, the administrator of La Chile Campesino Cooperative's shop, affiliated to MUCA**, on his way to the community of Salamá in the municipality of Tocoa, Colón.<sup>71</sup>

Another member of a community affiliated to MUCA was killed only four days later. **Manuel Ochoa** was shot dead by hitmen on a motorbike as he was cycling through the Occidental farm estate in Tocoa, which is controlled by Miguel Facussé's security guards, in an area totally militarized under Operation Xatruch. Manuel Ochoa was a member of Los Laureles cooperative in La Concepción settlement.

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<sup>67</sup> SOAWatch article [The Struggle for Land in Agua Blanca Sur](#)

<sup>68</sup> Ibid.

<sup>69</sup> Conexihon [Honduras: Ultiman al presidente, secretario y dos miembros del MOCRA](#)

<sup>70</sup> La Via Campesina [Honduras, dos compañeros mas asesinados en el Aguan](#)

<sup>71</sup> MUCA statement - Vos el Soberano [Denuncian asesinato de campesino y campaña de criminalización en contra del vocero de MUCA](#)

According to MUCA, **this brings the number of campesinos murdered in the struggle for land to 112 in the Aguán region in less than four years.**<sup>72</sup>

### **Campaign of Stigmatization and Intimidation under Operation Xatruch**

The last quarter of the year was marked by a campaign of stigmatization and intimidation of the campesinos of the Bajo Aguán and their supporters waged by **Colonel Germán Alfaro**, the commander of Operation Xatruch, and his troops. **On October 26, he accused a 'campesino group with international support' of seeking to destabilize the region** ahead of the elections. He also mentioned specifically an alleged hitman called 'Caballero' who, he stated, was hiding in La Confianza settlement, whose inhabitants would not hand him over to the authorities out of fear.<sup>73</sup> Four days later, in the early hours of October 30, near Brus Laguna in La Mosquitia, **about 40 soldiers surrounded the house of Josbin Santamaria Caballero, the son of Digna Santamaria, a leader of MUCA in La Confianza, and shot him twice before taking him away** in a helicopter. His wife and two young daughters were given five minutes to get out and fled to the mountains. The soldiers had accused Josbin Santamaria Caballero of being an assassin for local drug lords. His mother believes he was disappeared because of her work as a campesino leader and accuses Colonel Alfaro of planning her son's murder. The commander denies any involvement and claims that the 'soldiers' were actually civilians dressed up in military uniform.<sup>74</sup>

A Rights Action report<sup>75</sup> records a series of acts of criminalization and intimidation against the **Panama Community** in early December after the community had barred the state security forces' access to the town. The armed forces had begun using the road through Panama again in breach of an agreement reached between Colonel Alfaro and the community in May 2013. In the first incident, on December 1, **Colonel Alfaro reportedly made statements on the local radio claiming residents of Panama had killed a person** whose body had been discovered earlier that day. It had apparently been dumped from a truck which transports Miguel Facussé's security guards.

The following day, on December 2, there was **shooting near a primary school** in the Panama community, forcing school children to throw themselves to the floor. Colonel Alfaro then made statements to the media that a Xatruch patrol with three agents had been shot at, injuring a police officer, and that Panama community leader Santos Torres had participated in the shooting. Torres has stated that at the time of the shooting he was in the INA office in Tocoa. It is suspected that the shooting was carried out by the security forces themselves, as it was in an area normally inaccessible to anyone but security forces.

About two hours after the shooting, **Mario Rivera** was forced into a Xatruch patrol car with another young man, and both were questioned about Panama community leaders. They were then driven into a palm plantation, but released when neighbors gathered to follow the truck, fearing that the two men were about to be killed or tortured. The same day, **Mario Licón**, a baker from the town of Rigores with no connection to campesino movements, had visited the town of Panama to purchase a used car part. While leaving town he was arrested without evidence and charged with the shooting.

On December 1, Honduran press published statements by **Colonel Alfaro accusing Yony Rivas, president of MUCA, and Wilfredo Paz**, newly elected congressman, of having met with the Panama

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<sup>72</sup> MUCA statement – CONEXIHON [Campesino miembro MUCA es asesinado en una zona vigilada por la Operación Xatruch](#)

<sup>73</sup> El Heraldo [Honduras: Grupo campesino busca desestabilizar proceso electoral](#)

<sup>74</sup> Michael Gillard – Spinwatch [British Gas risks fueling dirty war in killing fields of Honduras](#)

<sup>75</sup> Rights Action [The Bajo Aguan Region - A Laboratory for the New Global Counterinsurgency, and a Laboratory for Neoliberalism: Honduran Military Commander Accuses Annie Bird And Other Human Rights Activists of Destabilizing Honduras](#)

community on November 30 to incite the community to take actions against the military. On that date both Rivas and Paz were in Tegucigalpa participating in LIBRE political party activities.

**On December 12, Colonel Alfaro accused Annie Bird of Rights Action of "destabilizing" the Aguan** in statements to the press.<sup>76</sup> This allegation, which provoked outrage and expressions of solidarity among human rights and other activist organizations,<sup>77</sup> is considered by Annie Bird to be part of a strategy by Honduran officials 'to obstruct access to justice for the victims of human rights abuses, deter victims from denouncing abuses, and criminalize human rights defenders'.<sup>78</sup>

**On December 20, the World Bank Group's Compliance Advisor Ombudsman (CAO), issued a damning report on World Bank staff's failure to assess and respond to allegations of violence and forced evictions committed by Miguel Facussé's Dinant Corporation,** when granting it a loan. Dinant has already received half of the US\$30 loan awarded by the International Finance Corporation (IFC), the WB's private lending arm. According to the report, the IFC's staff failed to adhere to its own policies meant to protect local communities; either failed to spot the serious social, political and human rights context in which this company was operating or if it did, failed to act effectively on the information; failed to disclose vital project information, consult with local communities, or to identify the project as a high-risk investment.<sup>79</sup> The IFC's response<sup>80</sup>, in which it fails to commit itself to any fundamental change in its approach to its treatment of Dinant, has been condemned as woefully inadequate by human rights groups.<sup>81</sup>

#### **BANANA INDUSTRY: PESTICIDE VICTIMS DEMAND COMPENSATION**

On October 14, in the Bajo Aguán, around 800 former Standard Fruit Company workers demonstrated outside its premises in Tocoa and set up a roadblock, seeking to prevent the company's container lorries reaching the port at Puerto Castilla. They were demanding compensation for the thousands of families affected in Honduras by Nemagon,<sup>82</sup> a pesticide produced in the US by the Occidental Corporation, Dow Chemical and Shell Oil, designed to kill nematode worms which damage the roots of banana trees. Although the pesticide was banned in the US in 1979, it continued to be widely used by Standard Fruit in Central America, despite its known effects on human health, including male sterility, cancer, and birth defects. It is estimated that 80,000 people are affected in Nicaragua alone<sup>83</sup>. The Honduran workers have been demanding compensation for over 15 years, so far without success.

