

# *Another Month in Honduras...*

## Human Rights Monitor – May 2018

Repression of public protests has been a common theme in Honduras in the last years, especially since the electoral fraud last November. The month of May started in this tradition with the May Day celebrations being violently repressed by state security forces. But it was also the month in which the legal attacks against the MACCIH culminated, a UN Special Rapporteur visited Honduras, and some sectors tried to reintroduce mandatory military service. This and more will be discussed on the following pages. Welcome to another month in Honduras.

In solidarity,

Daniel Langmeier

Honduras Forum Switzerland

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## Human Rights and Their Defenders

It is, sadly, common knowledge that Honduras is not a welcoming place for human rights defenders (HRDs). A new report published in May showed to what extent this is the case. The National Network of Women Human Rights Defenders of Honduras (RNDDHH) documented 1'232 attacks against WHRDs in 2016 and 2017 in their report *Defending to Live*.<sup>i</sup> The situation of WHRDs was also the main topic at a two-day encounter of women, indigenous women, campesina women and Garífuna women in La Paz. In their declaration, *Women's Rights and the Defense of Body, Land and Territory*, the WHRDs presented twelve demands to the Honduran state, among them the ratification of the Optional Protocol to the CEDAW.<sup>ii</sup>

To improve the situation of HRDs as well as the public view on their work, the Coalition against Impunity launched the campaign *I Defend*. As part of this campaign, Pasos de Animal Grande published portraits of various HRDs: Heidy Alachán (Coalition against Impunity)<sup>iii</sup>, Miriam Miranda (OFRANEH)<sup>iv</sup> and Gaspar Sánchez (COPINH)<sup>v</sup>.

## Report by OACNUDH

On May 15, the UN Human Rights Office in Honduras (OACNUDH) presented its annual report.<sup>vi</sup> The report highlights the difficult situation of HRDs in the country and it makes clear that the protection mechanism does not live up to its name, even more, the Honduran state actively weakens its work by not allowing OACNUDH to give technical support (see point 47.). OACNUDH reiterates its recommendations regarding the post-electoral crisis, i.e. a swift and thorough investigation<sup>vii</sup>, as well as its call to demilitarize public security.<sup>viii</sup> Human rights scholar and defender Joaquín Mejía finds evidence of "the intensification of a permanent human rights crisis" in the report.<sup>ix</sup>

Juan Orlando Hernández (JOH) reacted with two different strategies. On the one hand, he diverted the attention away from his regime by focusing on private actors such as gangs violating human rights. He went so far as to officially announced an international campaign to have the UN recognize that non-state actors are violating fundamental rights in Honduras.<sup>x</sup> On the other hand, he claimed against all evidence that he has done a lot for human rights, but they failed to "communicate it properly".<sup>xi</sup>

The journalist Cesario Padilla calls this an orchestrated campaign to "white-wash and make forget" the post-electoral human rights violations.<sup>xii</sup> It was used on several occasions this month and not just after the publication of the OACNUDH report. Similar statements came from himself and his regime after the visit by UN Special Rapporteur on the situation of HRDs as well as after the regime's rejection of an independent commission to investigate the post-electoral human rights violations (see further down).

## UN Committee on Enforced Disappearances

Honduras was examined by the UN Committee on Enforced Disappearances this month.<sup>xiii</sup> COFADEH, as part of the Coalition against Impunity, prepared a report for the committee.<sup>xiv</sup> In the report, they highlight the most recent case of forced disappearance in Honduras: the case of the 23-year old Manuel de Jesús Bautista, who disappeared after having been arrested by the Military Police last December.<sup>xv</sup>

COFADEH denounces that the Honduran state has not investigated any of the new forced disappearance cases since 2011.<sup>xvi</sup> This was also made evident by the report presented by the JOH regime during its examination. Additionally, impunity still reigns in the cases of forced disappearance from the 1980s.<sup>xvii</sup> The examination also brought to light that the Honduran legislation is not up to international standards.

## Visit of UN Special Rapporteur on the situation of Human Rights Defenders

The UN Special Rapporteur on the situation of HRDs, Michel Forst, visited Honduras from April 29 to May 12. During his visit, he met with various state and non-state actors, among them with various human rights organizations<sup>xviii</sup>, COPINH<sup>xix</sup>, MADJ<sup>xx</sup>, Radio Progreso and ERIC<sup>xxi</sup>, as well as human rights and campesino organizations in the Bajo Aguán<sup>xxii</sup>.

After the two week, Forst concluded: “Having carefully considered the information received from the Government, civil society and other stakeholders, I regret to conclude that, despite strong efforts to establish an effective mechanism of protection, the vast majority of human rights defenders in Honduras are not able to operate in a safe and enabling environment. (...) I would like to conclude by saying that there is still a gap between international engagement and domestic implementation. I would like to express my continued commitment to provide technical support to the Honduran authorities. As we celebrate this year the 20th anniversary of the United Nations Declaration on human rights defenders, I would like to invite the Honduran government to take strong actions against impunity and for the recognition of the role that human rights defenders play here in Honduras and across the world.”<sup>xxiii</sup> Forst also announced that he would return to Honduras to help find solutions to the numerous human rights violations he was made aware of.<sup>xxiv</sup>

The report was greeted by Honduran human rights organizations which rightly feel vindicated by his findings that Honduras has in the last decade become one of the most dangerous countries for human rights defenders. Nevertheless, there was also something to critique. COFADEH lamented that Forst did not dare explicitly naming the main culprit of the current situation, i.e. the JOH regime.<sup>xxv</sup> The latter unconvincingly claimed in a meeting with Forst that “the protection of HRDs is a priority in the country”.<sup>xxvi</sup>

## Assassinations

On May 8, Luis Pacheco, a member of the campesino organization CNTC in Olancho was found murdered.<sup>xxvii</sup> He was shot dead with a shotgun by unknown persons as he was walking from his fields to his house. The CNTC believes that the murder is linked to his leadership in the regional CNTC and the local land conflict. They denounce that the police has so far failed to investigate it, telling Luis' family that it is just a common crime.

