

HONDURAS ACCOMPANIMENT PROJECT – PROAH

SUMMARY OF HUMAN RIGHTS ISSUES AND EVENTS IN HONDURAS MARCH 2014

On March 25, **the new National Human Rights Commissioner (CONADEH) was finally selected - Roberto Herrera Cáceres**. He is remarkable for having no human rights background whatsoever, as his [CV](#) demonstrates, in stark contrast with other short-listed candidates such as Nora Urbina, Special Prosecutor for Children, and Wilfredo Méndez, Director of CIPRODEH (*Center for the Investigation and Promotion of Human Rights*). Roberto Herrera Cáceres' background is as a lawyer and diplomat, with a focus on regional integration and trade issues, and he is currently the national coordinator of EITI (Extractive Industries' Transparency Initiative). Before now, his sole contact with the Inter-American Commission on Human Rights (IACHR) appears to have been at a meeting convened during its mission to Honduras in August 2009 where, as a spokesman for the pro-coup UCD (Democratic Civic Union), he stated that Micheletti's government had 'complete legitimacy' and demanded the prosecution of members of the overthrown Zelaya's government for human rights violations.¹ He came equal last with two others in the All-Party Evaluation Committee's assessment of the seven CONADEH candidates, a process which was barely discussed before the vote in Congress, leading to accusations of political manipulation. The National and Liberal members of Congress voted overwhelmingly for him, as did PAC (Anti-Corruption Party), while LIBRE voted unanimously against.² **COFADEH³ was damning in its criticism of the appointment:** *“With Ramón Custodio, the CONADEH had already been isolated from the world for being pro-coup, expelled from Geneva and disliked in Washington for his mendacity. With Herrera Cáceres, the CONADEH becomes isolated from the people because he represents the neoliberal transnational government of the model cities.”* His term will last 6 years.

A recurrent theme in Roberto Herrera Cáceres' public statements, as befitting the coordinator of EITI in Honduras, has been that the path to progress was transparency in the operations of companies exploiting natural resources, and the equitable distribution of the profits from them.⁴ He does not appear to take into account the fact that some communities will continue to oppose economic projects because they consider them to be damaging to the environment and their way of life and livelihoods. Nor does he address the consequent persecution suffered by these communities and inflicted by private actors, accompanied by the inaction or active collusion of the state. In March there were again a number of examples of the **social conflict caused by mining**, whether illegal, or imposed without consultation, including renewed death threats to its opponents in La Nueva Esperanza (P.8) and in Locomapa (P.6), despite the granting of precautionary measures by the IACHR to members of both communities. New conflicts have also broken out, for example in El Tránsito, in the south of country (P.8).

There was a lot of activity in March in relation to international human rights bodies. During the **150th period of sessions of the Inter-American Commission on Human Rights (IACHR)**, from 20 March to 4 April, there were again specific hearings on Honduras, this time on the

1 Conexihon [Por la boca muere el pez...](#)

2 El Tiempo [Nuevo titular del CONADEH obtuvo mismo puntaje que últimos dos de la lista](#)

3 *Comité de Familiares de los Detenidos y Desaparecidos en Honduras* (Committee of the Families of the Detained and Disappeared in Honduras)

4 See, for example, the article in Revistazo [Riqueza, dignidad y unidad para el desarrollo](#)

democratic rule of law and on the PEN/University of Toronto report [Honduras: Journalism in the Shadow of Impunity](#). On the former, the independence of justice operators featured heavily, as in the previous period of sessions, as did the militarization of policing. (See [Annexe](#) for more details).

Representatives of the Prosecutor's Office of the **International Criminal Court (ICC)** visited Honduras from March 24-28, and reiterated their statement in their [Report on Preliminary Examination Activities 2013](#) that they would continue to gather evidence on the situation in the country post-coup, to establish whether the human rights violations committed were widespread and/or systematic attacks carried out as part of a policy, thereby constituting crimes against humanity and under the ICC's jurisdiction. During their visit, they met with state authorities in private meetings, human rights organizations and victims of human rights violations, and stated that the two main areas of focus were murders of journalists and leaders of social movements, and the situation in the Bajo Aguán. At one of the meetings, the Bajo Aguán Permanent Human Rights Observatory (*Observatorio Permanente de Derechos Humanos del Bajo Aguán*) presented its report on killings in the region (see P.11 for more details), while AJD (Association of Judges for Democracy) spoke of the murders of lawyers – 67 from 2010 to 2013, 97% in impunity.⁵

Mireya Agüero, the Honduran Foreign Secretary, took advantage of her attendance at the **25th Session of the Human Rights Council** to deliver a letter from President Hernández **asking the UN High Commissioner for Human Rights to establish an office in Honduras**. The High Commissioner undertook to seek funding from member states for this.⁶

The Human Rights Council was also the venue – at a [side event](#) - for the launch, on March 10, of [Front Line Defenders 2014 annual report](#) - '**Global Trends in 2013 for Human Rights Defenders**', in which Honduras featured prominently. Of the 26 cases of murders of human rights defenders worldwide in 2013 documented by the organization and commemorated at the beginning of its report, 4 were Honduran, all indigenous people killed for their peaceful opposition to economic projects – mining and a hydroelectric scheme - [the three Tolupans of Locomapa](#) and [Tomás García](#) of COPINH. In the section on the Americas, Honduras features in almost every category of violation or victim mentioned, and is the case study for the region, which details the dramatic deterioration in the situation for human rights defenders since the coup.

