

## HONDURAS ACCOMPANIMENT PROJECT – PROAH

### SUMMARY OF HUMAN RIGHTS ISSUES AND EVENTS IN HONDURAS JANUARY & FEBRUARY 2014

The New Year saw **the publication of a number of human rights reports on Honduras.**

The Honduran organization **OEIDH** (International Ecumenical Human Rights Observatory) issued a **[Report on the Human Rights Situation in Honduras in 2013 from a Socio-theological Perspective](#)** (in Spanish only), which focuses on 4 areas – the right to life and security, education, work and health. The annexes, which run to almost 20 pages, consist of chilling lists of murders of members of key groups since 2010. In his presentation of the report, OEIDH's director, Rigoberto Ulloa, said that he feared that the human rights situation would deteriorate still further under the new government.<sup>1</sup>

The **[Honduras chapter in the Human Rights Watch 2014 World Report](#)**, which covers 2013, is equally damning. The areas covered include police corruption and the impunity surrounding their abuses; the militarization of public security; the lack of judicial and prosecutorial independence and (again) the violence directed at key groups, such as members of the LGBTI community, journalists, campesinos, and human rights defenders. One of these groups – journalists – is the subject of a major report by **PEN International and Toronto University** - '**[Honduras: Journalism in the Shadow of Impunity](#)**' (see 'Journalists' section below).

Honduras also featured in the **US State Department's Country Reports on Human Rights Practices for 2013.**<sup>2</sup> Despite the fact that the report details killings, corruption and impunity, as well as general state dysfunction, Ramón Custodio, the National Human Rights Commissioner (CONADEH), described it as 'good news', as it corrected the 'false impression given by interest groups that human rights were violated in Honduras' as the country had been removed from the 'black list' of countries which featured as the worst abusers.<sup>3</sup> This is presumably because, for 2013, unlike every other year since the coup (apart from, strangely, the coup year itself, 2009), Honduras is not mentioned in the introduction to the report. However, the situations mentioned in previous reports were so egregious – the dramatic upsurge post-coup in killings of members of the LGBT community (2010), the murder by police of two young men, the son of UNAH's<sup>4</sup> rector and his friend, which exposed as never before the corrupt and homicidal nature of the police force (2011), and the horrific fire at Comayagua prison which killed 362 people and by many accounts is the worst prison fire in recorded history (2012) - that by 2013 the human rights situation in Honduras post-coup, with all its killings, corruption and impunity, could be seen to have sunk into a grim kind of normality, despite the increased persecution of environmental human rights defenders and murders of LIBRE activists last year.

Nonetheless, in direct contradiction of CONADEH, **Amnesty International** submitted a written statement to the UN Human Rights Council, for its 25th session (March 3-28) entitled **[Honduras: deteriorating human rights situation needs urgent measures](#)**.

Despite these indictments of his term, the now ex-President Lobo was awarded the **Great Cross Shield and Parchment of Recognition** by Congress for his 'personal merits', including as a human rights defender.<sup>5</sup>

Meanwhile, **according to Transparency International, Honduras was the second most corrupt country in Central America and one of the most corrupt in the world**, 140th in the perception of transparency ratings, out of 177 countries examined. In a scale in which 0 is absolute corruption and

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1 Conexihon **[Observatorio Ecuménico teme agravamiento de las violaciones a DD.HH. en Honduras](#)**

2 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

3 El Heraldo **[Custodio avala informe de EUA](#)**

4 National Autonomous University of Honduras

5 La Tribuna **[Condecorarán a Presidente Lobo con la Gran Cruz Placa de Oro](#)**

100 absolute transparency, Honduras scores 26 points, 2 points worse than its 2012 rating.<sup>6</sup> This is particularly concerning given the surge in interest in mining concessions (see P.7). On 20 January, Transparency International also called on the Honduran Congress to reject the **proposed Official Secrets and Classification of State Information Act** (*Ley de Secretos Oficiales y Clasificación de la Información del Estado*), arguing that access to public information, limited by the draft Act, is a key element in the fight against corruption.<sup>7</sup> The Act, passed by Congress on January 15, was withdrawn for review, following an outcry about its restrictive provisions, but was then published in the Honduran Official Journal (*Gaceta*) on March 7, with all the controversial elements intact, and only the name changed.<sup>8</sup>

There was also concern about **implications for human rights institutions of the major restructuring of ministries following Juan Orlando Hernandez's accession to the presidency**. SEDINFROH (Ministry for Indigenous Peoples and Afro-Hondurans) has suffered a reduction in status and a 10% budget cut, and is now part of the Ministry for Development and Social Inclusion.<sup>9</sup> It currently has no director, and its staff are reduced to attending to the public in the open air, as SEDINFROH's offices have been closed because the rent has not been paid.<sup>10</sup> The downgrading of SEDINFROH was one of the many areas of concern expressed by CERD (the UN Committee on the Eradication of Racial Discrimination) in its observations on Honduras issued on February 21 (see P.14 for fuller report of the CERD session).<sup>11</sup> In Honduras, indigenous and Garífuna organizations have written to the government to complain about this downgrading, as well as the absence of ethnic minorities in the current government, when there had been two Garífunas in Porfirio Lobo's cabinet.<sup>12</sup>

It appears that the **Ministry of Justice and Human Rights**, on the other hand, is being dismantled to avoid 'duplication', as the human rights function is ostensibly already being fulfilled by CONADEH (the National Human Rights Commissioner). However, as also pointed out by CERD in its report,<sup>13</sup> in October 2011, CONADEH suffered a downgrade in its status as a National Human Rights Institution for a range of failings, including lack of political independence, particularly in its response to the coup (see P.15).

There has been **some good news**. There have been positive outcomes for court cases involving COPINH and Magdalena Morales of the CNTC (see P.3 and 8), in La Nueva Esperanza, Wilfredo Funes, the mining company's head of security has finally been arrested (see P.6) and seven out of the eight Tolupans who left Locomapa for their security have now returned following assurances about their safety (see P.5).

In addition, the **new US budget appropriations law for 2014**, signed by President Obama on January 17, includes several passages that are relevant for Honduras, including an increase from 20% to 35% in the amount of military and police aid which is conditional on addressing ongoing corruption and impunity, as well as on the protection of freedom of expression, association, and assembly, and due process of law, specifically in the Bajo Aguán Valley. In addition, it includes language opposing involvement by international financial institutions like the World Bank in the financing of large dam projects, such as those planned in Rio Blanco, and stipulates that the US government should seek to ensure that such institutions respond to the findings and recommendations of its accountability mechanisms – extremely relevant in the context of the World Bank ombudsman's report on the financing of Miguel Facussé's Dinant Corporation in the Bajo Aguán (see P. 11). According to the

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6 Revistazo [Honduras retrocedió en materia de corrupción en el 2013 según Transparencia Internacional](#)

7 Transparency International [Transparencia Internacional pide que se pare la aprobación de la Ley que atenta contra el derecho de acceso a la información en Honduras](#)

8 TVC TN5 Estelar - [Aprueban Ley de Secretos Oficiales](#)

9 El Heraldo [Piden reconsiderar Secretaría de Etnias](#)

10 Conexihon [Empleados de la SEDINFROH atienden al público al aire libre por falta de oficinas](#)

11 CERD [Observaciones finales sobre el primero a quinto informes periódicos de Honduras](#) Para. 11

12 El Heraldo [Piden reconsiderar Secretaría de Etnias](#)

13 CERD [Observaciones finales sobre el primero a quinto informes periódicos de Honduras](#) Para.12

CEPR (Center for Economic and Policy Research), the new conditions are more numerous and more specific than the conditions outlined in the Consolidated Appropriations Act of 2012, the last piece of legislation to impose conditions on a portion of security assistance to Honduras.<sup>14</sup>