## Attacks, Criminalization and Harassment

HRDs and organizations suffered various attacks this month. The Military Police harassed the participants of the monthly public commemoration by COFADEH of the forcefully disappeared. They took pictures of the participants and intimidated them.<sup>xxviii</sup> In Zacate Grande, the coordinator of ADEPZA, Pedro Canales suffered new attacks<sup>xxix</sup>, and the family of Donatilo Jiménez faced trial for demanding answers in the case of the disappeared union leader<sup>xxx</sup>.

**Criminalization** continues to be a favorite tool of the JOH regime to try to silence HRDs. Three Lenca campesinos affiliated with the CNTC had a trial opened against them by a judge in La Paz for usurpation.<sup>xxxi</sup> In an especially egregious case, 25 Honduran campesino families are forced to pay more than 6 million in court fees for big landowners after the families themselves were evicted from land they had lived on for over three decades and in possession of the land titles for.<sup>xxxii</sup>

The **UNAH** student Eduardo Urbina continues to be criminalized even though he had successfully applied for refuge in Costa Rica.<sup>xxxiii</sup> His case reminds us that there are still over 200 students facing criminal charges as a consequence of last September's student protests as well as previous protests in 2014.<sup>xxxiv</sup> 19 of them face an active trial, among them the journalism student José Manuel, who aspires to be the first journalist in his family and from the indigenous Lenca region San Rafael, Intibucá.<sup>xxxv</sup>

**MADJ** accompanies two protests in defense of the rivers Jilamito and Mezapa whose participants suffered attacks, criminalization and harassment all in one month. In Arizona, Atlántida, the local communities set up a protest camp to defend the river Jilamito against a hydroelectric project by the company INGELSA<sup>xxxvi</sup> and in Pajuiles, Atlántida, the local communities did the same thing in defense of the Mezapa river against a hydroelectric project by the company HIDROCEP<sup>xxxvii</sup>.

A teacher, a hardware-store owner, two farmers and the newly elected municipal mayor of Arizona, Atlántida all have been brought to court for defending their land and river against INGELSA.<sup>xxxviii</sup> The mayor Arnoldo Chacón spoke with Radio Progreso about their struggle and the criminalization they face.<sup>xxxix</sup> On May 3, the National Police Force and TIGRES special forces repressed the inhabitants of Pajuiles, Atlántida. The state security forces willfully ignored the fact that the Pajuiles community and four more in the region should benefit from special protection measures granted by the IACHR. Even worse, the day before, a judge denied the motions by the government and the executing company HIDROCEP to establish a permanent police presence to guarantee free movement and to evict the camp. According to reports by Radio Progreso<sup>xl</sup> and Defensores en Línea<sup>xli</sup>, the state security forces used tear gas to disperse the inhabitants and at least one person was

arrested. On May 14, an employee of the disputed HIDROCEP company threatened a 16-year old member of MADJ with a fire arm. The teenager Fredy Ariel Díaz Molina is part of the protest camp against the planned hydroelectric project in Pajuiles.<sup>xlii</sup>

All of this happened in a month in which MADJ commemorated its ten-year anniversary. On the occasion, they published interviews with several of its members: Albertina López, who lives in Pajuiles and faces criminalization for defending the Mezapa river<sup>xliii</sup>; José María Pineda, an indigenous Tolupan leader from San Francisco de Locomapa<sup>xliiv</sup>; and María Ángela Murillo, also an indigenous Tolupan leader from San Francisco de Locomapa<sup>xliv</sup>.

In the **Bajo Aguán**, the Dinant company showed this month why it still is feared by campesino families. Together with members of the Armed Forces, they evicted campesino families from the Tumbador plantation in Trujillo, Colón.<sup>xlvi</sup>

## Indigenous Peoples

Indigenous peoples are one of the most affected group by Honduras' development model and its authoritarian government. Several events this month are further evidence of this. Indigenous Tolupan in San Francisco Locomapa, Yoro faced threats by both the police and employees of the INMARE company for resisting the illegal cutting of wood in their forest.<sup>xlvii</sup> In Montaña Verde, Lempiras, an indigenous community fear the imposition of a REDD+ program in their forest.<sup>xlviii</sup> A case in Tierras del Padre, Francisco Morazán, shows that even ancestral land titles may not be enough as a indigenous Lenca community there still fears an eviction by a local landowner.<sup>xlix</sup>

A lot of human rights violations regarding indigenous peoples have their roots in a lack of consultations. Therefore, one piece of news was especially concerning this month. On May 24, OFRANEH warned that the JOH regime had presented a new version of its **Free, Prior and Informed Consent** (FPIC) bill to the International Labor Organization (ILO).<sup>1</sup> The elaboration of this bill was heavily criticized in Honduras by OFRANEH, COPINH and others. On the international level, UN Special Rapporteur on the rights of indigenous peoples, Vicky Tauli Corpus, found serious problems with it. The coming months will show how this further develops.

This month, **OFRANEH** also highlighted in an article how the Honduran judicial system works against the interest of indigenous and Garífuna communities.<sup>li</sup> Its general coordinator Miriam Miranda denounces that one year after the publication of the report *Pillage of the Garífuna Territories in Honduras: Impacts of Extractivism and Touristic Expansion* their situation has not improved.<sup>lii</sup> Nevertheless, the month ended with some good news when a court found ten soldiers responsible for the murder of the two young Garífuna men in December 2015 - three for the murder directly and the remaining seven for complicity.<sup>liii</sup>

## The case of Berta Cáceres

It has been two years this March since the murder of Berta Cáceres. In these two years, there was little hope that the Honduran justice system would go after the intellectual authors of the crime. Nevertheless, national and especially international pressure led to a surprise arrest on March 2 (the

anniversary of the assassination!). David Castillo, President of DESA (the company behind Agua Zarca) and a former Military Intelligence Officer, was arrested for the murder of Berta.<sup>liv</sup>

To maintain the international pressure, COPINH decided to travel to Europe for over two weeks this month. Their delegation included a member of GAIPE as well as a member of their Honduran legal team. They started in Brussels<sup>lv</sup> and then traveled to the Netherlands to announce a legal complaint against one of the development banks which financed Agua Zarca, FMO<sup>lvilvii</sup>. The delegation continued their trip in Switzerland, where they had a private meeting with the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein.<sup>lviii</sup> From there they traveled to Spain<sup>lix</sup> and then later to Germany for their final stop<sup>lx</sup>.