#### **BANANA INDUSTRY: TRES HERMANAS DE-CERTIFIED FOR LABOR ABUSES**

The Rainforest Alliance withdrew its certification of Las Tres Hermanas banana company after finding evidence of non-compliance with standards related to fair treatment of workers during an investigation audit in November. It was alerted to the situation by FESTAGRO (Federation of Agribusiness Trade

<sup>76</sup> See, for example La Tribuna [“Estamos investigando denuncia que una norteamericana desestabiliza en el Aguán”](#)

<sup>77</sup> See, for example, Human Rights Watch [Honduras: Accusations by Military Endanger Activist](#), CEPR [Outrage Following Honduran Colonel's Attack against U.S. Human Rights Defender](#), Alianza por los Derechos Humanos [HONDURAS: : Comunicado ante acusaciones del Coronel Alfaro Escalante jefe operacion Xatruch](#)

<sup>78</sup> Rights Action [The Bajo Aguán Region - A Laboratory for the New Global Counterinsurgency, and a Laboratory for Neoliberalism: Honduran Military Commander Accuses Annie Bird And Other Human Rights Activists of Destabilizing Honduras](#)

<sup>79</sup> [CAO Audit of IFC Investment in Corporación Dinant S.A. de C.V. Honduras](#)

<sup>80</sup> [IFC response to CAO audit report](#)

<sup>81</sup> See for example, [joint statement by MUCA, Movimiento Madre Tierra \(Honduras\), Rights Action, SOMO, \(Netherlands\), Urgewald \(Germany\), Bank Information Center, Oxfam, Global Witness, and the Center for International Environmental Law](#)

<sup>82</sup> La Prensa [Reclaman pago por daños del nemagón](#)

<sup>83</sup> Envio June 2005 [Nicaragua - Victims of Nemagon Hit the Road](#) This provides excellent background on Nemagon.

Unions). In recent months, its affiliate, SITRAINBA (Union of Banana Industry Workers), had reported repeated episodes of labor law violation and harassment by the company, which had unjustly transferred and suspended several of its members for up to 8 days. Las Tres Hermanas, which, like AZUNOSA, is based in Agua Blanca Sur in the Sula Valley, is a supplier to Chiquita, and part of COHFRUTSA (Honduran Distributor Fruit Corporation), a group of 13 independent banana producers, all of which have been de-certified as a result of the decision relating to the company.<sup>84</sup>

As reported in our June summary, **José María Martínez**, Communications Director for FESTAGRO, had been receiving **constant death threats by phone**. The threats referred to his program on Radio Progreso on which he regularly denounced labor and human rights abuses at the Tres Hermanas plantation.<sup>85</sup>

#### **TRADE UNION OFFICIALS: HEAD OF DOCKWORKERS UNION FORCED INTO EXILE**

It was announced on October 1 that Victor Crespo, Secretary of the SGTM<sup>86</sup> (Dockworkers Union) had been forced to leave Honduras after an assassination attempt. On September 14, three armed attackers tried to force entry into his home in Puerto Cortés. They left, shouting death threats, when they became aware of how many potential witnesses they had woken up nearby. The attack followed two months of anonymous death threats telling Crespo to stop seeking collective bargaining at the town's port. The armed attackers yelled that he should "stop organizing the dockworkers".<sup>87</sup> The SGTM is seeking union recognition from International Container Terminal Services Incorporated (ICTSI), a Philippines-based company with two US board members<sup>88</sup> which was awarded a lucrative 30-year contract in February 2013 to operate in Puerto Cortés, in a public-private partnership with the Honduran government and the private bank, Ficohsa. ICTSI operates internationally at 27 ports including Portland where it has been the target of legal action by unions for breach of contract.<sup>89</sup>

#### **TRADE UNION OFFICIALS: SON OF SITRAPANI PRESIDENT KIDNAPPED**

In what appears to be another act of persecution directed at SITRAPANI (National Child Welfare Workers' Union) (see P.5), the son of its president, Dagoberto Posadas, disappeared in Tegucigalpa after attending a protest with his father outside the TSE building on December 12.<sup>90</sup> Carlos Fernando Posadas Soto, an industrial engineering student, was found semi-conscious on wasteland two days later, beaten and apparently drugged. The exact circumstances of his kidnapping, if known, have not been made public, but it seems that international pressure on the state authorities was a factor in his release.<sup>91</sup>

#### **LGBTI: APUVIMEH CLOSES OFFICES DUE TO THREATS**

**Front Line Defenders** reported that on 15 December 2013, APUVIMEH<sup>92</sup> was holding its Christmas party in its offices when a young man carrying a gun entered and **threatened to kill everybody there if**

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<sup>84</sup> [Statement from the Rainforest Alliance and Sustainable Farm Certification International Ltda regarding the Las Tres Hermanas Banana Farms in Honduras](#) and Rel-UITA [Honduras: They denounce the violation of labour rights in a banana company](#)

<sup>85</sup> <http://www.colsiba.org/noticias/COMUNICADOPUBLICO.pdf>

<sup>86</sup> *Sindicato Gremial de Trabajadores del Muelle*

<sup>87</sup> Longshore and Shipping News [Threatened Honduran union leader from ICTSI terminal moved to safe country](#)

<sup>88</sup> <http://www.ictsi.com/content/about-us/board-of-directors/>

<sup>89</sup> International Longshore and Warehouse Union website [Longshore leader attacked for organizing ICTSI workers at Honduran port](#)

<sup>90</sup> Defensores en línea [Desaparecido hijo de sindicalista](#)

<sup>91</sup> Red Morazánica de Información [Con Vida Aparece Hijo de Dirigente Sindical](#)

<sup>92</sup> APUVIMEH - Association for a Better Life for People Infected and Affected by HIV/AIDS in Honduras. APUVIMEH works and advocates for with the LGBTI community and those affected by HIV/AIDS in Honduras. It operates a shelter, *Casa Renacer*, and runs several projects including a program for the prevention of HIV/AIDS and sexually transmitted infections, as well as a gay youth project.