## INITIAL HEARING ON AHUAS

**Aid under the appropriations law** also appears to be conditional on the Honduran authorities providing assistance to the victims of the incident in Ahuas in La Moskitia in May 2012, when helicopters involved in a joint operation conducted by the DEA (US Drug Enforcement Administration) and Honduran police fired on a passenger boat, killing four people and injuring four more, three seriously and permanently.<sup>15</sup> The **initial court hearing on the incident finally took place** on February 28 in Puerto Lempira in La Moskitia. The three people charged are all Honduran – two policemen, Noel Andrés Fernández and Alexander Ramón Rovelo Salgado, plus Iván Neptaly González Herrera, of the Honduran Air Force. They are charged with the murder of three of the four people who died in the attack. In the case of the fourth victim, Candelaria Pratt, according to the Public Prosecution Service, the bullet found in her exhumed corpse did not match any from the guns confiscated, a finding which COFADEH, which is bringing the case, is challenging. The charges also include attempted murder of the wounded survivors of the attack, and at the hearing itself, the judge permitted charges of illegal detention, torture and cruel inhuman and degrading treatment to be brought. This relates to a number of incidents after the helicopters responsible for the attack landed in Ahuas, as their crews went through the village terrorizing its inhabitants. Witnesses claim that some were speaking English. Given that the crews were ultimately under DEA command, it is interesting that no US citizens have so far been charged.<sup>16</sup>

## COPINH

### Cases against Berta Cáceres – Detention and Dismissal of Charges

The persecution of the COPINH leadership continues because of their work opposing the Agua Zarca dam at Río Blanco.<sup>17</sup> At midday on January 26, its coordinator, **Berta Cáceres, was detained temporarily by police** from the DNIC (National Criminal Investigation Directorate). They stopped her in her car at the turnoff to Utopia, COPINH's social centre, which does not usually have checkpoints, and they asked to search her car. They held her for an hour after showing her an arrest warrant, but Berta was fortunately able to secure her release, through her knowledge of her rights and the law. She knew that the arrest warrant was no longer valid because the charges against her and two other members of the COPINH leadership - for land usurpation, damage to private property and coercion - had been provisionally dismissed on January 4 (see our [summary for October to December 2013](#)).<sup>18</sup>

The **charges against Berta Cáceres for illegal possession of firearms were definitively dismissed on 10 February** as the result of a conciliation process. PROAH was present at its hearings. This process had begun on 6 November 2013, and one of the reasons it lasted so long was because Berta had refused to accept any wording in the agreement which implied any guilt on her part. This she has achieved, and the agreement also endorses her role as an indigenous leader. The charges were originally imposed on 24 May 2013, when soldiers at a roadblock 'found' a gun – widely believed to be planted - at the back of her pick-up, as she was on her way back from visiting Rio Blanco. The dismissal of these charges mean that Berta no longer faces probationary measures – signing at a court

14 CEPR [US Congressional Appropriations Bill Would Impose New Restrictions on Honduras Support](#)

15 For more background on the case, see COFADEH's [Preliminary Investigation Report](#), [PROAH article](#), and New Yorker article by Mattathias Schwartz [A Mission Gone Wrong: Why are we still fighting the drug war?](#). For the **Ahuas Emergency Fund**, please go to [Rights Action website](#).

16 Defensoresenlinea [Solo juzgarán a agentes de la DEA hondureños que participaron en masacre de Ahúas](#)

17 For more background on the situation see Al-Jazeera article [Honduras dam project shadowed by violence](#)

18 <http://www.copinoh.org/articulo/ayer-26-de-enero-agentes-de-la-dgic-detuvieron-tem/>

every week and a ban on leaving the country.<sup>19</sup> However, the charges against her and two other members of the COPINH leadership, provisionally dismissed, could potentially be re-opened if fresh 'evidence' comes to light.

### **Río Blanco – Attack on community leader, her husband and son**

While the news on the legal front is encouraging, the situation on the ground in Río Blanco continues to give serious cause for concern. In one of the most serious incidents so far, on March 5, **María Santos Domínguez was on her way home when she was surrounded and attacked** with sticks, stones and machetes by seven people. **Her husband and her son came to her rescue but were also attacked**, with her son losing his ear and part of his face. María, as coordinator of the Indigenous Council of Río Blanco and Northern Intibucá, and member of COPINH, has been a prominent leader in the struggle against the Agua Zarca dam. Her husband, Mr Santos Roque Domínguez, is also a member of COPINH and a community activist. All three have been the target of threats and attacks in the past because of their opposition to the dam, and the seven assailants had previously issued death threats against María. COPINH is demanding that the attackers are brought to justice. Front Line Defenders has issued an [urgent action](#) on the case.

### **The Agua Zarca dam – Corporate Responsibility**

World Bank's Compliance Advisor Ombudsman (CAO) wrote to COPINH on January 8 to inform them that its **International Finance Corporation (IFC) and CAMIF (Central American Mezzanine Infrastructure Fund<sup>20</sup>) were no longer considering the Agua Zarca hydroelectric scheme for funding**, as of December 2013. No reason was given for their decision. The CAO had begun an investigation into the project after receiving a formal complaint from COPINH in October 2013 concerning the illegal seizure of the Lenca territory, lack of consultation over the project, the threat to the communities' way of life and the persecution and militarization suffered by them. The CAO closed the investigation once it had learned that IFC-CAMIF financing was no longer being considered.<sup>21</sup> COPINH considers the announcement only a 'partial victory' as there is no acknowledgement that the IFC and CAMIF's decision was due to the organization's pressure.<sup>22</sup> This news follows hard on the heels of the [CAO's damning report](#) on the **IFC loan to Miguel Facussé's Dinant Corporation** (see Bajo Aguán section for update).

On January 28, a coalition of international NGOs staged a demonstration outside the annual shareholders' meeting of **Siemens** in Munich, Germany, in protest at the company's involvement in the Agua Zarca project, as well as the Belo Monte mega-dam in Brazil. In both cases Siemens is supplying the turbines, in a joint venture with Voith Hydro, another German company. Joe Kaeser, the chairman of Siemens' board, reacted by saying that “it was not the company's job to save the world” and justified the project on the grounds that from September 2014, Agua Zarca would be supplying a great amount of electricity. He undertook to ensure, with Voith Hydro, that laws and human rights were respected, without addressing the violations already committed.<sup>23</sup>

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19 COPINH statement [¡Victoria para la lucha del COPINH, la tenacidad y la solidaridad! ¡Dictan Sobreseimiento Definitivo a Bertha Cáceres en el caso que se ventilaba en el Juzgado Primero de Letras de Santa Barabará!](#)

20 CAMIF is a private investment fund started with seed money from the IDB and World Bank and other public resources. Its parent company, [EMP Global](#), now owned by a Brunei company, is based in Washington and its two founders are both retired senior World Bank employees. For more background on these public-private financing arrangements, see Rights Action report [The Agua Zarca Dam and Lenca Communities in Honduras: Transnational Investment Leads to Violence against and Criminalization of Indigenous Communities](#)