While they were abroad, the Constitutional Chamber in Honduras decided to allow the former SERNA vice-minister Darío Roberto Cardona to await trial outside prison.<sup>lxi</sup> He is accused of illegally approving the environmental license of Agua Zarca. This decision came just moments after a court in La Esperanza had decided to acquit its former mayor Martiniano Domínguez for illegally granting the operation license to Agua Zarca.<sup>lxii</sup>

## LGBTI

In May, the world commemorates the situation of the LGBTI community on the International Day against Homophobia, Transphobia and Biphobia. On this occasion, several reports and books were published. Expediente Público and Contracorriente published a graphic-novel short story accompanied with two texts on the situation in Honduras.<sup>lxiii</sup> Diego Pérez Damasco gave an interview about his recent book *Unstoppable*<sup>lxiv</sup>, and María Castro Serantes published a portrayal of the human rights defender Indyra Mendoza, *A life in defense of the LGBTI movement in Honduras*<sup>lxv</sup>.

This month also highlighted what the LGBTI community is up against. In the decade, more than 280 of them violently lost their lives in Honduras and over 90% of these cases rest in impunity.<sup>lxvi</sup> This year alone, the LGBTI community already suffered seven assassinations.<sup>lxvii</sup> To counter this situation, OACNUDH demanded from the Honduran government a more effective strategy against violence and discrimination as well as swift and thorough investigations of the assassinations.<sup>lxviii</sup> Deputy Minister of Human Rights, Marcela Castellanos, unconvincingly tries to explain that they are doing already a lot for the LGBTI community.<sup>lxix</sup>

The LGBTI Association Arcoiris suffered an attempted break-in at their main office, and two of their security cameras were stolen.<sup>lxx</sup> Given this situation, it is no surprise that many members of the LGBTI community seek refuge abroad. Therefore, it is especially tragic that a Honduran trans woman died in the US in the hands of Immigration and Customs Enforcement (ICE).<sup>lxxi</sup>

## Freedom of Expression and Journalists

May is the month of the World Press Freedom Day as well as the Honduran Day of the Reporter, but Honduras' journalists do not have much to celebrate.<sup>lxxii</sup> Since 2001, 75 journalists have been murdered, 65 of them in the last eight years. Only six cases were successfully resolved.<sup>lxxiii</sup> An

increasing problem is the forced displacement of journalists in Honduras, so much so that the IACHR Rapporteur on the Rights of Migrants and Latin American ombudsman offices voiced their concerns in a letter to CONADEH.<sup>lxxiv</sup>

UN Special Rapporteur on Freedom of Expression published together with rights expert a joint declaration "to mark **World Press Freedom Day** on 3 May, [emphasizing] the essential role of independent media in democratic societies, and express grave concern about physical attacks on journalists, as well as surveillance, marginalization and squeezing out of independent outlets around the world."<sup>lxxv</sup> The international community reacted in different ways to the World Press Freedom Day. While the US does not voice any criticism of the JOH regime's actions towards limiting press freedom<sup>lxxvi</sup>, the UK expressed its concern about the violence against journalists in the country and demanded that the government does more to protect them<sup>lxxvii</sup>. Furthermore, the British ambassador lauded the work of the independent media, especially mentioning the journalist Dina Meza.

Already the first day in May showed the need of international support for Honduras' journalists. C-Libre denounced various instances of repression against journalists, camera operators and photographers by state security forces on May Day.<sup>lxxviii</sup> Two days later, on the World Press Freedom Day, members of the Police and the TIGRES special forces detained the human rights defender Norberto López Melgar for filming the violent eviction of the protest camp in Pajuiles, Atlántida.<sup>lxxix</sup> The month continued like this. State security forces intimidated and threatened UNE TV journalist Víctor Rodríguez when he covered protests by the Opposition Alliance.<sup>lxxx</sup> Ronny Martínez suffered for the second time in just three months from an attack against his car.<sup>lxxxi</sup> Cesia Mejía was presumably fired from the channel TSI because she dared to cover corruption cases linked to the JOH regime<sup>lxxxii</sup> and someone stole personal information and information dossiers from Ronny Martínez while he was broadcasting<sup>lxxxiii</sup>.

Journalists are also threatened in the **digital space**. Journalist Gilda Silvestrucci denounced ongoing harassment on social media and new threats.<sup>lxxxiv</sup> C-Libre documented three cases alone this month of attacks and persecution of HRDs and journalists on social media.<sup>lxxxv</sup> Even worse, the mechanism supposed to offer protection to journalists may do the opposite. Pasos de Animal Grande reports on irregularities surrounding the police protection granted for the journalist Jairo López in the south of Honduras. Apparently, police authorities are actively sabotaging the protection of the journalist.<sup>lxxxvi</sup>

It is remarkable how Honduran journalists still deliver great work under such circumstances. One of them is Wendy Funes, who won this year's Freedom of Expression Award.<sup>lxxxvii</sup> Her work conditions as an investigative journalist could improve slightly due to an unexpected development at the end of this month. Probably as a product of national and international pressure, Congress' president Mauricio Oliva announced that the **Article 335-B** will not be part of the new Penal Code.<sup>lxxxviii</sup> This article has been labeled Muzzle Bill as it intends to silence the work of journalists. The way Oliva presented this decision could not have been more cynical. He called it "as a token of appreciation for the journalists on their day". The Penal Code, whose content is treated like a state secret, is currently with JOH and should be published in La Gaceta afterwards. Only then do we know if Oliva came through with his promise. But as the Supreme Court now also recommends its derogation, the chance rose.<sup>lxxxix</sup>