he was not paid 13,000 Lempira (about 650 US dollars). Sandra Zambrano, one of the leaders of APUVIMEH, asked him to return later, because there were children present. A few minutes later, after evacuating the children with their families, the same young man came back with another man. They forced Sandra Zambrano to listen to a man on a cellular phone, who told her that all members of APUVIMEH would be killed if she did not pay the money. The men left the offices, and since then, the threats have not materialized. APUVIMEH is convinced that the threats come from police officers from Eden and CORE 7 police stations, which have been persecuting them for some time.<sup>93</sup>

The attack on the APUVIMEH offices came one day after Sandra Zambrano returned from a human rights forum in Bogotá, and is the latest in a series of threats and acts of harassment of people associated with the organization in the last quarter. On October 16, the house of the APUVIMEH President, **José Zambrano**, was raided by men dressed in military uniforms, who told him that they were looking for someone and that, if he moved, they would shoot him. The following day, **Iván Gerardo Artola**, a founder member of APUVIMEH, was followed by men dressed in black nearby the organization's offices, and was forced to hide in a relative's house. On November 13 at 5.30pm, following a vigil organized by APUVIMEH for Walter Trochez, who had worked for the organization and was killed in 2009, **Frank Ortiz** and **Oscar Ortiz** were followed by unknown men and stripped of their mobile phones. They were told that it was in retaliation for their protest.<sup>94</sup> Following the latest incident, on December 15, APUVIMEH has moved its operations to a secret location.<sup>95</sup>

### **LGBTI: SPATE OF KILLINGS OF TRANSGENDER SEX WORKERS**

Amnesty International issued an urgent action<sup>96</sup> on January 10 following **the murder of 9 transgender sex workers in San Pedro Sula in less than a month** in just three incidents. In all three cases, the perpetrators were groups of armed men, in what could be regarded as death squad-style killings. In the early hours of December 13, four sex workers were killed in the Medina area of central San Pedro Sula. Several men got out of a minivan and argued with the sex workers while pointing guns at them. The argument lasted a few minutes, after which the men shot dead **Ana María Sánchez Zaldívar**, **Doris Malene García** and **Milagro Rosario Bonilla**. The fourth woman from the group, **Zoila Yamileth Sánchez Zaldívar**, was kidnapped and later found dead from gunshot wounds in the El Polvorin area.

On December 30, five sex workers were attacked outside a bar in the city center where they worked. A minivan with at least four passengers approached the women and opened fire on them. **Irina Marisela García Maradiaga**, **Irma Melisa Benítez Lewis** and **Sandra Liseth Aldana Perez** died immediately. **Gabriela Alejandra Osorto** died a day later, while another woman was injured and survived the attack.

On the evening of 7 January, **Marco Noé López Castillo**, a transgender sex worker, was approached by a grey vehicle on a street in the Barandillas neighbourhood of San Pedro Sula, where she usually worked. She was forced into the vehicle by a group of armed men who were carrying weapons and wore bulletproof vests and balaclavas. At around 5.00am, her corpse was found on the road in a plastic bag in the El Playon area of San Pedro Sula. The sex worker had been strangled to death, and her arms and legs had been tied behind her back. According to the police, several cars had run over the corpse.

**In Tegucigalpa, a gay sex worker was murdered and another wounded on October 22** near the city center, between the Guadalupe neighborhood and the Honduras Maya Hotel. They were shot from a moving pick-up truck, whose occupants had previously stopped to speak to the two sex workers, and

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<sup>93</sup> Front Line Defenders [Honduras: APUVIMEH closes down following death threats against its members](#)

<sup>94</sup> Ibid.

<sup>95</sup> CONEXIHON [Honduras: Denuncian grave situación contra organizaciones LGTBI y de Derechos Humanos](#)

<sup>96</sup> Amnesty International Urgent Action AMR 37/001/2014 [Sex Workers Targeted and Killed in Honduras](#) 10 January 2014

had then passed by again to shoot them. Newspaper reports suggest that the car's occupants were seeking sex, and that there was a disagreement between them and the sex workers.<sup>97</sup> However, “drive-by killings” of sex workers 'for fun' is apparently common in that area. The dead victim was identified as Edwin David López.

According to a press statement issued by APUVIMEH on October 14, 5 members of the LGBTI community had been killed just from the beginning of that month, but no further details were available.

## JOURNALISTS

**Fundacion MEPI**, a regional investigative journalism project based in Mexico City, issued a report on Honduras, which highlighted **the high level of self-censorship** practiced because of journalists' acute vulnerability. There was a notable lack of context and analysis, particularly when reporting on crimes. Although MEPI attributed this, partly, to lack of access to timely official reports by the authorities (who could in some cases be implicated), it was primarily due to a lack of government-implemented safety mechanisms for journalists, and fear of retaliation, both for them and the victims' families, if stories appeared to have too much information and insight. MEPI's analysis found that the news media reported extensively about youth gang criminal activities, but they seldom wrote about the presence of international organized crime groups and their connections in Honduras to the security forces and to business and political sectors.<sup>98</sup> While MEPI's focus was on crime reporting, similar self-censorship could be said to be applied to human rights violations, with many (accurate) reports of abuses only available from alternative media sources.

**Honduran representatives at the Inter-American Press Association General Assembly in October presented their country report which stated that, throughout the year, there had been no let-up in attacks on journalists**, and that the government had not complied with commitments made nationally and internationally on mechanisms for their protection.<sup>99</sup>

## Murders

In addition to the murder of photojournalist Manuel Murillo Varela on October 23 (see P.3). **Juan Carlos Argeñal was murdered** by two unidentified men, who forced their way into his house in Danlí, in the southern department of El Paraíso, on December 7 and shot him twice. Juan Carlos Argeñal was a correspondent for both Radio Globo and Globo TV, as well as the owner of Vida TV, a local evangelical station, and a LIBRE activist.<sup>100</sup> His brother is the FNRP coordinator for Danlí.<sup>101</sup> In the months prior to his murder, Juan Carlos Argeñal had reported on corruption in local government. In July 2013 he told COFADEH that he had been intimidated because of his work. He said that he had felt pressure from local authorities who summoned him twice concerning broadcasting permits, and that he feared such requests had been provoked by his journalism.<sup>102</sup> As well as by Amnesty International, his murder was condemned by bodies such as the [Committee to Protect Journalists](#), [Reporters Without Borders](#), and the [Office of the IACHR Special Rapporteur for Freedom of Expression](#).