21 See details at [http://www.cao-ombudsman.org/cases/case\\_detail.aspx?id=208](http://www.cao-ombudsman.org/cases/case_detail.aspx?id=208)

22 COPINH Statement [COPINH: UN TRIUNFO PARCIAL, La CAO reporta oficialmente al COPINH que el BM/IFC/CAMIF ha dejado de considerar financiamiento al PH Agua Zarca/DESA.](#)

23 Honduras Delegation (German-based) [Siemens debe retirarse de agua zarca y belo monte](#) and International Rivers [PR – Siemens Denounced for Damming Latin America's Future](#)

## **San Francisco de Opalaca – Murder and Intimidation due to Occupation of Council Offices**

On January 25, 800 members of COPINH and ADRO (Rural Development Association of the West) began an **occupation of the municipal council offices of San Francisco de Opalaca**, in Monte Verde, forming their own indigenous municipal council, and preventing the swearing in of the mayor, José Socorro Sanchez Manueles, of the National Party. They argued that his re-election to the post was fraudulent and that, during his previous term, he had promoted the privatization of rivers for hydro-electric schemes by Terra, Enersa, Rios Power and others; the forests had become subject to REDD plus, and there was the threat of mining concessions.<sup>24</sup> As well as the threat of legal action against the leaders of the occupation, COPINH reports that some of them have also received death threats, including Berta Cáceres.<sup>25</sup>

These threats were fulfilled - on February 21, **Justiniano Vásquez was found murdered** by a river near Monte Verde. There were deep wounds on his body and signs that his hands had been tied. He was the brother of Entimo Vásquez, appointed the legitimate Mayor of the Lenca People of San Francisco de Opalaca. According to COPINH, his killer is Juan Rodríguez, who had threatened both brothers, and is a member of the group of National Party members who support the official mayor, José Socorro Sanchez Manueles.<sup>26</sup> On February 2, Justiniano and his family had been the victims of an attack on his home in which their possessions were taken out and burnt. The family home of Marta Vásquez, Entimo's daughter, was subject to a similar attack on February 9. COPINH considered them a direct attempt to intimidate those participating in the action, and had called on the authorities to investigate them, fearing further incidents.<sup>27</sup>

## **HYDROELECTRIC SCHEMES: LENCAS THREATENED AND MURDERED**

Front Line Defenders has issued an [action](#) on **the murder of Justo Sorto Sorto**, the indigenous Lenca leader and human rights defender. He was found dead on January 21, 2014, on a farm in Yance, his home community, in the municipality of Jesús de Otoro, Intibucá. He had been killed by several gunshots from a high-calibre weapon. For 20 years Justo Sorto Sorto had been active in COPINH (Civic Council of Popular Indigenous Organizations) before leaving to become a founder member of CINPH-MMP (Honduras Indigenous Co-ordinating Group for Popular Power - Morazanist Popular Power Movement). Both organizations issued [statements](#) condemning his murder. Justo Sorto Sorto spearheaded many campaigns, including one against the Tigre dam which was to be built on the Honduran-Salvadoran border, as well as against mining and illegal logging in the region. He was also an active member of the FNRP and of LIBRE, and worked as a community radio broadcaster for many years, having his equipment destroyed or confiscated many times. CINPH-MMP believes that his murder is connected to his role leading the opposition in Jesús de Otoro to a hydroelectric scheme.

On January 26, in El Potrero, municipality of Santa Elena, La Paz, it was reported that **various members of MILPA (La Paz Lenca Indigenous Movement) had received threats** as a result of their roadblock, set up on December 5 to prevent the passage of machinery of Los Encinos hydroelectric company. Los Encinos is part of the Aurora Company, owned by the National Party congress member Gladys Aurora, and it planned to start work in December. MILPA stated that they were not occupying the highway, but simply exerting control over their own indigenous territory, and that the previous mayor had failed to consult the population about the dam on the River Chinacla, in

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24 COPINH declaration (in English) at <http://hondurasresists.blogspot.co.uk/p/consejo-civico-de-organizaciones.html> and Conexihon article (with photos) [San Francisco de Opalaca: Consejo indígena Lenca instala corporación municipal y expulsa alcalde elect](#)

25 COPINH [En San Francisco de Opalaca, a 13 días de lucha, continuamos en ejercicio de nuestra autonomía y mandato indígena](#)

26 COPINH [DENUNCIA URGENTE: Asesinan a Justiniano Vásquez, hermano de Entimo Vásquez, Alcalde Legítimo de Opalaca.](#)

27 COPINH [COPINH denuncia agresión contra la compañera Marta Vásquez y su familia, hecho ocurrido en San Francisco de Opalaca](#)

violation of ILO Convention 169. They lifted the roadblock at the end of January, after negotiations with the newly-elected mayor, from the Liberal Party, who they believe to be more sympathetic to their concerns as indigenous people.<sup>28</sup>

### **MINING: DISPLACED TOLUPANS RETURN TO LOCOMAPA**

Seven of the eight Tolupans who were forced to flee Locomapa for their safety 6 months ago have returned following an undertaking by the state to enforce the precautionary measures granted by the IACHR.<sup>29</sup> As reported in our [summary for October to December 2013](#), a total of 38 Tolupans – 18 members of MADJ (Broad Movement for Dignity and Justice) and their families – had been granted the measures,<sup>30</sup> on December 19, due to the threats that they have received for their peaceful opposition to illegal logging and antimony mining. This followed the murder of three Tolupans, on August 25, 2013, at a roadblock in Locomapa, Yoro, which the community had set up to prevent the passage of logging and mining vehicles.

MADJ had been contemplating referring the case to the IACHR again as, for many weeks, there was silence from the authorities on the implementation of the precautionary measures. The Attorney-General's Office (*Procuraduría*) attributed this to the transition to the new government, but stated that there was now a “great willingness” on the part of the state to enforce them. The return of the Tolupans, on February 22, was marked by a ceremony attended by representatives of the state, MADJ, and other NGOs, and included the planting of a tree to commemorate the three Tolupans who were murdered - María Enriqueta Matute, Armando Funez Medina, and Ricardo Soto Funez. So far, the killers have not been brought to justice, despite being subject to arrest warrants. Their arrest would be the best means of implementing the precautionary measures and ensuring the protection of the Tolupans of Locomapa.<sup>31</sup> José María Pineda, one of the MADJ coordinators in Locomapa, and the eighth person forced to flee, has not yet returned to his community, as he still fears for his life after the gunmen posted a death threat to the door of his house on September 2.<sup>32</sup>

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

In contrast to the continuing situation of total impunity for the Tolupans of Locomapa, **Wilfredo Funes, the foreman of Minerales Victoria's exploration works in La Nueva Esperanza, was finally arrested** on February 28.<sup>33</sup> He was the ring-leader of the abduction of PROAH observers on July 25, 2013 (see our [summary for July-September 2013](#)), and responsible, directly or indirectly, for many of the acts of intimidation leveled against the villagers and their supporters for their peaceful opposition to mining exploration, as a result of which they had been granted precautionary measures by the IACHR on December 24.<sup>34</sup> Although an arrest warrant had been issued for Wilfredo Funes in September 2013, for 6 months he had continued living in the village, in Tela municipality, Atlántida, threatening its inhabitants. MADJ, which has been supporting the village, is convinced that international pressure was a crucial factor in his arrest, and so **many thanks go out to those who pressured their governments and the Honduran authorities** on this.