## Protection Mechanism

The National Protection Mechanism for HRDs, Journalists and Justice Operators came into existence at the end of 2016. Part of the mechanism is a National Protection Council, whose four civil society members were newly elected last November. This month, the four members denied meeting JOH. They published an open letter saying that they won't do so as long as he continues to attack HRDs.<sup>xc</sup> The Liberal congressman Yuri Sabas denounced that the protection mechanism for journalists is very selective, i.e. it does not protect journalists denouncing corruption.<sup>xcii</sup>

One further challenge of the mechanism is the implementation of the precautionary measures granted by the IACHR. Time will tell if the IACHR's announcement to strengthen these measures will bring fruit in Honduras.<sup>xciii</sup> Especially since its implementation still depends on the national security forces. The case of journalist Jairo López shows the problems with this. He should have benefited from the mechanism since last year, but instead the police is hiding less and less its real intention, to harass him.<sup>xciiii</sup> The mechanism was also the main topic at a forum organized by the Friedrich Ebert Foundation (FES) this month.<sup>xciv</sup>

## Political Prisoners

May started with 21 political prisoners and ended with only 10. While all of them are still facing criminal charges, this is still good news. After months of international pressure, eight political prisoners were released from the El Pozo prison in Santa Bárbara on May 5.<sup>xcv</sup> Five days later, three more were released.<sup>xcvi</sup> One of the remaining prisoners is Edwin Espinal, a long-time social activist who has suffered harassment and criminalization by the Honduran regime on previous occasions.<sup>xcvii</sup> In a highly criticized hearing, he was denied bail and still remains in prison.<sup>xcviii</sup> Family members of the political prisoners still held in La Tova denounce that their loved ones are being mistreated.<sup>xcix</sup>

Throughout the month, online news outlets and human rights organizations published interviews with the recently released political prisoners.<sup>cc</sup> In one interview, Maynor Ariel Reyes Mejía speaks of psychological terror, uncalled stints in the isolation cell, once for 26 days without seeing daylight or the chance to clean himself.<sup>cii</sup> In another interview, Santos Ramón Quiroz denounces constant harassment and persecution by the police and unidentified cars.<sup>ciii</sup>

A Canadian and US human rights delegation traveled to Honduras on May 22 to advocate for the release of the political prisoners held by the Honduran regime. When they arrived at the airport, they were detained and interrogated for four hours before being allowed to enter the country.<sup>civ</sup> Once in the country, they held a press conference at COFADEH.<sup>cv</sup> Unexpectedly and after months of trying, they were allowed to visit Edwin Espinal.<sup>cvi</sup>

## Extractive Industries

One main driver of human rights violations everywhere and especially in Honduras are the extractive industries. A recent interview with the president of the Honduran Association for Renewable Energy Elsia Paz has shown that we have to include renewable energy projects as part of the extractive industries in Honduras – and not just hydroelectric projects and biofuel, but also

solar energy projects. Paz denounces smear campaigns by NGOs against renewable energy projects claiming that their leaders are only enriching themselves. She denies that Honduras criminalizes environmental HRDs and goes even so far as to directly attack Berta Cáceres. She claims among other things that she did not deserve the Goldman Prize and did it for the money.<sup>cvii</sup>

Juan Almeyda explained to us this month that such projects are part of a failed neoliberal development model in Honduras. One of its main victims are indigenous and Garífuna communities through dispossession and violent evictions.<sup>cviii</sup> Tourism is also a culprit. Inhabitants of Roatán filed a complaint against the director of the Honduran Tourism Institute and the mayor of Roatán for making profits with appropriated land.<sup>cix</sup>

## Mining

Even when mining companies have left, the negative consequences of their work is still felt years and decades later. Inhabitants of the Valle de Siria spoke up this month denouncing that they still suffer from health problems as a consequence of past mining activities in the valley.<sup>cx</sup> Even worse for them, they now face a new geothermic project fearing additional negative consequences for them.<sup>cxii</sup> Radio Progreso reported on new environmental damages caused by the mining company Inversiones Pinares in Ceibita in Tocoa, Colón. The company was previously known as Emco Mining Company and belongs to Lenir Pérez and Ana Facussé.<sup>cxii</sup> JASS presented a new report on the deadly effects of the extractive sector on women in Honduras.<sup>cxiii</sup>

This month brought also forward some good news. A Honduran court ordered an immediate stop to the exhumations taking place in the cemetery of Azacualpa under pressure of the Minosa mining company.<sup>cxiv</sup> This after the company had already exhumed more than 350 bodies.<sup>cxv</sup>

## Corruption and Its Enemies

This month saw new (e.g. Soptravi)<sup>cxvi</sup> and older corruption cases (e.g. Cardinal Rodriguez)<sup>cxvii</sup> in the headlines, but we also witnessed a renewed attack against the bodies responsible to fight corruption. For a good overview of the work of the MACCIH, please consult the bimonthly MACCIH Monitor by the Center for Latin American & Latino Studies (CLALS) at American.<sup>cxviii</sup> This month, they published their fourth edition.

## The Onslaught against the Anti-Corruption Bodies

Back in February, MACCIH's spokesperson Juan Jiménez Mayor left. Three months later, there is still no new spokesperson. This even worried the US, whose chargé d'affaires Heide Fulton expressed concerns about the failure of the JOH regime to nominate a new head of the MACCIH.<sup>cxix</sup> JOH reacted with a public discourse on Honduras' sovereignty.<sup>cxx</sup> By this time, various observers, among them the former Attorney General Edmundo Orellana, warned that the MACCIH is on the brink of disappearance.<sup>cxxi</sup> The political opposition denounced that corruption is winning against the MACCIH<sup>cxxii</sup> and that the JOH regime is actively protecting the corrupt elite from the anti-corruption bodies<sup>cxxiii</sup>.