With Aníbal Barrow, **this brings to three the number of Honduran journalists murdered in 2013, all of them identified with LIBRE**. In two cases - Juan Carlos Argeñal and Aníbal Barrow – they

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<sup>97</sup> El Tiempo [Ultiman gay y hieren a otro](#)

<sup>98</sup> Fundacion MEPI [Honduran journalists use sensationalised crime reporting as a safety measure](#)

<sup>99</sup> [Honduras report to 2013 General Assembly of IAPA](#), Denver, Colorado, USA, October 18-22

<sup>100</sup> Amnesty International Urgent Action [Honduran Journalist Shot and Killed: Juan Carlos Argeñal](#) AMR 37/018/2013, December 10.

<sup>101</sup> Latin American Herald Tribune [Former Mayoral Candidate and Journalist Slain in Honduras](#)

<sup>102</sup> Amnesty International Urgent Action [Honduran Journalist Shot and Killed: Juan Carlos Argeñal](#)

worked for the Globo group, one of the few broadcasters critical of the post-coup regime. (Manuel Murillo Varela, a freelance, had worked for TV Globo in 2010). According to CONADEH, 33 journalists have been murdered during the Lobo presidency, representing 83% of the 40 murders recorded since 2003, 97% of which remain in impunity.<sup>103</sup>

There were a number of **other attacks** on journalists in the last quarter of the year:-

**On October 18 at 1pm, José Corea** was working on a program of ranchera music for the **local radio station, Stereo Palma, in Tocoa**, when two men burst into the cabin and shot him five times. The motive for the attack, which he survived, is not known.<sup>104</sup>

**On November 22, CONADEH requested precautionary measures from the IACHR on behalf of Nery Recarte, journalist and owner of Channel 34 and Radio La Popularísima** based in Siguatepeque, Comayagua. His car, which he was in at the time, was shot at a number of times by two unknown men outside his workplace at 6pm. Soldiers have been assigned by the Ministry of Defense to protect him. The journalist, with 17 years' experience, has stated that he does not know the motive for the attack. He had just returned from being off sick for a month and his program that day did not deal with controversial subjects.<sup>105</sup>

**Cesar Obando Flores**, a journalist on the local radio station Libre Estereo, in Santa Rosa de Aguán, Colón, reported that he had received phone calls and text messages warning him that if he covered the elections he would be beaten up and lose the means to practice his profession. He believed that the threats came from supporters of the local mayor, Pablo Castro González, from the National Party, who was seeking re-election, and began after Obando Flores criticized his administration.<sup>106</sup>

On December 5, **Edgardo Castro**, director of the news program *El Látigo Contra La Corrupción* (The Scourge of Corruption) on TV Globo was warned by a relative that a **'senior intelligence official' within the Lobo government had said that Edgar Castro would be shot dead**. The journalist, who has been elected as a LIBRE congressman for the department of Cortés, said that he had received an increased number of threats since he reported that Óscar Álvarez, a Nationalist congressman, is threatening LIBRE politicians and offering them 8.5 million lempiras (425,000 US dollars) each if they will vote for him as President of Congress, the voting for which is scheduled for January 23, 2014. Castro reported the incident to COFADEH, who advised him to leave the country for a few days for his own protection.<sup>107</sup> He has since returned.

On December 18, **Luis Galdámez**, another elected LIBRE Congressman and journalist for the Globo group – this time Radio Globo – stated that he had received **death threats** during his program *Tras la Verdad* (Behind the Truth). He and his family were the beneficiaries of the general precautionary measures (PM 196/09) granted by the IACHR to coup opponents and victims in 2009, and then, given the persistence of threats, provisional measures by the Inter-American Court in December 2010.<sup>108</sup> On October 13, he had been **beaten up outside Radio Globo by two traffic policemen** who tried to arrest him and force him into their vehicle, seemingly for a traffic offense. Passers-by intervened before he could be taken away.<sup>109</sup>

On 11 December, in Namasigue, Choluteca, **five armed men forced their way into the home of Ariel**

<sup>103</sup> CONADEH Press Release [CONADEH Pide Investigar 39 Casos de Periodistas y Comunicadores Sociales en la Impunidad](#)

<sup>104</sup> La Tribuna [Sicarios disparan contra locutor en radio de Tocoa](#)

<sup>105</sup> CONADEH Press Release [Piden Medidas Cautelares a Favor de Periodista Nery Recarte](#)

<sup>106</sup> C-Libre Alert 74-2013 [Comunicador social “sufrirá las consecuencias” si da cobertura a elecciones generales](#)

<sup>107</sup> Defensoresenlinea [Ante persecución a líderes populares, defensa de DDHH no es tema político](#)

<sup>108</sup> [Resolution of the Inter-American Court of Human Rights – December 22, 2010 – Jose Luis Galdamez Alvarez and others](#)

<sup>109</sup> Hondurastierralibre [HONDURAS: Policías agreden a periodista y candidato a diputado de Libre](#)

**de D'Vicente**, by taking advantage of the moment when the domestic worker opened the gate. They shouted 'Where is Ariel?' and when they failed to find him, they beat up the two people present in the house and bound their hands and feet. D'Vicente believes that the attack is due to his exposure of an alleged swindler, who conned a cooperative out of 2.5 million lempiras (around 125,000 US dollars). Several police detectives are implicated in the case.<sup>110</sup>

On December 12, **Yanina Romero, of CDM** (Women's Rights Center) in San Pedro Sula reported that she had received **threats via text message**. The person sending the threats went by the name 'Antifem', and referred to Romero's work defending women's rights. One of the texts read, "Your arrogance will not stop the heavy storms that await you". They were sent just after she finished her program on Radio El Mundo. On the same day she had talked on a TV program about the problems of insecurity for journalists.<sup>111</sup>

## LAWYERS

**Four lawyers were murdered** in the period October to December, equaling the death toll for the previous quarter. All four were killed in the space of just 23 days. According to CONADEH, this brings the total number of lawyers killed during Porfirio Lobo's presidency to 72 – 16 in 2010, 22 in 2011, 14 in 2012 and 19 in 2013.<sup>112</sup> This means that 75% of all lawyers murdered in Honduras between 2004 and 2013 – which total 96 according to the Honduran Lawyers' Association<sup>113</sup> (*Colegio de Abogados*) – have been killed under the Lobo regime.