**The situation in La Nueva Esperanza will have to continue to be monitored**, as Wilfredo Funes threatened the villagers with reprisals if the arrest warrant was carried out. Also, harassment has come from other quarters - the villagers told PROAH observers in February that a group of young men, from

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28 MILPA declaration, January 17, 2014.

29 MADJ [statement](#), February 28, 2014.

30 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)

31 ERIC and Radio Progreso [Tolupanes retornan a sus tierras con promesa de seguridad del Estado hondureño](#)

32 Upside Down World [Honduras: Indigenous Tolupanes Return to Their Territory with IACHR Orders of Protection](#)

33 Voselsoberano [Capturan a uno de los autores materiales del secuestro de observadores internacionales de DDHH](#)

34 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](#) (in Spanish only)

pro-mining families from other communities, often ride on motorbikes past their houses at night, shouting threats and insults. These incidents have been reported to the Public Prosecution Service, a representative of which visited the area on February 5 to discuss the precautionary measures. A number of security measures to be taken by the communities were agreed during her visit.

**While the news about Wilfredo Funes is encouraging, he is the only person to have been arrested so far** in relation to this case. Charges were also brought last year against security guards from the Orion company, contracted to Minerales Victoria, but a further four arrest warrants were only signed this February. Furthermore, it appears that no progress has been made in identifying the people who sent threatening text messages to a number of the villagers' supporters, including Father César Espinoza, the parish priest, and Osman Orellana of MADJ, and no charges have been brought against Lenir Pérez (owner of Minerales Victoria and son-in-law of Miguel Facussé), despite a number of complaints filed against him.

In terms of the exploration activities themselves, it appears that **Gustavo Urrutia, owner of Honduras Ore Company and Minerales Lempira, has designs on the mining concession for La Nueva Esperanza.** Along with Lenir Pérez, Gustavo Urrutia had participated in the failed mediation process which the Catholic church conducted in the first half of 2013 between the mining companies and the communities potentially affected in the region.<sup>35</sup> Minerales Victoria abandoned the exploration site at La Nueva Esperanza at the end of November 2013. At the time, some believed that, having completed the exploratory phase, the company would return with a full mining license in early 2014, while others thought that the site had been definitively abandoned because of opposition to the project and the bad publicity generated by the company's conduct. Then, on January 29, a car turned up at La Nueva Esperanza whose passengers were identified as employees of Gustavo Urrutia.<sup>36</sup> They stated that they were visiting 'Lenir Pérez's land', and then made an inspection of El Socorro, a nearby area also subject to a mining license.<sup>37</sup>

On the other hand, on February 1, a meeting between representatives of the community and the municipality, including with the new mayor of Tela, Mario Fuentes, appeared to offer the real possibility that the area may be designated as 'Free of Mining'. This was followed on February 4 by a visit by technical officers from SERNA (Ministry of Natural Resources) who are conducting a fresh environmental impact assessment.<sup>38</sup> The previous one had now expired, and was in any case a travesty, having been conducted without any consultation with the local communities, in breach of the law.<sup>39</sup>

## **MINING: SIRIA VALLEY ENVIRONMENTALIST FEARS FOR HIS LIFE**

**Carlos Amador**, one of the leading members of the **Siria Valle Environmental Committee**, has denounced the fact that he has been subject to surveillance, primarily by motorcyclists who follow him when he goes to Tegucigalpa to do errands, but also when he is in his own community. This surveillance began in November 2013, when he started publicly denouncing the new mining concessions in the area.<sup>40</sup> The Environmental Committee, which has suffered judicial persecution because of its peaceful activities, including opposition to mining and seeking justice for those affected by the operations of the Canadian gold-mining company, Goldcorp, is now concerned at the arrival of more mining companies in the region, this time to extract iron ore. It is holding meetings with different communities to raise their awareness of the consequences of mining, such as water contamination and

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35 No a la Mina [Ante la minería, en busca de libertad y soberanía](#)

36 MADJ Alert <http://www.hondurastierralibre.com/2014/01/honduras-atencion-mucha-atencion-alerta.html>

37 Information provided to PROAH observers by the community on a visit to the area. [Environmentalism and Communicator from the Siria Valley, Honduras, denounces threats](#)

38 PROAH observers during visit to the area.

39 [Joint statement by MADJ and MAA](#) (Atlantida Environmental Movement (7.6.2013))

40 Dina Meza

scarcity, as well as the heavy deforestation under 'Forestry Management Plans' which have destroyed water sources, affecting thousands of people. The deforested areas are now becoming the target of mining concessions.<sup>41</sup>

### **MINING: PROTEST IN YORO AGAINST MINING CONCESSION**

In what appears to be a growing trend, the municipality of **El Negrito, in Yoro, is also slated for deforestation under 'Forestry Management Plans'**, with the blessing of the ICF (Institute for Woodland Conservation – rather a misnomer in the circumstances), as a prelude to mining. The ICF has apparently given the go-ahead to three gold-mining concessions in the area. The people of the municipality, backed by the mayor, are organizing a protest on March 28 at the lack of consultation, whose participants will include the church, various community water boards (*juntas de agua*), and staff of the municipal council.<sup>42</sup>

### **MINING: LEGAL CHALLENGE IN THE FACE OF INCREASED INTEREST**

According to ANAMIMH (National Metal Mining Association of Honduras), **10 metal mining companies are due to open this year**, potentially operating in Olancho, Santa Barbara, El Paraíso, Choluteca and northern Francisco Morazán department, and there are currently 950 exploration sites in Honduras. Figures from the Honduras Central Bank show that, as at October 2013, mining products accounted for 6.9% of total export trade, or \$232.7 million, an increase of \$11.5 million over 2012. This increase is due to a growth in sales of iron oxide, particularly to China, silver and lead.<sup>43</sup>

ANAMIMH attributed much of this interest to the adoption of the new Mining Act in 2013. On January 29, **IDAMHO (Honduras Environmental Law Institute), lodged a legal challenge to the Mining Act with the Supreme Court on constitutional grounds**, arguing that there were irregularities in the process of the passing of the Act, such as lack of public consultation, as well as serious defects in its substance, including the lack of controls over mining methods, and permitting mining in protected areas. In its deposition, IDAMHO referred to the health and environmental damage in the Siria Valley as a result of the operations of the Canadian gold-mining company Goldcorp.<sup>44</sup>

### **OIL AND GAS EXPLORATION: BG AND CHEVRON**

According to Roberto Herrera Cáceres, High Representative and National Coordinator of EITI Honduras, the US company Chevron is interested in oil and gas exploration next to the area where BG group has been granted a 35,000 km<sup>2</sup> concession in the Caribbean, off the coast of La Moskitia.<sup>45</sup> The granting of the concession to BG<sup>46</sup> (once part of British Gas) has been considered controversial as the area includes part of the MAR (Mesoamerican Reef) system, the largest barrier reef in the Western hemisphere, already under pressure from climate change. According to the Garífuna organization, OFRANEH, local people have had restrictions imposed upon fishing in the area of the MAR on 'environmental grounds', while the concession for oil and gas exploration by BG was rubber-stamped by Congress in May 2013. It was only after the approval of the concession that OFRANEH received a note from SERNA, in August 2013, a month after the contract became operational, stating that SERNA wished to 'socialize' the project with the organization. As pointed out by OFRANEH, 'socialization' after the fact is not the same as prior consultation of the indigenous people affected – Miskitus as well