Meanwhile, the attacks against them continued. The former head of investigation at the National Anti-Corruption Council (CNA), Dagoberto Aspra, claimed that the MP is strong enough to fight corruption without the MACCIH.<sup>cxxiv</sup> And the former head of the Legal Unit at the CNA, Juan Carlos Berganza, denigrated the current work of the CNA and especially its director Gabriela Castellanos. Both men are National Party activists.<sup>cxxv</sup> Because Castellanos dared speaking out publicly against the attacks against the office, she was accused of politicizing the CNA.<sup>cxxvi</sup>

The last three days in May, the MACCIH and its MP counterpart, the Special Prosecutor Unit against Corruption and Impunity (Ufecic) dominated the headlines. On May 29, ConfidentialHN reported that the Constitutional Chamber is about to declare the contract with the MACCIH partially unconstitutional based on a legal analysis released by Congress.<sup>cxxvii</sup><sup>cxxviii</sup> The next day, the Constitutional Chamber presented its official verdict on the MACCIH: it is constitutional.<sup>cxxix</sup> Just hours before, the US chargé d'affaires had warned that the future of Honduras would depend on the decision by the Constitutional Chamber.<sup>cxix</sup> There was not much time to take a breath, because on May 31, the Constitutional Chamber announced that the creation of the Ufecic violates legal norms established in the Constitution and the Organic Law of the MP.<sup>cxli</sup> According to ConfidentialHN, this is a definitive resolution with no more legal options to challenge it.<sup>cxlii</sup> CNA director Gabriela Castellanos denounces that this offers protection to the corrupt and that it shows on which side the Constitutional Chamber is. She goes on to say that the MACCIH without its MP counterpart does not make much sense.<sup>cxliii</sup>

The coming weeks and months will show what the ruling exactly means, but InSight Crime concludes that “[t]he ruling gives the public appearance of having protected the anti-graft body from a legal attack, likely in an attempt to quell concerns from the international community and Honduran civil society. But in reality, it threatens the existence and functioning of Ufecic, which allows for real coordination between MACCIH and the Attorney General’s Office.”<sup>cxliiii</sup> A lot will also depend on the outcome of the ongoing selection process of a new Attorney General (see further down), which does not raise hopes at all.

## The Case against the Former First Lady Rosa Elena de Lobo

In late February, Honduras’ authorities arrested the former first lady Rosa Elena de Lobo.<sup>cxliiii</sup> Her case made headlines this month, because it was long unclear if she has to remain in prison to await trial. Her defense team challenged it and a court changed the charges against her which would have allowed her to await trial outside prison.<sup>cxliiii</sup> As this ruling was challenged by the General Procuratory of the Republic (PGR), de Lobo had to wait.<sup>cxliiii</sup> But to some surprise, even when the appeal was rejected, she still was not released.<sup>cxliiii</sup> It did not help her case, that the head of investigations at the CNA, Odir Fernández, publicly announced that she had paid 3 million Lempiras to a real estate company linked to the Los Carchiros drug cartel. According to Fernández, all in all, she had amassed 94 million Lempiras.<sup>cxliiii</sup>

De Lobo’s defense team changed tactics and submitted an application of Amparo against the anti-corruption judge Vera Barahona who had denied her bail.<sup>cxli</sup> An appeals court then confirmed her preventive imprisonment.<sup>cxli</sup> The same day, another court ordered the return of previous seized

goods and properties to her.<sup>cxlii</sup> It all seems a big back and forth and accordingly, the former Attorney General warns us about focusing too much on the corruption charges against the former First Lady Rosa Elena de Lobo. According to him, this serves to turn the attention away from the fact that Congress approved an Impunity Pact to safeguards themselves from investigations.<sup>cxliii</sup>

## The IHSS Case

One common theme in the IHSS case is the continued postponement of court dates and this month was no different. The trial against the former board member of the IHSS, Benjamín Bográn, was postponed to September.<sup>cxliv</sup> At the end of the month, the Supreme Court informed that the corruption cases against 14 former IHSS functionaries will go to court, but no date has been set.<sup>cxlv</sup> Meanwhile, one of the accused, Carlos Alberto Zelaya Rojas, was arrested in the US.<sup>cxlvi</sup> InSight Crime interprets this as a “clear sign of the limits to Washington’s leniency with its regional allies as well as a demonstration of the Honduran government’s inability to prosecute corrupt elites.”<sup>cxlvii</sup>

The IHSS also led to two unexpected headlines. The former president Porfirio “Pepe” Lobo Sosa suddenly claimed that his previous comments back in 2014 when he said that he had known about the corruption taking place at the IHSS was just a joke.<sup>cxlviii</sup> Not much better was the plea by the former IHSS director Mario Zelaya to the US chargé d'affaires Heide Fulton to help him prove that no theft of 7 million Lempiras took place at the IHSS causing 3000 deaths for the lack of medicine.<sup>cxlix</sup>

## The Case against Congresswo/men

The month ended with the re-opening of a case that will continue to accompany us in the time to come. Months after the MACCIH highlighted possible acts of corruption by Congresswo/men, the MP presented the initiation of prosecution against two National congressman, Tomás Zambrano who also is Congress' Secretary and Román Villela. They are accused of falsifying documents, abuse of authority and more.<sup>cl</sup> These accusations are linked to the commonly known Impunity Pact. The Supreme Court nominated the judge trying them: Rafael Bustillo Romero, a Nationalist.<sup>cli</sup>

## State Security Forces

Honduras’ state security forces, be it the National Police Force, the Military Police or the TIGRES special forces, made negative headlines on many occasions this month. A police agent was fired because he had refused to repress protesters. He now fears for his life and asks for protection.<sup>clii</sup> A former police sub-commissioner was detained for abuse of authority and illegal detention.<sup>cliii</sup> Five police agents brutally arrested a man and were consequently suspended for abuse of authority. ConfidentialHN emphasizes that the five belong to the newly trained police force, i.e. post-purge.<sup>cliv</sup>