Such is the seriousness of their security situation that, just in the last few months, around **2,000 lawyers have abandoned their profession for fear of their lives** in northern Honduras, according to Moisés Canales, chairman of the northern section of the Lawyers' Association.<sup>114</sup> In mid-October, the professional body organized a **series of protests** in Honduras' main cities, demanding an end to the killings,<sup>115</sup> and there have been continued expressions of concern from various bodies, including the Spanish group **ALA** (Free Association of Lawyers) which wrote to the Honduran ambassador in Madrid.<sup>116</sup>

**All four victims this quarter were private lawyers.** In one case - José Enrique Reyes Coto – the killing may have been directly related to his work, although he had also been a LIBRE candidate. In two cases, the motive is apparently not known and in the last case, the murder seems to have been the result of a private dispute.

The first victim was **Víctor Rivera Carías**, who was killed at around 8.45 pm on November 21 at a five-a-side football pitch, in Tegucigalpa's La Granja district, only a block and a half away from the Francisco Morazán Criminal Court. Several armed men arrived and, after identifying Víctor Rivera Carías and shooting him dead, then began firing indiscriminately at all the witnesses, killing Víctor Rivera's friend, the pitch's owner, and wounding the other three people present, all apparently lawyers. According to newspaper reports, no motive has been established for the attack.<sup>117</sup>

On December 3, **José Armando Martínez Motiño** was shot dead in the Hato de Enmedio neighborhood of Tegucigalpa, at around 7pm, very close to his home, after going to a corner shop. He

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<sup>110</sup> C-Libre Alert 81-2013 [Continúan las amenazas de muerte contra dos periodistas hondureños](#)

<sup>111</sup> C-Libre via IFEX [Women's rights defender receives anonymous threatening text messages in Honduras](#)

<sup>112</sup> Proceso Digital [Conadeh: Más de 100 comunicadores y abogados murieron violentamente en gobierno de Lobo](#)

See also press release of 23.9.13 issued by CONADEH (National Human Rights Commissioner) [Profesión de alto riesgo: En la impunidad el 97% de los abogados y periodista muertos en el gobierno de Pepe Lobo](#)

<sup>113</sup> El Tiempo [96 abogados asesinados en los últimos nueve años](#)

<sup>114</sup> La Prensa [Dos mil abogados dejan su profesión por violencia](#)

<sup>115</sup> El Heraldo [Abogados de Honduras exigen justicia ante CSJ](#)

<sup>116</sup> Proceso Digital [Asociación española alerta de 68 asesinatos de abogados en Honduras en 3 años](#)

<sup>117</sup> La Prensa [Matan a abogado y a dueño de una cancha en Honduras](#)

specialized in criminal, civil and employment law, and was a former traffic judge. No motive has been established, although the police were investigating if there was a link with an attack on an ex-policeman a few days before. Martínez had been talking with him at a business premises shortly before the ex-policeman was shot at point-blank range and wounded by two assailants.<sup>118</sup>

**José Enrique Reyes Coto**, was shot dead by three unknown assailants in the early hours of December 8 at a party in a social center in Choloma, in the north of the country. He had stood as a LIBRE candidate for town councilor (*regidor*) for Choloma in the general elections. According to newspaper reports, preliminary police investigations indicated that the perpetrators were gang members who killed the lawyer for failing to secure the release from prison of one of their members.<sup>119</sup>

The fourth victim was **Juan Carlos Moreno Lara**, a former child law judge and prosecutor, murdered in the early hours of December 14 in Santa Rosa de Copán, in the west of the country. He was attending Christmas celebrations in a restaurant when an argument broke out between him and a group of men, supposedly over a woman. Two of them followed him out of the restaurant and shot him 11 times after he had got into his car. A police detective has been charged with his murder.<sup>120</sup>

### **POLITICAL ACTIVISTS**

**Former LIBRE mayoral candidate and teacher Graciela Suazo Solano** was murdered by a single gunman outside her home in La Ceiba on the evening of December 6. He shot her once through the heart and fled. Her cell phone was taken but her laptop and wallet were left in her bag, by her side. It would appear to be a clear case of a targeted killing. However, possibly in a bid to obscure the political motive for the attack, news articles reporting on the murder quoted local police and 'witnesses', who claim that more than one attacker tried to rob her, and that they shot her a number of times because she resisted the robbery.<sup>121</sup>

### **HUMAN RIGHTS PROSECUTORS TRANSFERRED**

On October 28, the human rights section of the Public Prosecution Service headquarters was 'restructured', with three prosecutors transferred out of their posts. The transfer appears to be in part in retaliation for their leading role in a 2-hour demonstration the previous week demanding that the Service honor its commitment to a pay rise, entered into by its previous Director.<sup>122</sup> However, the prosecutors also suspect that it is in reaction to some of their recent cases, which have included investigations into high-ranking police and military officials, and a legal challenge to health cuts imposed by the Ministry of Finance. Edy Tabora, one of the human rights prosecutors, is being transferred to Tocoa, in the Bajo Aguan, which he says is basically a death sentence because of the number of cases he has taken out against the police and military there for human rights violations.<sup>123</sup> PROAH had quite a lot of dealings with Rosa Seaman, one of the other human rights prosecutors, who is being transferred to the Children's Unit. She is clearly very dedicated, and had publicly expressed frustration at the lack of resources available in the Prosecution Service for investigations into death threats against human rights defenders - they have no investigators capable of tracing calls, e-mails and text messages.<sup>124</sup> This 'restructuring' was one of the first major changes made by Oscar Chinchilla, the Director of Public Prosecutions, whose controversial appointment in September was condemned by the

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<sup>118</sup> La Tribuna [Sin pistas la Policía en el crimen de abogado Motiño](#)

<sup>119</sup> El Tiempo [Acribillan a abogado en negocio de Choloma](#)

<sup>120</sup> El Tiempo [Policía mata a exjuez tras discusión en restaurante](#)

<sup>121</sup> Adrienne Pine – Quotha.net [Absences. Graciela Suazo, and words to describe losing her](#)

<sup>122</sup> El Heraldo [Cisma y malestar en el MP por rotación de fiscales](#)

<sup>123</sup> CONEXIHON [Acéfala la Fiscalía de Derechos Humanos en Honduras](#)

<sup>124</sup> Defensoresenlinea [Gobierno incumple aplicación de Medidas Cautelares defensores de DDHH](#)

FIDH as unconstitutional.<sup>125</sup> The organization has called for the reinstatement of the prosecutors,<sup>126</sup> who have reported their transfer to the United Nations office in Tegucigalpa.