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41 Defensoresenlinea [Preocupación por reuniones entre militares y representantes ambientales en Valle de Siria](#)

42 ERIC and Radio [Progreso Habrá movilización en contra de explotación minera](#)

43 La Prensa [Diez mineras metálicas sacarán brillo a la economía de Honduras en 2014](#)

44 20minutes.com.mx [Interponen recurso contra Ley de Minería en Honduras](#) and Conexihon IDAMHO: [Inconstitucionales 25 artículos de la Ley de Minería en Honduras](#)

45 El Heraldo [Chevron dialoga acuerdo en el país](#)

46 BG Databook 2013 [Honduras](#)

as Garífunas – as stipulated by ILO Convention 169.<sup>47</sup> The 'socialization' took place in September, strangely coinciding with the the government's granting of collective titles to 654,000 hectares of land to 128 communities in La Moskitia.<sup>48</sup> The Miskitu organization MASTA (*Mosquitia Asla Takanka-Unidad de la Mosquitia*) is demanding a tripartite agreement between the government, BG and the Miskitu community, which takes into account 18 points agreed by the organization before the project can go ahead.<sup>49</sup>

OFRANEH regards Chevron's entry onto the scene with consternation, as the exploration area, at potentially 38,000 km<sup>2</sup>, would be even greater than BG's, and the company has been associated with serious human violations in other countries where it has operated.<sup>50</sup>

## LAND DISPUTES: AZUNOSA

There was some good news on February 14 with the **provisional dismissal of the charges against Magdalena Morales, Regional Secretary of the CNTC** (National Farmworkers Federation) for Yoro department, based in El Progreso. The CNTC, along with the ADCP (El Progreso Association for Campesino Development), has been supporting campesinos in their dispute over land in Agua Blanca Sur, occupied by AZUNOSA, the sugar company owned by the British multinational [SAB Miller](#) which operates in the Sula Valley.<sup>51</sup> Magdalena had been charged with damage to property, usurpation of land and incitement, in a case with close parallels with that brought against the COPINH leadership. According to her legal representatives and a PROAH observer who was present at the court hearing on February 11, no evidence was presented at all for the charge of damage to property. The evidence for the charges of 'usurpation' and 'incitement' consisted of a radio interview which was used to try and show that Magdalena was the instigator of a land recuperation in August 2012, and a witness stating that she was present on the day of the recuperation. Víctor Fernández, her defense lawyer, argued that the 18 campesino groups recuperating the land had a legitimate right to it, under a ruling by INA (National Agrarian Institute), and that, furthermore, Magdalena had no direct responsibility for their actions.<sup>52</sup> Although Magdalena was pleasantly surprised at the result, Víctor Fernández stressed that, as it was only a provisional dismissal, in theory the Prosecution Service could revive the case within 5 years.<sup>53</sup>

In parallel with the judicial proceedings, there is an conciliation process being conducted between legal representatives of AZUNOSA and CNTC and ADCP, which in theory should allow the lifting of the charges against the campesinos and their supporters. According to the latest figures from the CNTC, there are currently a total of 107 people (now that Magdalena is excluded) subject to judicial proceedings in connection with this case. However, very little progress was made at the conciliation meeting on 29 January, the fourth since the process started in November 2013, as AZUNOSA failed to make any concrete offers.<sup>54</sup>

Meanwhile, there have been further worrying revelations about the intimidation of those involved in the land dispute with AZUNOSA. According to Magdalena, at the second 'conciliation' meeting on 2 December, Víctor Ramos, the chairman of AZUNOSA himself, told her to “*cuídese el pellejo*” (“watch her back”). In addition, on 3 February, one of the campesinos was walking to the road to catch a bus near the land recuperation when a car tried to run over him. Luckily he escaped - another member of

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47 OFRANEH [Honduras: Petróleo, el Grupo BG y la farsa de la “consulta” estilo SERNA](#)

48 El Heraldo [Entregan tierras a comunidades indígenas de la Mosquitia](#)

49 ERIC and Radio Progreso [Pueblo misquito pide firma tripartita para exploración petrolera](#)

50 OFRANEH [CHEVRON, Exploración Petrolera en Honduras y Violaciones a los Derechos Humanos.](#)

51 SOAWatch article [The Struggle for Land in Agua Blanca Sur](#) provides extensive background on the case.

52 Interview with Víctor Fernández, Magdalena Morales' lawyer <https://soundcloud.com/cadeho/proceso-contra-magdalena>

53 ERIC and Radio Progreso [Sobreseimiento provisional dictan a Magdalena Morales](#)

54 See PROAH blog [AZUNOSA: Conciliation Process stalls while Criminalization continues](#) for further background.

the campesino group (Felix Corea) was killed in a similar incident in 2013.<sup>55</sup>

### **LAND DISPUTES: BAJO AGUÁN**

Magdalena Morales was all the more surprised at the verdict in her favor given the ruling just the week before, on February 7, on her namesake, **José Isabel 'Chabelo' Morales of the MCA (Aguan Campesino Movement) who was once again found guilty** of the 2008 murder of Carlos Manrique Osorto Castillo, after being granted a re-trial. His alleged victim was a member of a family which has been involved in a murderous land dispute with the MCA, of the Guadalupe Carney community, for 14 years, during which the family had hired paramilitary guards to evict campesinos. Chabelo states that he was near the scene of the crime – an armed confrontation between the campesinos and the Osorto family - to recover the body of a neighbor killed by gunshots from the Osorto house. Although there was no evidence to link him to the murder, Chabelo's supporters were shocked when, at the hearing on February 5 in Trujillo, Henry Osorto, Carlos Manrique Osorto's uncle, claimed that the victim had specifically named Chabelo as the person who shot him. This contradicted Henry Osorto's testimony at Chabelo's original trial in 2010, when he had made no such claim, and he also changed other aspects of his testimony.<sup>56</sup> Henry Osorto is a sub-commissioner in the police force, and as such, has had undue influence over the fate of Chabelo since his imprisonment in 2008. Osorto has been seen talking to the other inmates in the prison in La Ceiba, and it is believed that it is due to him that there have been various attempts on Chabelo's life, including poisoning. It is widely believed that Chabelo's continued imprisonment is due to political pressure.<sup>57</sup> On February 27, Chabelo was sentenced to 17-and-a-half years imprisonment. His lawyer, Omar Menjívar, will lodge an appeal against the judgment with the Supreme Court.<sup>58</sup>

On Saturday, February 8, 2014, **two members of MARCA (Authentic Campesino Reclamation Movement of the Aguán) were killed, and one wounded**, in San Esteban, in the municipality of Trujillo. Between 7-9pm masked people in a private vehicle with no license plates and with firearms arrived in the community. They fired at Walter Geovanny Sevilla Rosales, aged 18, killing him instantly, as well as at Wilmer Joel Sevilla Rosales, aged 17 years, who managed to hide and was later taken to hospital in an Operation Xatruch patrol car. His attackers then went to the house of the campesino Victor Antunez, aged 50, and shot him dead in front of his wife and children. Walter and Wilmer Sevilla, who were cousins, are sons of well-known leaders of the San Esteban Cooperative, which is part of MARCA, who had been receiving death threats for some time from unknown persons. According to the Aguán Permanent Human Rights Observatory (*Observatorio Permanente de los Derechos Humanos del Aguán*), there have been **six murders of campesinos** in the area of the San Esteban, Ocotes Altos and Los Leones communities since 2010, all of which in impunity.<sup>59</sup>