In Honduras, you are not safe if you dare accusing members of the police force of wrong-doing. Máximo Ramos has been receiving threats ever since he denounced the illegal behavior of police agents in August 2016.<sup>clv</sup> And even children can become victims. Two police agents were arrested

for mistreating a child in a police station<sup>clvclvii</sup> and another police agent was accused of violating a 13-year old girl in a police station.<sup>clviii</sup>

Meanwhile, the JOH regimes continues to create new special forces. JOH announced the creation of a new special force against maras and pandillas<sup>clixclx</sup> and the National Penitentiary Institute (INP) now has its own special security force.<sup>clxi</sup>

## Post-Electoral Human Rights Violations

The Alignment against Continuity (CCC), which was formed last year to protest against the illegal re-election attempt of JOH, held a press conference on May 8. They denounced the ongoing imposition of a political, economic and military dictatorship in Honduras through powerful actors aligned with the National Party. They reiterated their demand to the international community to form a UN-backed Independent Investigation Commission which should use the findings of the report by the OACNUDH in Honduras as a starting point.<sup>clxii</sup> This demand was accompanied by a motion in Congress demanding a stop to the promotion of members of the Armed Forces as long as it has not been thoroughly investigated who is responsible for the human rights violations in the post-electoral crisis.<sup>clxiii</sup> Congress ignored it. Even worse, they approved the promotions of two high officials held responsible for the atrocities, René Orlando Ponce Fonseca and Raynel Enrique Fúnes Ponce.<sup>clxiv</sup>

At the end of May we are still no nearer to an international investigative body. Nationally, there is also no sign to seriously investigate even though there is already enough evidence in the reports by OACNUDH and the UN Special Rapporteur on the situation of HRDs to take legal and administrative actions.<sup>clxv</sup> One attempt was made by the UN-led dialogue when they announced that they plan to create a Human Rights Committee to investigate the post-electoral violence.<sup>clxvi</sup> One day later, the JOH regime announced that they oppose it.<sup>clxvii</sup> JOH's secretary Ebal Díaz told the public that it is the responsibility of the State to investigate and they don't want a parallel investigation.<sup>clxviii</sup> This is very cynical given the lack of any official state investigation. The UN representative Igor Garafulic tried to challenge Díaz by highlighting that the commission would accompany the state's investigations.<sup>clxix</sup>

## HRDs and UNAH Students vs. Police Officials

Last September, four HRDs accompanying UNAH students were brutally repressed by police agents. Three police officials were held responsible and had to face trial. Nevertheless, the trial was constantly postponed and suffered from various irregularities.<sup>clxx</sup> This month, the case finally continued. On May 16, the three police officials denigrated the work of HRDs to justify their behavior.<sup>clxxi</sup> The lawyers representing the HRDs and students, meanwhile, were confident that the police officials would be sentenced if the judge abode by the law.<sup>clxxii</sup> The case was also accompanied internationally and on May 31, the Observatory for the Protection of HRDs, a project of the OMCT and FIDH, demanded that the trial against the three police officials must lead to a conviction.<sup>clxxiii</sup> The opposite happened, the court suddenly decided to definitively dismiss the

charges against the officials. OACNUDH, which had accompanied the trial over the months, expressed “profound dismay” about this decision.<sup>clxxiv</sup>

## Repressions

Throughout May, there were several instances where the state security forces repressed Honduran citizens. As mentioned above, it already started on May Day.<sup>clxxv</sup> The abusive use of tear gas and smoke-projectiles inspired Reporteros de Investigación to publish an article on the weapons of repression.<sup>clxxvi</sup> When Hondurans took to the street to protest against rising electricity prices, the Military Police repressed them. Furthermore, they directly threatened HRDs and journalists accompanying the protest and reporting on it.<sup>clxxvii</sup> Further repression took place against the protest camps in Atlántida against two hydroelectric projects as was mentioned above.

Honduras state security forces stay true to what has already been highlighted by the IACHR in 2015. It named the violent situation and the general insecurity coming partly from the National Police, the Military Police and the Armed Forces as one of the most grave human rights problems in Honduras.<sup>clxxviii</sup>

## Assassinations

Three Miskitu campesinos were murdered by soldiers in Warunta in the Moskitia.<sup>clxxix</sup> The Miskitu Indigenous People Unity (MASTA) published a press release denouncing the murder and demands the withdrawal of the Armed Forces from its territory.<sup>clxxx</sup> According to the general coordinator of COFADEH, Bertha Oliva, the murders are further evidence of how the murder of civilians has become normalized in Honduras.<sup>clxxxi</sup> By the end of the month, the three soldiers still had not been detained nor suspended.<sup>clxxxii</sup>

## Militarization

Even though it has been criticized by national and international organizations as well as UN bodies, militarization continues to be a daily phenomenon in Honduras. Having used the state security forces on several occasions to come to and to stay in power, it also seems logical that the National Party attempted once more to give soldiers and members of the police force the right to vote.<sup>clxxxiii</sup> JOH greeted the attempt.<sup>clxxxiv</sup> Furthermore, a Patriotic Alliance congressman presented a bill to reinstate mandatory military service.<sup>clxxxv</sup> Human rights organizations warned of the consequences of this bill.<sup>clxxxvicixxxvii</sup>

The militarization mentality starts already in childhood. One of its most visible faces is the Guards of the Fatherland program.<sup>clxxxviii</sup> But part of it is also the use of the Military Police to promise security to Honduras’ schools.<sup>clxxxix</sup>