### **INTERNATIONAL CRIMINAL COURT – PRELIMINARY EXAMINATION REPORT**

The ICC, in its Report on Preliminary Examination Activities 2013<sup>127</sup>, issued in November, states in its conclusions on Honduras that "*there appears to be little doubt that the events surrounding the June 2009 coup d'état and the measures taken in its aftermath constituted human rights violations directly attributable to authorities of the de facto regime....However, after careful analysis, the Office [of the ICC Prosecutor] has concluded that there is not a reasonable basis to believe that the conduct attributable to the de facto regime authorities during that discrete time period constitutes crimes against humanity.*" Nonetheless, it also states that it "*will continue its preliminary examination of the situation in the light of more recent allegations of conduct following the presidential election of 2010...*" and in particular consider whether such allegations show an escalating pattern of violations which might "*provide a basis for considering such acts in the context of an on-going widespread and/or systematic attack carried out pursuant to a State or organisational policy*" and thus constitute crimes against humanity. In this context, the ICC undertook to monitor closely any violence associated with the elections.

There was a lot of coverage of this in the Honduran press, including criticism<sup>128</sup> of the Foreign Ministry's press statement<sup>129</sup> which only reported the ICC's preliminary conclusion and omitted to mention the fact that the investigations are still continuing.

Proyecto de Acompañamiento Internacional en Honduras (PROAH)

<http://proah.wordpress.com>

Honduras Accompaniment Project

<http://hondurasaccompanimentproject.wordpress.com>

Friendship Office of the Americas

<http://friendshipamericas.org>

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<sup>125</sup> FIDH Preliminary Report [Elecciones En Honduras: Militarización y Grave Atentado Contra el Poder Judicial](#)

<sup>126</sup> FIDH [International Mission of FIDH with the Support of CIPRODEH on the Honduran Elections](#)

<sup>127</sup> ICC [Report on Preliminary Examination Activities 2013](#)

<sup>128</sup> El Tiemp [Reina Rivera: "Cancillería manipuló el informe de la Corte Penal Internacional"](#)

<sup>129</sup> [Ministry of External Affairs – Press Statement 28.11.2013](#)

## ANNEXE

### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS – HEARINGS OCTOBER 2013

During the 149th period of sessions of the Inter-American Commission on Human Rights (IACHR), from 24 October to 8 November, 3 hearings were held specifically on Honduras, on October 28 – on judicial independence, implementation of precautionary measures and prior consultation and megaprojects. Honduras also featured, sometimes prominently, in the thematic hearings on Latin America in general. Summaries of the main hearings concerning Honduras are set out below, based on videos of the hearings<sup>130</sup> and/or press reports.<sup>131</sup>

#### Judicial independence in Honduras

The hearing was requested by **AJD (Association of Judges for Democracy)** which was the only NGO participating. In her introduction, Commissioner Tracy Robinson, Rapporteur for Honduras, stated that the IACHR had written to the Honduran government twice in 2013 - in January to express concern over **the dismissal of four of the five judges of the Constitutional Chamber of the Supreme Court**, highlighting the importance of the independence of the judiciary,<sup>132</sup> and in July over **the assassination of the judge Mireya Mendoza Peña**<sup>133</sup>, who was on AJD's board. The IACHR urged the Honduran government to immediately and urgently take all measures necessary to ensure the right to life and security for all the country's justice officials. AJD complained that so far, the authorities had failed to take any action. (Four judges have been murdered during Porfirio Lobo's presidency alone)<sup>134</sup>.

AJD also expressed concern about various measures taken by the state to regulate the judiciary. In April, **Decree 56/2013** was passed, which stipulates the charges for which pre-trial detention, as opposed to alternative measures to prison, must now be applied. They include **malfeasance (prevaricato)**, which applies to a judge where he or she knowingly passes an unjust sentence. AJD considers the measure **a means of intimidating judges into applying the state security policy**, and also questioned why public corruption was not listed as one of the charges. More broadly, both AJD and the IACHR commissioners expressed concern about the sheer number of charges for which **pre-trial detention** must now be applied – now 21 - arguing that it should only be used as a last resort. Its excessive use was already one of the main causes of overcrowding in Honduran prisons. (As at April 2013, almost half of all prisoners within the Honduran prison system were being held on remand).

The AJD also criticized the lack of transparency and politicization of the appointment of members of the **Council for the Judiciary (Consejo de la Juridicatura)**, its regulatory body; the lack of a proper disciplinary framework for judges (reminding the hearing that the **ADJ has a case before the IACHR concerning four judges fired** for expressing their opposition to the coup), and plans to use **polygraph tests** as a means of assessing judges. The IACHR shared AJD's concerns and also asked the Honduran state representatives about **the new law on the Military Police (PMOP)**, asking whether judges have the necessary independence when operating under this regime.

The independence of the judiciary (and its absence) was also the subject of a **conference of European**

<sup>130</sup> Available at <http://www.oas.org/es/cidh/audiencias/Hearings.aspx?Lang=en&Session=132>

<sup>131</sup> See the IACHR's press release No. 83/13 for an overview of the hearings [IACHR Wraps Up its 149th Session](#)

<sup>132</sup> [In View of Situation in Honduras, IACHR Stresses Importance of Principle of Independence of the Judiciary](#)

IACHR press release No. 3/13 of January 3, 2013.

<sup>133</sup> [IACHR Condemns Murder of Judge in Honduras](#) IACHR press release No. 55/13 of July 30, 2013. See also our [summary for July to September 2013](#).

<sup>134</sup> Press release of 23.9.13 of CONADEH (National Human Rights Commissioner) [Profesión de alto riesgo: En la impunidad el 97% de los abogados y periodista muertos en el gobierno de Pepe Lobo](#)

and Central American judges in Tegucigalpa on October 31.<sup>135</sup>

### **Implementation of Precautionary Measures in Honduras**

The participating organizations were CIPRODEH (Center for the Investigation and Promotion of Human Rights), COFADEH (Committee of the Families of the Detained and Disappeared in Honduras), ERIC (Team for Reflection, Investigation and Communication), Protection International and CEJIL (Center for Justice and International Law).

These organizations pointed out that this was the third time in six years that they had reported on the **ineffectiveness in Honduras of the protective measures granted under the Inter-American Human Rights System**. The IACHR had visited Honduras in May 2010, and had commented that *'the efforts the State made to implement the precautionary measures have been few, late in coming, inadequate and in some cases non-existent'*.<sup>136</sup> The organizations commented that essentially nothing had changed – there was still a lack of resources, 95% of the measures had not been implemented, and there had been a lack of investigations into the crimes that had led to the granting of such measures in the first place.<sup>137</sup>

The organizations also commented on the various defects of the draft **Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and those working in the Justice System**, pending approval by Congress since August 2013. Finally, cases were highlighted of **beneficiaries of protection measures who remain at risk**, such as Berta Caceres of COPINH, the target of judicial persecution, and others who have either suffered death threats or been assassinated, such as the case of the recent killing of cameraman Manuel de Jesús Varela Murillo. They deplored the **dismantling of the human rights unit of the Public Prosecution Service (Fiscalía)** through the transfer of prosecutors who had been working on the situation of human rights defenders, and who were dedicated and effective.