The government has formed a **special unit with the mandate to investigate and bring to justice those responsible for 147 murders in recent years in the Bajo Aguán**. Most of the victims are campesinos and human rights defenders, with a smaller percentage of security guards. The establishment of the unit, to be made up of police, the military and prosecutors, was announced by Oscar Chinchilla, the Director of Public Prosecutions (*Fiscal General*), on 27 February. He stated that there were a number of theories who was responsible, including the large landowners of palm plantations, disputes between campesinos groups themselves, and the involvement of organized

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55 See [interview with Magdalena Morales](#) by La Voz de los de Abajo

56 La Voz de los de Abajo [Perjury, Prejudice and Influence = Injustice](#)

57 Greg McCain – Counterpunch [The Framing of Chavelo Morales](#) and Conexihon [Continúa la injusticia: Declaran culpable a “Chabelo” Morales](#)

58 ERIC and Radio Progreso [Defensa de “Chabelo” interpondrá un nuevo recurso de Casación para seguir defendiendo su libertad](#)

59 Aguán Permanent Human Rights Observatory [Urgent press release](#)

crime.<sup>60</sup> The initiative comes hard on the heels of the adoption of the US budget appropriations law for 2014, which specifically mentions the Bajo Aguán (see P.2), as well as a **visit by the US Embassy on 20-21 February**, whose representatives stressed the conditions underpinning US aid as a result of the law.<sup>61</sup> **Human Rights Watch welcomed the formation of the unit**, which had been one of the prime recommendations in its report "**There Are No Investigations Here**" on the continuing impunity for murders and other human rights abuses in the Bajo Aguán.

The **persecution of members of the MCRGC** (Gregorio Chávez Campesino Refoundation Movement) continues. At the beginning of December there had been a series of detentions of members of this movement, of Panama, near Trujillo, as well as a smear campaign unleashed by Colonel Alfaro Escalante (see summary for October to December 2013). In the latest incident, on January 10, Sergio Calix, a leader of the movement, was detained near his home by eight armed men in military uniform in Los Leones community. He was told that he was under arrest, but was not shown any warrant, and was taken off to the police station in Trujillo. There he was informed that he would be held for six hours and that there was an arrest warrant out for him for 'usurpation of land'.<sup>62</sup>

On January 14, **Colonel German Alfaro Escalante was replaced as head of the Xatruch Task Force**, running military operations in the Bajo Aguán, as part of a more general rotation of commanders around the country. His stigmatization of human rights defenders, including Annie Bird of Rights Action, and smearing and persecution of campesinos in the region had been particularly aggressive over the past few months.<sup>63</sup> He will become deputy commander of the new Public Order Military Police, based in San Pedro Sula, with responsibility for the north west of the country. His successor as head of Operation Xatruch, **Colonel Jovel René Martínez**, was previously the commander of the 9th Battalion, based in El Paraíso department.<sup>64</sup> In July 2009 (before Martínez's time), the Battalion was implicated in abuses, including murder, when thousands of supporters of Zelaya arrived in El Paraíso to meet the ousted president at the Nicaraguan border.<sup>65</sup> More recently, in October 2013, two soldiers from the Battalion were charged with knifing four young men.<sup>66</sup>

The World Bank's **International Finance Corporation (IFC) has (apparently) drastically changed its attitude to the damning report by the World Bank's Compliance Advisor Ombudsman (CAO)** which criticized the IFC for serious failings in the monitoring of its loan to Miguel Facussé's Dinant Corporation. This change seems to be in reaction to the outcry among human rights NGOs over the IFC's initial response to the CAO's report, in which it stated that it did not agree with the report and that the few deficiencies that there were had already been addressed. The IFC has now issued a statement, on January 21, in which it accepts the recommendations made in the CAO Audit and undertakes not to pay any more of the loan until the company has fulfilled its commitments under an action plan agreed with the IFC, which included 'strengthening its community engagement and environmental and social standards, and reviewing its security practices'. The IFC also stated that it was prepared to cancel the loan if Dinant refused to abide by the action plan, which has been revised in the light of the outcry. However, some observers still consider the response inadequate, both in its assumption that the Honduran government and Dinant will address the problems in the Aguán, and in its failure to address the damage already inflicted on communities in the region.<sup>67</sup>

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60 Defensoresenlinea [Gobierno responde a presiones de EEUU y crea unidad investigadora de crímenes en el Aguán](#)

61 Conexihon [EE.UU. disminuirá cooperación un 35% si persisten violaciones a los DD.HH. en Honduras](#)

62 MUCA Alert [HONDURAS: ATENCIÓN mucha ATENCIÓN Detienen a dirigente campesino de la comunidad de Panamá en el Bajo Aguán.](#)

63 Honduras Culture and Politics [New Bajo Aguan Military Commander](#)

64 La Tribuna [Llega nuevo jefe a Xatruch](#)

65 Commission of Truth report [The Voice of Greatest Authority is that of the Victims](#) (P.120)

66 La Tribuna [Soldados bolos apuñalan a jóvenes en Danlí](#)

67 Inter Press Service news agency [World Bank Arm Admits Wrongs in Honduras Loan.](#)

For more background, see article by Wendy Griffin, [On Those Misguided World Bank Loans](#) and Guardian article [Honduras and the dirty war fuelled by the west's drive for clean energy](#)

## **TRADE UNIONISTS: VICTOR CRESPO'S FATHER MURDERED**

The father of Victor Crespo – the dockworker's leader forced into exile because of his work in Puerto Cortés (see our [summary for October to December 2013](#)) – died on January 28 following an attack on him and other family members by an armed assailant who ran them down in a stolen car. Victor Crespo, Secretary of the SGTM<sup>68</sup> (Dockworkers Union), had been forced to leave the country following a murder attempt in September 2013, and it appears that his father has fallen victim to the same forces. Victor Crespo's colleagues in the SGTM leadership have also faced death threats, and the SGTM believes this campaign of persecution to be connected to the union's lawful request for a collective bargaining agreement at the port and the recognition that benefits have not been paid, despite the law requiring them.<sup>69</sup>

## **LGBTI: APUVIMEH PRESIDENT FORCED INTO EXILE**

**José Zambrano, APUVIMEH's President,**<sup>70</sup> went in exile on February 17 for his own safety. This followed mounting attacks against him and members of his organization which appear to be linked to APUVIMEH's efforts to seek justice for the murder of Walther Tróchez, in December 13, 2009, and other members of the LGBTI community.<sup>71</sup>

Most recently, on December 15, **two armed men threatened to kill everyone present at APUVIMEH's Christmas party** if they were not paid 650 dollars. APUVIMEH believe the threats originate from two local police stations in Tegucigalpa, and was the latest in a series of acts of persecution which had forced the organization to move its office to a secret location. This was followed by the **temporary kidnapping of a young member of APUVIMEH**, on January 2, in Altos de Loarque in Tegucigalpa, during which he was told that the organization “has to stop, because sexual diversity people don't matter – why are we making demands? Why are we taking to the streets?” and that two people would shortly be executed.<sup>72</sup>

As a result of the incident just before Christmas, **APUVIMEH had been granted precautionary measures by the IACHR on January 22**, Honduras thereby gaining the dubious distinction of being the first country in 2014 where these measures were granted. The IACHR stated that APUVIMEH had requested the measures as its members have been the victims of murder, threats, and other acts of violence and harassment because of their work in support of the LGBTI community and people with HIV/AIDS and defending their rights. It also mentioned that the request was made in the context of **violence against members of the LGBTI community in Honduras, with 115 people murdered in the 'last few years'** (probably since the coup. [The Human Rights Watch 2014 World Report](#) put the number of killings at over 90 between 2009 and 2012). The IACHR asked the Honduran state to take measures to protect the lives and physical integrity of the members of APUVIMEH, and to inform it of the investigations into the attacks that provoked the request for precautionary measures.<sup>73</sup>

The attacks on APUVIMEH and on members of the LGBTI community in Honduras were mentioned in a [press release by the IACHR](#), which expressed concern at an increasing number of attacks on LGBTI organizations in the Americas from October 2013 to January 2014. The granting of the precautionary measures follows **an alarming spate of death squad-type killings of transgender sex workers in San Pedro Sula**<sup>74</sup> (see [summary for October to December 2013](#)).