## International Community

### US

There are several civil society-led attempts to stop US security assistance to Honduras. While this has not yet been successful on the national level, e.g. in the form of the Berta Cáceres Bill, they got support from the Boston City Council. On May 2, it passed a resolution urging Congress to stop financially backing police and military operations in Honduras until the Central American country investigates human rights violations by law enforcement.<sup>cxv</sup> Currently, the opposite is taking place. On May 12, El Libertador reported that the New York Police Department would offer assistance to the Security Secretariat in Honduras.<sup>cxvi</sup> This was the result of a meeting between Honduras' Security Minister Julian Pacheco with the Giuliani Security and Safety (GSS) consulting firm and the NYPD's police academy. Disturbing as this is already, Witness for Peace highlights the gravity of this collaboration: "Julian Pacheco, who is personally implicated in much of the horror of the post-electoral crisis and also has been accused in U.S. courts of collusion with narcotraffickers, to receive the kind of welcome and cooperation he did from powerful U.S. businesses and institutions is disturbing to us as citizens of the United States."<sup>cxvii</sup> The journalist Sandra Cuffe collected in a recent article further proof of the problematic security assistance coming from the US.<sup>cxviii</sup>

Given the important impacts decision made in the US have in Honduras, it is not surprising that there are frequent visits by HRDs to its neighbor in the north. This month, six HRDs meet with US Senators and members of Congress to ask them for support in the release of the political prisoners, to end US security assistance, to approve the Berta Cáceres Bill and to form an independent commission to investigate the post-electoral violence.<sup>cxix</sup> While they still await answers, the US House of Representatives approve an amendment to strengthen anti-graft measures in Central America on May 24.<sup>cxv</sup> InSight Crime interviewed its main promoter, Congresswoman Norma Torres.<sup>cxvi</sup> The month ended with USAID signing a cooperation agreement with Honduras' Judicial Power to "strengthen the administration of justice in Honduras".<sup>cxvii</sup>

### EU

Disappointed by the role the US plays in Honduras, some hopefully look to the European Union. This month, there was little to be hopeful. Instead of tying its cooperation programs to tight human rights standards, the EU announced this month a 5.6 million Euro program to improve the quality of Honduran coffee<sup>cxviii</sup> and 68 million Euro for projects in the rural area of the Corredor Seco<sup>cxix</sup>. In a meeting with JOH, the ambassadors of the EU, Spain, France and Germany spoke about the promotion of investment, tourism and Honduras' candidacy to preside the 73rd UN General Assembly, but not human rights.<sup>cc</sup>

## Drug Trafficking

The month started with the Honduran cardinal claiming that Honduras is not really one of the most corrupt countries and JOH denigrating the media for talking about corruption too much, but not enough about organized crime<sup>cci</sup>. It is doubtful that he longed for the article by ConfidentialHN,

which established a link between JOH's indispensable functionary, Jesús Arturo Mejía, and the accused drug trafficker Ramón Matta Waldurraga.<sup>ccii</sup>

In the US, the extradited Honduran drug trafficker Sergio Neftalí Mejía Duarte got a life sentence.<sup>cciii</sup> He was not so lucky as other drug traffickers who used their knowledge about corrupt Honduran officials to have their penalties reduced. This possibility caused frustration in Honduras. Investigators and justice workers denounced that arrested drug traffickers would not cooperate with them rather wanting to use their confessions for the US authorities to reduce their sentences there.<sup>cciv</sup>

In further news, the MP announced that the plantation found in April in Gualaco, Olancho was indeed a coca plantation<sup>ccv</sup> and the new corruption investigation at the former Public Works, Transport and Housing Secretariat (Soptravi) has links to drug trafficking.<sup>ccvi</sup>

## Varia

### Femicide

The number of femicide slightly increased in the first four months this year compared to 2017.<sup>ccvii</sup> There were two especially egregious cases of femicide in May. Two young women were murdered together with their small children.<sup>ccviii</sup> Jessica Isla warns of the normalization of femicide in Honduras.<sup>ccx</sup> To counter this, a national encounter took place in La Ceiba with the participation of various human rights organizations.<sup>ccxi</sup> The Police Investigation Bureau (DPI), meanwhile, promised more effective investigations into crimes against women.<sup>ccxii</sup>

### The Election of the Attorney General

The month started with the nomination of the candidates for the position of the Attorney General and their deputy. There was a lot of uncertainty about a possible second term for Óscar Chinchilla. He is perceived as a strong ally of JOH, being the only Supreme Court judge not dismissed by JOH in 2012. Chinchilla repeatedly said that he would not run again, but then he was proposed in the last moment by the Evangelical Confraternity, another JOH ally. Víctor Meza denounced the way he was nominated as evidence of a rigged game<sup>ccxiii</sup> and another observer claimed that JOH has total control over the process.<sup>ccxiv</sup> The whole selection process had already before been denounced by the Coalition against Impunity as prone to fraud.<sup>ccxv</sup> The Economist also covered the nomination process, concluding: "In Honduras the battle [against corruption] may already be lost. The president, Juan Orlando Hernández, controls most of the country's institutions, including the judiciary."<sup>ccxvi</sup> Ramón Cadona, director of the International Jurists Commission for Central America explained how the setup of the Honduran process is influenced by impunity and powerful interests and does not live up to international standards.<sup>ccxvii</sup>

Nevertheless, the process continued, and there was an initial surprise. Chinchilla and another JOH ally, the judge Vílma Morales, withdrew their candidacy on May 5.<sup>ccxviii</sup> Nevertheless, there remained still two candidates with "blind obedience" to the JOH regime, Doris Imelda Madrid and Abrahán Alvarenga.<sup>ccxix</sup> The remaining 25 candidates<sup>ccxx</sup> presented their candidacy in public



audiences which took place from May 28 to 30. Before the audiences took place, the CNA requested that seven candidates for the Attorney General position would be dropped from the selection process due to past offenses.<sup>ccxxi</sup> Their request was ignored.

The online news outlet Revistazo, launched the homepage Fiscalleaks to inform about the candidates and the selection process.<sup>ccxxii</sup> After the public audiences, they ranked the candidates according to their performance while highlighting a general lack of legal knowledge of the candidates.<sup>ccxxiii</sup> ConfidentialHN published a short profile of the top five contestants.<sup>ccxxiv</sup> The two JOH allies are not among them, but previous experience has shown, that in Honduras the best not always win. Back in 2013, the current Attorney General Óscar Chinchilla did not even pass the tests, but because JOH wanted him, the procedure was changed to make him the winner. The coming months will show if history repeats itself.