In its presentation, the Honduran government talked a lot about new initiatives, placing emphasis on the draft law but, as the representative of CEJIL retorted, everything is still on paper at the moment, and there has been no change in reality. Furthermore, **the draft law provides for the application of many of the same protection mechanisms that have failed in the past** - for example, the use of police patrols which human rights defenders do not trust, in the absence of a genuine clean-up of the police force. She also said the Honduran state had not taken on board any of the criticisms of the draft law submitted by Protection International in July 2013. At the end of the hearing, the organizations called on state authorities to hold a comprehensive, participatory and transparent dialogue on the draft law, and asked the IACHR to visit Honduras to verify the dangerous situation that they reported.

### **Prior Consultation and Megaprojects in Honduras**

At this hearing, Pedro Landa of CEHPRODEC (Honduran Center for the Promotion of Alternative Development) presented an overview of the situation in Honduras, where there had been an explosion of concessions for megaprojects since the coup, especially for hydroelectric projects and mining. He said that there was an *"aggressive process of mass concessions for forests, subsoil and rivers on a scale considered intolerable by the affected communities, and without their first being consulted about the viability of the projects and the impact on the lives and health of their members."* According to figures from INHGEOMIN (Honduran Institute of Geology and Mines), as at June 2013, there were a total of

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<sup>135</sup> EFE article [Falta de independencia judicial en CA preocupa a juristas europeos](#)

<sup>136</sup> Para. 71 of [Preliminary Observations of the Inter-American Commission on Human Rights on its Visit to Honduras, May 15 to 18, 2010](#), OEA/Ser.L/V/II., Doc. 68, 3 June 2010

<sup>137</sup> See the CIPRODEH report launched in August 2013 [Cumplimiento de las medidas cautelares y provisionales otorgadas por la Comisión y la Corte Interamericana de Derechos Humanos a raíz del deterioro de la situación como efecto del golpe de estado de 2009 en Honduras](#)

292 mining concessions approved, including 98 for metal, and 562 in the process of being approved, representing a total area affected of 1.4 million hectares. In addition, Pedro Landa spoke of the repeal of legislation "*prohibiting hydroelectric schemes in protected areas, thereby threatening the life and health of the communities in the territories whose rivers are being concessioned*". There are 24 concessions for hydroelectric schemes in the department of Atlántida alone, potentially affecting Garífuna communities downstream.

José María Pineda, of the Tolupan indigenous group, and Osman Orellana of MADJ (Broad Movement for Dignity and Justice), spoke of the abuses suffered by the communities in **Locomapa** and **La Nueva Esperanza**, respectively, because of the imposition of mining without their consent.<sup>138</sup> Both José María (with 7 more people), and Osman had been forced to leave their communities due to the threats they had received because of their peaceful opposition to mining. Victor Fernández of MADJ and lawyer for **COPINH** spoke of the criminalization of its leaders for their opposition to the Agua Zarca hydroelectric scheme in Río Blanco, and the militarization of the region, which had resulted in one death. (See P.8 for updates on these cases).

Commissioner **Dinah Shelton, Rapporteur on the Rights of Indigenous Peoples**, reminded the Honduran government representatives that 'socialization' (notifying communities of its plans) was not the same as consultation, and that without this, there was the risk of **social conflict**. Victor Fernández responded that this had already happened - the Rio Blanco hydroelectric scheme, for example, had been imposed despite the fact that communities had rejected it in formal decisions at least 18 times, and now there was militarization of the area. In the case of La Nueva Esperanza, just one exploration project by Minerals Victoria had created a social crisis that had resulted in 10 complaints being filed with the Public Prosecution Service, and the company was requesting 10 more concessions in the area. He said the situation was characterized by the absence of the state - the authorities, such as INHGEOMIN claimed that they did not have the resources to visit the affected areas – but Fernández argued it was rather that they lacked the political will to deal with such crises.

Brenda Mejia, representing ERIC, presented **the organizations' requests**: that the Rapporteurs on the Rights of Indigenous Peoples and on Human Rights Defenders should continue to monitor the situation in Honduras and consider the possibility of conducting periodic site visits; that the State should urgently review all concessions granted without prior consultation, as well as those which, although they may have respected that right, are causing significant ecological damage, and that the precautionary measures for Adonis Romero and others in La Nueva Esperanza (PM 195-13) be adopted as a matter of urgency (they were adopted on December 24, 2013).

## **Human Rights Situation of People Affected by Mining in the Americas and Responsibilities of the Host and Home States of the Mining Companies**

Pedro Landa of CEHPRODEC also participated in this hearing with representatives of other organizations from various countries in Latin America. The hearing dealt with a fairly novel issue for the IACHR – how to make mining companies' countries of origin accountable for human rights abuses associated with their operation in third countries. In their study of this subject, the petitioning organizations researched 24 emblematic cases throughout Latin America, where mining companies from Canada. They concentrated on this country because 60% of all mining in Latin America is by Canadian companies.

Pedro Landa listed **the impacts of open-cast mining**, such as pollution of air, land and water (citing

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<sup>138</sup> See articles by PROAH [Mining: Three members of Tolupan indigenous group murdered in Yoro, La Nueva Esperanza: So far, a situation of flagrant impunity, Mining project in La Nueva Esperanza: Alarming escalation in intimidation of the community](#)

the contamination in 2008 of two rivers in the Siria Valley in Honduras by acid drainage from Goldcorp's San Martin), loss of water sources, social impacts, in addition to human rights abuses, such as death threats, killings, and forced displacement. Regarding the **host state's responsibility** for this situation, he cited lack of consultation processes, repression by the security forces, the lack of a legal framework to regulate the process of consultation and subsequent stages of exploitation, and lack of a process for securing reparation for the many damages inflicted on communities by mining.