The US-based Honduran Equality Delegation has published a report on [The State of the LGBT Movement in Honduras](#), based on their solidarity visit in late November 2013, during which they

68 *Sindicato Gremial de Trabajadores del Muelle*

69 International Transport Workers' Federation press release [Father of threatened dockers' leader murdered](#)

70 APUVIMEH = Association for a Better Life for People Infected and Affected by HIV/AIDS in Honduras

71 Defensoresenlinea [Otro defensor de DDHH sale del país por amenazas a muerte](#)

72 Ibid.

73 IACHR precautionary measures – [PM 457/13 of January 22, 2014 – Members of Association for a Better Life in Honduras \(APUVIMEH\)](#) (in Spanish only)

74 Amnesty International USA [The “Most Dangerous City in the World” – Especially for Sex Workers](#)

monitored the elections and met with activists.

## LAWYERS

On 17 January, **Oswaldo Luján**, a legal adviser for the municipality of Tela, was leaving his office with a child when he was shot dead. He is the fourth lawyer to have been murdered in Tela in the past two years, and the local lawyers' association said that they would stage a demonstration outside the Public Prosecution Service offices to demand justice.<sup>75</sup>

## JOURNALISTS

On January 16, **Dina Meza**, until recently with COFADEH, and now a volunteer for Visitación Padilla Women's Movement for Peace, was one of three journalists to win the [2014 Oxfam Novib/PEN International Free Expression Award](#) for their continued work for freedom of expression in the face of persecution. The other two recipients were Abdiaziz Abdinur Ibrahim from Somalia and Oksana Chelysheva from Russia. In the citation it states that Dina Meza has worked as a human rights defender for over two decades and has been a victim of harassment and threats since 2006. She continues to defend human rights despite being subjected to a continued campaign of death threats and physical harassment. In one of the latest incidents, in the week beginning January 20, 2014, unknown men with military-style haircuts took photos of her with their mobile phones while she was meeting colleagues and friends in public places and followed her afterwards.<sup>76</sup>

Dina Meza reported that she has suffered increased surveillance since late January, possibly linked to her publicizing of the case of Radio Globo's **Julio Ernesto Alvarado**, sentenced in December 2013 to a 16-month prison term and ban on practicing his profession for defamation. The case stretches back to 2006 when two lecturers made allegations on Alvarado's program about Belinda Flores, a dean at UNAH (National Autonomous University of Honduras) who they accused of influence-peddling and falsification of university degrees. Flores took out a lawsuit against all three, but the lecturers were ultimately exonerated, while Alvarado has been found guilty by the Supreme Court, essentially for giving the lecturers air-time to make their allegations, ones which had already been published at the time in *El Herald* newspaper. PEN International is concerned that the judgment is politically motivated. Since the ruling, Alvarado has received death threats to himself and his family through his Facebook page. He has suffered such intimidation in the past. In March 2013, he was forced to suspend his current affairs programme '*Medianoche*' on Radio Globo after months of threats and surveillance culminated in a failed assassination attempt, which was never investigated.<sup>77</sup>

Amnesty International has issued an [urgent action](#) on behalf of **Mario Argeñal**, whose brother, the journalist Juan Carlos Argeñal, was shot dead by two unidentified men on December 7 at his home in Danlí, El Paraíso. Juan was a correspondent for both Radio Globo and Globo TV, as well as the owner of a local evangelical TV station and a LIBRE activist. Mario Argeñal has given several interviews to national media making a link between the journalist's exposure of corruption in local government and his killing. He has also been demanding justice from the authorities, as there is no progress in the investigations into the case. As a result, Mario Argeñal has been subjected to acts of intimidation and harassment. On several occasions between December 11 and 15, 2013, two pickup vehicles with no license plates drove around his house late at night. Most recently, on 24 February between 2 and 4pm, a man was stationed outside Mario Argeñal's house in a car for several hours before driving off.

**PEN International in collaboration with the University of Toronto** has issued a major report - '[Honduras: Journalism in the Shadow of Impunity](#)' – on the dramatic deterioration in the situation for journalists since the coup. The report states that pre-coup "*Few observers could have foreseen the*

<sup>75</sup> La Prensa [Frente a su oficina ultimán a abogado hondureño en Tela](#)

<sup>76</sup> PEN International [Honduras: Increased harassment of journalists Julio Ernesto Alvarado and Dina Meza must cease](#)

<sup>77</sup> Ibid.

*deluge of threats, attacks and targeted killings that has swept through Honduras during the last five years” directed against journalists, against a background of impunity “entrenched in Honduras for at least a generation”, most significantly through the failure to address the human rights violations of the 1980s. According to the report, the sources of the violence against journalists are varied. Although some of it can be attributed to the infiltration of transnational drug cartels, which is a regional problem, “it is also clear that the absence of reliable institutions has allowed the violence to escalate far more rapidly than many anticipated”. It also attributes much of the violence by the state itself, primarily by a corrupt police force.*

The report cites figures from C-Libre (Committee for Free Expression), according to which **overall violence against the media disproportionately affects print journalists** – they were the victims of 60% of the 136 cases of aggression recorded for 2012. The police were responsible in half the cases where C-Libre claims to have identified the perpetrator, with the remainder allegedly committed by non-state actors. However, **most of the lethal violence – which has claimed the lives of 38 journalists since 2003, 32 since the coup - has been directed at television and radio journalists.**

The report also concludes that new legislation – such as the government’s draft law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators – is not enough to address the problem unless it is accompanied by the necessary resources and political will needed for effective implementation. At present, faced with widespread institutional failures, Honduran NGOs such as COFADEH have stepped in to provide protection that should be provided by the state. (See also [article by University of Toronto](#) for more details of the report).

**Hector Becerra, director of C-Libre**, in his [assessment of Porfirio Lobo's presidency](#), described it as the 'enemy of freedom of expression and the press'. However, one positive development was the granting of radio frequencies to social movements.<sup>78</sup>

In the **World Press Freedom Index for 2014**, produced by Reporters without Borders, Honduras fell one place, from 128th to 129th (basically because this year, Belize appeared for the first time – and was placed an impressively high 29th). Given that only 180 countries are covered by the Index, Honduras' place continues to be worryingly, and justifiably, low. In its [commentary](#) on the impact of organized crime, Reporters without Borders referred to the self-censorship created by such sensitive subjects as drug-trafficking, corruption and criminal penetration of the state apparatus, as well to the “passivity or indifference often shown by authorities towards crimes of violence against the media, or sometimes even their connivance or direct involvement”.