## US President Trump cancels TPS

What has been feared for some time became reality in May, the Trump administration canceled the Temporary Protection Status (TPS) for Honduras.<sup>ccxxv</sup> "Tens of thousands of Hondurans who have lived in the United States for up to two decades must prepare to leave, government officials announced Friday, a decision that effectively spells the demise of a humanitarian program that has protected nearly half a million people who had sought refuge from unstable homelands. (...) Hondurans in the program have until January 2020 to get their affairs in order and depart."<sup>ccxxvi</sup> Rodolfo Pastor Fasquelle believes that the Trump administration consciously delayed its decision regarding the TPS last year to after the election in support of the JOH regime.<sup>ccxxvii</sup>

## Electoral Reform

Electoral reform is a recurring theme in Honduras and it was not different this month. The civil society platform Electoral Observation N-26 presented its final report in which it called for a "profound integral reform to the political and electoral system" in Honduras.<sup>ccxxviii</sup> Edmundo Orellana highlighted the particularities of the Honduran "democracy" and what challenges a substantial reform face.<sup>ccxxix</sup> On May 8, Congress' president Mauricio Oliva held a meeting with TSE magistrates and representatives of the corresponding congressional committee to discuss electoral reforms. No word was said that these discussions should be part of a nation-wide dialogue. There was also a commission created to discuss a completely new electoral law.<sup>ccxxx</sup> This idea was rejected by the head of the Liberal Party due to the participation of the TSE, but the Nationalist-controlled Congress ignored the protest.<sup>ccxxxi</sup> The TSE, discredited for its role in the last elections in the eyes of the political opposition, intends to play a very active role.<sup>ccxxxii</sup> The month ended with the Presidential Secretary Ebal Díaz announcing a new attempt to regulate the presidential reelection.<sup>ccxxxiii</sup>

## Pay rise for Congresswo/men

Congress gave itself a pay rise this month, which was heavily criticized.<sup>ccxxxiv</sup> They gave themselves a 42'000 Lempiras pay rise and their heads of parties even get 73'000 Lempiras more.<sup>ccxxxv</sup>

## Energy Sector

The Honduran energy sector made headlines throughout the month due to the problems with the Energy Company Honduras (EEH). It became ever clearer that the promises made by the government regarding the privatization would not materialize.<sup>ccxxxvi</sup> According to the economist Julio Raudales, the situation in Honduras had gone from bad to worse since EEH started its operations two years ago.<sup>ccxxxvii</sup> JOH even felt forced to publicly announce measures against abusive pricing<sup>ccxxxviii</sup>, and the MP announced an investigation.<sup>ccxxxix</sup> But there is little hope of change, as Criterio accused JOH of double discourse when it comes to the EEH.<sup>ccxlccxi</sup>

## Public Health

The University Hospital (HEU) was in the limelight this month. Two Congressional vice-presidents demanded that it would improve its structure and they called for new investments to guarantee a quality health service for Hondurans.<sup>ccxlii</sup> Even though Suyapa Figueroa, the president of the Medical Association Honduras (CMH), welcomed the demand, she also mentioned the failure to have learnt from past errors. Accordingly, she demanded a thorough analysis of the situation of the hospital and its role in Honduras public health system.<sup>ccxliii</sup> One very obvious problem is that the HEU still charges for its services, even though the Constitutional Chamber of the Supreme Court deemed it illegal. Human rights and consumer protection organizations demanded the MP to investigate the hospital.<sup>ccxliv</sup>

## Poverty

Beginning May, JOH had been in power already 3024 days in total, first as president of Congress, then as president. FOSDEH economist Ismael Zepeda presented various indicators to show the failures of his government. The poverty rate rose between 2010 and 2017 from 60% to 64.3% and the rate of open unemployment (TDA) from 3.9% to 6.9% while the percentage of those employed on only receiving the minimal wage rose from 55.8% to 73.9%.<sup>ccxlv</sup> Poverty in Honduras has many faces, Ondina Maldonado Zavala wrote an article about gendered poverty in Honduras with a special focus on the situation of single mothers.<sup>ccxlvi</sup>

Not just national organizations such as FOSDEH, but also international ones highlight the failures of Honduras' policies to combat poverty. Oxfam found that even though Honduras invested annually some 1.4 billion Lempiras in poverty reduction between 2010 and 2017, poverty actually increased to 68%.<sup>ccxlvii</sup> One explanation is that the social benefit social benefit program Vida Mejor does not improve the lives of the poor, but rather the lives of the corrupt.<sup>ccxlviii</sup> Furthermore, a new study by Icefi found the VAT increase from 12 to 15 percent led to an increase in poverty. They found that an additional 15'000 families became poor, i.e. approximately 66'000 people.<sup>ccxlix</sup>

Given this, a statement by the Inter-American Development Bank (IDB) on May 28 was rather disturbing. The bank claimed that the social program Vida Mejor had helped 30'000 families out of extreme poverty and that poverty dropped to less than 60%.<sup>cccl</sup> Accordingly, the statement was heavily criticized.<sup>cccli</sup> The explanation for the IDB's confusing statement came days later by the president of the Honduran Economists Association. The IDB's drop in poverty only refers to the

limited families who were part of their study, i.e. overall poverty still rose, but the poverty rate of the families benefiting of the social program dropped by 12%.<sup>ccliii</sup> Of course, this important detail was nowhere to be found in the main press and even well hidden in the BID report.

## **Economy**

FOSDEH published six informative graphics about the state of the Honduran economy and the people working in it.<sup>ccliii</sup> One of the many challenges, it faces are the rising debt levels. In the first four months of 2018, public debt rose by over \$300 million and private debt by over \$50 million.<sup>ccliv</sup>

## **And Light at the End of a Month**

Avispa Midia published an exhaustive report on the experience of two communities near the Caribbean coast, Plan Grande and Betulia, with hydroelectricity. By contrasting the two projects, the report highlights the benefits of community control over local energy production and “development” in general.<sup>cclv</sup>

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