In her intervention, the **commissioner Dinah Shelton** stated that there were already provisions at Article 36 of the **Charter of the Organization of American States which could potentially be used to hold to account transnational companies (TNCs) operating in third countries**. However, to her knowledge, they had never been invoked. It states '*Transnational enterprises and foreign private investment shall be subject to the legislation of the host countries and to the jurisdiction of their competent courts and to the international treaties and agreements to which said countries are parties...*' which could include ILO Convention 169 on the rights of indigenous peoples. However, she thought that it would be difficult to assign extraterritorial responsibility to a state for abuses by non-state actors, and cited the example of a tourist who kills someone while on holiday.

The petitioning organizations argued that the **links between the state of Canada and its mining companies** were so close that it was possible to hold the government accountable for their actions abroad. They said the Canadian state provided both unconditional political and financial support to mining companies without the necessary regulation or safeguards, and in the case of Honduras, had provided advice on the drafting of the new Mining Act, which is advantageous to TNCs. The responsibility of TNCs and their home countries for human rights abuses was an issue which was being examined in both the UN and the European Court of Human Rights. Within the IACHR, they will continue working on the issue as well, with the possible publication of a report.

### **Situation of Economic, Social, and Cultural Rights of Campesinos in Latin America**

For this hearing, CLOC-VC (Coordinating Committee for Latin American Rural Organizations and Vía Campesina) and CELS (Center for Legal and Social Studies) prepared a report,<sup>139</sup> according to which at least 45% of the rural population lived in poverty in all of the countries for which information was available, with the exception of Uruguay, with only 6%. In **Honduras** the percentage was 65%, fourth worst in Latin America, after Bolivia (77%), Guatemala (70%) and Nicaragua (68%). Its rural population, at 3.89 million, represents half of the country's total population.

### **Reproductive Rights and Emergency Contraception in the Americas**

Honduras, together with Chile, Ecuador and Peru, was denounced to the IACHR because of its **ban on the purchase, sale and use of emergency contraceptive pills (ECPs)**. The complaint was presented by various national organizations, including Honduras' CDM (Women's Rights Center), and regional, such as CLADEM (Latin American and Caribbean Committee for the Defense of Women's Rights) and FLASOG (Latin American Federation of Obstetrics and Gynecology Societies). The four countries mentioned are the only ones in Latin America to have prohibited the use of ECPs - Ecuador in 2006, Chile in 2008 and Peru and Honduras in 2009, following the coup. They are not available in Costa Rica either, but there the courts have still not made a decision about their legality.<sup>140</sup>

The organizations presented information linking the limiting of access to ECPs to **high rates of illegal abortions, increased incidence of teenage pregnancy** - which is often the result of sexual violence -

<sup>139</sup> <http://www.cels.org.ar/common/documentos/InformeDESCCampesinosCIDH.pdf>

<sup>140</sup> <http://www.elheraldo.hn/Secciones-Principales/Pais/Denuncian-a-Honduras-ante-la-CIDH-por-limitar-pildoras-anticceptivas>

**and suicides of teenage girls.** According to information provided by the CDM for the hearing, **in Honduras "86% of women examined for sexual violence are of reproductive age, thus, with the lack of access to this method, they are inevitably exposed to the possibility of a forced pregnancy, violating their right to reproductive self-determination."** In addition, **the number of hospital births by girls and adolescents doubled from 14,312 in 2008 to 28,680 in 2010, and 50,000 became pregnant in 2012.**<sup>141</sup> Honduras now has the second highest rate of teenage pregnancies in Latin America.<sup>142</sup>

Commissioner Tracy Robinson, **Rapporteur on the Rights of Women**, reiterated the obligation of States to consider in detail the laws, regulations, practices and policies whose language or implementation may have a discriminatory impact on women's access to reproductive health services, because without doing so they could not enforce the sexual and reproductive rights of women. The main argument for the ban on ECPs is that it is an abortifacient, although recent studies by the World Health Organization contradict that view.<sup>143</sup>

### **Situation of Violence against Women in the Americas**

Regional organizations, along with Mexico's National Citizens' Femicide Observatory (*Observatorio Ciudadano Nacional de Femicidio*), participated in this hearing, which reported that **14 countries in the region were among the 25 states with the highest rate of femicide/ femicide in the world**, according to a UN report.<sup>144</sup> El Salvador, Guatemala and Jamaica are in first place, and Honduras, according to the report, seventh. (However, the figures are old – they are from 2004-2009 - and it is very likely that it would occupy a much higher place now, since the **femicide rate in Honduras increased by 246.3 % between 2005 and 2012**, from 175 to 606, or 14.2 per 100,000 women,<sup>145</sup> and 320 were murdered from January to June 2013.)<sup>146</sup> **Honduras is among the 10 countries in the region that have included the crime of femicide/femicide in the Penal Code** (the others are Costa Rica, Guatemala, Chile, El Salvador, Nicaragua, Mexico, Peru, Bolivia and Panama), doing so in April 2013. However, the organizations said that in the region there was no effective public policy to address femicide/femicide in a comprehensive way. They stated that the judicial response must be accompanied by policies to address the causes of femicide, which would only be achieved once there was reliable information available on the magnitude of the problem, its features and its origins. The petitioners asked the IACHR to give serious attention to the issue, particularly in view of the fact that 2014 marked the **20th anniversary of the Convention of Belém Pará**,<sup>147</sup> stating that its contribution was key.<sup>148</sup>

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<sup>141</sup> [http://www.derechosdelamujer.org/actividades-y-comunicados/items/Honduras\\_Pae\\_CIDH.html](http://www.derechosdelamujer.org/actividades-y-comunicados/items/Honduras_Pae_CIDH.html)

<sup>142</sup> <http://www.tiempo.hn/portada/noticias/en-latinoamerica-honduras-sigue-como-el-pais-de-mayor-embarazos-en-adolescentes>

<sup>143</sup> <http://www.elheraldo.hn/Secciones-Principales/Pais/Denuncian-a-Honduras-ante-la-CIDH-por-limitar-pildoras-anticoneptivas>

<sup>144</sup> [http://www.un.org/es/women/endviolence/pdf/reg\\_del\\_femicidio.pdf](http://www.un.org/es/women/endviolence/pdf/reg_del_femicidio.pdf)

<sup>145</sup> UNAH (National Autonomous University of Honduras) Violence Observatory (*Observatorio de la Violencia*) <http://www.iudpas.org/boletines/unidad-de-genero>

<sup>146</sup> CONADEH [Cada 13 Horas Muere Violentamente Una Mujer En Honduras](#)

<sup>147</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women.

<sup>148</sup> <http://www.cladem.org/noticias/Reg%20AUD%20CIDH%20149.pdf>