## **UN COMMITTEE ON THE ERADICATION OF RACIAL DISCRIMINATION**

The Committee (CERD) examined Honduras at its 84th session (February 3-21). ODHPINH (Human Rights Observatory of the Indigenous and Black Peoples of Honduras) **provided a shadow report** (in Spanish only). CERD's [concluding observations](#) (in Spanish only) were wide-ranging. It raised the issue of **poverty**, which affects 88.7% of indigenous and Afro-Honduran children, and was particularly acute for those from the Tolupan, Lenca and Pech indigenous groups. With regard to institutions, as well as the down-grading of SEDINAFROH and the status of CONADEH, it mentioned the need to ensure the full functioning of the **National Commission on Racial Discrimination, Racism, Xenophobia and other Forms of Intolerance** (*Comisión Nacional contra la Discriminación Racial, Racismo, Xenofobia y otras formas Conexas de Intolerancia*), a body which is so low-profile it appears to have dropped off the radar entirely.

CERD expressed concern at the **continued prevalence of racial discrimination in Honduran society, particularly for women**, who face multiple forms of prejudice, and urged the Honduran government to take measures to combat this. In this regard, it highlighted the **lack of prosecutions for racial discrimination** by the Special Prosecution Unit for Ethnic Groups and Cultural Heritage (*Fiscalía*

<sup>78</sup> See Giorgio Trucchi's article for more details [Medios comunitarios empoderan a pueblos indígenas y negros en Honduras](#)

*especial de las Etnias y Patrimonio Cultural*). Between 2002 and 2013, only 55 complaints were received, which raises concerns about the accessibility of the Prosecution Unit, as well as its credibility. In this period, only 4 of the complaints were brought to trial, and 3 subject to non-judicial settlements, while 31 are still 'under investigation', and a full 17 were rejected. Other areas of concern were the **attacks on human rights defenders**, who include indigenous and Afro-Honduran leaders, **the lack of prior, free and informed consultation** on development projects and other measures affecting indigenous peoples, as well as the compatibility of the **ZEDEs** (Employment and Economic Development Zones) with Honduras' international treaty obligations concerning indigenous peoples. In February, **COPINH submitted a legal challenge** on constitutional grounds to the ZEDEs, which were approved by Congress in June 2013, with a feasibility study already having been approved for the south of the country.<sup>79</sup>

The CERD report made special mention of the situation for **Miskitu divers**, over 400 of whom have died, and many more crippled due to a lack of safety equipment and procedures when diving for lobster, according to ODHPINH's shadow report. CERD welcomed the establishment of the Interagency Commission for the Prevention and Treatment of the Problem of Dive-Fishing<sup>80</sup> but asked what measures had taken to prevent dive-fishing, and to help the crippled divers.

### **INDEPENDENCE OF THE JUDICIARY**

One of the other areas mentioned by **CERD** was the independence of the judiciary, and it expressed particular concern at the sacking of 4 judges from the Constitutional Court in December 2012. It requested information on their case and reminded the Honduran government that stability and job security were fundamental to safeguarding the independence of the judiciary and to protecting human rights. The judges' case was also mentioned in a new **report published by the IACHR - [Guarantees For The Independence Of Justice Operators](#)** – in which it was cited as an example of judges who have been summarily dismissed - in this case by Congress - without being able to mount a defense (Para 222). Honduras was also criticized for the lack of the right for judges to appeal to the verdict of disciplinary hearings, where these did take place (Para 239). This has taken on particular relevance at present as the **Judiciary Council** (*Consejo de la Judicatura*), which entered into operation in October 2013, is currently undertaking a '**purge**' of judicial officials, with serious implications for the functioning of the justice system. AJD (Association of Judges for Democracy) is challenging the process on legal and procedural grounds.<sup>81</sup> Honduras also inevitably featured prominently in the **list of countries with a high murder rate for legal professionals** (Para 157). Reflecting the level of concern about the issue, the independence of the judiciary in Honduras had been the subject of a hearing at the October session of the IACHR (see our report for [October – December 2013](#)).

### **IACHR REPORT ON PRETRIAL DETENTION**

Honduras featured prominently in the [Report on the Use of Pretrial Detention in the Americas](#) (currently available only in Spanish) which expresses concern at excessive use of the measure which exacerbates other problems, such as prison overcrowding. In the case of Honduras, as at April 2013, almost half of all prisoners were in pretrial detention, and the report expresses concern that the adoption of Decree 56-2013 in May, which makes pretrial detention obligatory for 21 offenses, will have a significant impact on a prison system which is 'already in a state of collapse', as demonstrated by the IACHR's 2013 [report on the situation of persons deprived of liberty in Honduras](#). Other concerns included the failure to separate convicted from non-convicted prisoners.

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79 Defensoresenlinea [Las ZEDE son enclaves peligrosos para la soberanía y autonomía de los pueblos](#)

80 *Comisión Interinstitucional para la atención de la Problemática de la Pesca por Buceo*

81 El Herald [Acciones para depurar Poder Judicial no están reglamentadas](#)

## ELECTION OF NEW NATIONAL HUMAN RIGHTS COMMISSIONER

Much of the news has concerned the selection by Congress of the new National Human Rights Commissioner (CONADEH), on March 12, with the expiry of the six-year term of the present incumbent, Ramon Custodio. At first, there were a lot of expectations invested in the post, created in 1992, particularly when, the following year, Leo Valladares, the first Commissioner, published *Los Hechos Hablan por si Mismos* (The Facts Speak for Themselves), a ground-breaking report on the disappearances in Honduras from 1980-1993.

The Commissioner, Ramon Custodio, who founded CODEH (Committee for the Defense of Human Rights in Honduras) in 1981 and was its president until 1999, had also gained a lot of respect for his work and his organization's, particularly during the 1980s, but he lost credibility as CONADEH after the coup.

This was reflected in the downgrading of CONADEH from 'A' to 'B' status as a National Human Rights Institution (NHRI)<sup>82</sup> in 2011 (having only gained 'A' status in 2007) after he failed to address the criticisms in the [UN accreditation report](#). This focused on CONADEH's response to the UN High Commissioner for Human Rights's [report](#) on human rights violations since the coup, which accused CONADEH (both Ramon Custodio personally and his office) of lack of independence and negligence, and of generally failing to fulfill its protection mandate. CONADEH had responded that “the High Commissioner’s Report was drafted in a malicious manner with a minimum part of proved facts”, accused the International Observation Mission of the Situation of Human Rights in Honduras of lying in its report and, perhaps most disturbingly (and absurdly), declared that “no NGOs exist in Honduras”. In the light of CONADEH's performance since the coup, the human rights situation in Honduras and the politicization of public appointments, a number of organizations made statements on the selection criteria, the importance of transparency in the selection process, and the general need for an effective, independent ombudsman or woman. These have included [CERD in its report on Honduras](#) (para.12), [Human Rights Watch](#), as well as the [International Observer Mission](#) - four Latin American human rights experts appointed by the Honduran Coalition against Impunity specifically to look into the issue, who presented their findings to the Honduran Congress on February 26. By the application deadline of March 4, 23 candidates had put their names forward.

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82 The NHRI rankings, measuring compliance with the Paris Principles, which lay down the requirements for these bodies, are A – Fully compliant; B – Not fully compliant, or insufficient information to make a determination; C- Not compliant