MURDERS AND EXTRAJUDICIAL EXECUTIONS OF CHILDREN AND YOUNG PEOPLE

A report by the international NGO, **Casa Alianza**, received extensive media coverage as well as generating political controversy. According to the report⁷ **84 children and young people⁸ died violently during the first month of Juan Orlando Hernández's presidency**. This represented an increase of 6.3% over February 2013, when 79 young people were killed. Guadalupe Ruelas, Casa Alianza's director in Honduras, stated that it was suspected that there was a **pattern of social cleansing** in which the state could be implicated, as soldiers and police were seen in the area before the killings of young people took place. The director also stated that **in some cases the youths were the victims of criminal gangs** which had used them as hitmen, drug mules or 'war tax' collectors and then killed them when they were no longer needed.⁹

According to the report by Casa Alianza, **9,198 children and young people have been killed in**

5 Defensoresenlinea [Honduras sigue en una fase de evaluación sobre crímenes de lesa humanidad afirma la CPI](#)

6 Proceso Digital [Según Alta Comisionada de Naciones Unidas para los Derechos Humanos “Honduras es un ejemplo a seguir”](#)

7 Report on the Situation on the Rights of Children and Young People for February 2014. Not available on-line as at April 13.

8 Defined as under 23 years of age.

9 El Tiempo [Honduras: ONU denuncia ejecución de 84 niños y jóvenes](#)

Honduras since 1998, with Porfirio Lobo's presidency yielding by far the highest number - 3,891 – thereby accounting for 40% of all murders of young people committed over the last 16 years.¹⁰ The average number of such killings a month under each presidency is as follows - Carlos Flores (1998-2002) – 21.2; Ricardo Maduro (2002-2006) – 41.2; Manuel Zelaya (2006 - June 2009) – 43.4; Robert Micheletti (July 2009 – January 2010) – 63.9; Porfirio Lobo (February 2010 – December 2013) – 80.7.¹¹

According to **Casa Alianza's [report for December 2013](#)** (the latest available on-line as of April 13), where only 9% of the perpetrators were identified in that month, 3% of the murders had been committed by the police, 5% by relatives or other people known to the victim, and 1% by *maras*.

As a result of Casa Alianza's report, **Arturo Corrales, Minister of Security** has been asked to appear before the Congressional Security Committee and senior party members in a session which will be closed, apparently for security reasons.¹²

In a television interview, **Juan Orlando Hernández** claimed that the allegations of social cleansing were a smear invented by the LIBRE supporters in the media, on Channel 36 and Radio Globo,¹³ while the Nationalist congressman **Oscar Álvarez** accused Casa Alianza of 'playing the game of the criminals', who were executing young people in order to provoke criticisms of the government's security policy.¹⁴ (This rather perverse claim, that any increase in killings of particular groups is a mark of the success of the government's security policy – as criminals regard it as a threat – rather than of its failure, was repeated by Juan Orlando Hernández in his comments on the murder of two lawyers on the same day – see P.12). However, only last year, in May, a [report by Associated Press](#) presented disturbing evidence of police death squads, formed to 'liquidate' youths suspected of being members of *maras*.

Oscar Álvarez would also have been aware that **there is nothing new in the allegations of state involvement in social cleansing**, having not only been Minister of Security for part of Porfirio Lobo's presidency, but also from January 2002 to November 2005 under President Ricardo Maduro, the architect of the notorious *mano dura* ('iron fist') policy.

The situation had become so serious that even by the early 2000s, the **UN Special Rapporteur on extrajudicial, summary or arbitrary executions** had issued a [report](#) following a country visit (in 2001); Leo Valladares, the then **CONADEH** Commissioner had written his own in-depth report (2002)¹⁵ and in 2003, **Amnesty International** had published [Honduras: Zero Tolerance ... for impunity](#) on extrajudicial executions and murders of children and young people since 1998. This, using Casa Alianza figures, had shown the alarming and relentless rise in such killings over just five years, from 97 in 1998 to 556 in 2002. (It was during this period that Juan Carlos Bonilla, appointed as Chief of Police by Porfirio Lobo, was allegedly part of a death squad which killed suspected criminals, including minors.¹⁶)

At that time, **Amnesty's report** put the percentage of cases involving members of the security forces and other people acting with the implicit consent of the authorities at 22%, and 13% within the context of gang or *mara* warfare. The **UN Special Rapporteur** concluded that it was 'abundantly clear that

10 El Tiempo [Honduras: ONU denuncia ejecución de 84 niños y jóvenes](#)

11 Casa Alianza [Report on the Situation on the Rights of Children and Young People for December 2013](#). The entry for Porfirio Lobo (February 2010 to December 2013) represents the period for which figures are available rather than of his presidency.

12 La Tribuna [CN cita al ministro de Seguridad sobre denuncia de Casa Alianza](#)

13 Conexihon [JOH acusa a medios de comunicación de inculpar a su gobierno por muerte de jóvenes](#)

14 El Tiempo ["Casa Alianza sigue juego a delincuencia", dice Óscar Álvarez](#)

15 Leo Valladares, *Informe Preliminar sobre ejecuciones extrajudiciales de niños, niñas y adolescentes*, January 2002 (referred to in Amnesty International's report but not apparently available on-line)

16 CEPR (Center for Economic and Policy Research) [Police Death Squads in Honduras Then and Now](#)

children have been killed in Honduras by members of the security forces' and that 'action taken so far by the Government has not delivered a clear message to the police that they will be brought to justice for abuse of authority or for human rights violations.'

This last statement was borne out by **the treatment of Sub-Commissioner María Luisa Borjas**, Head of the Internal Affairs Unit of the National Police, who reported in September 2002 that members of the Ministry of Security and National Police had been involved in at least 20 extrajudicial executions of children and youths in Honduras. Immediately afterwards, she began to receive death threats and was suspended two months later.¹⁷

From then until now, the issue of the killings of children and young people to some degree seemed to have fallen off the radar, possibly because the figures have become swamped by the surge of other statistics on violence in Honduras, particularly since the coup. Current statistics on killings of children and youths dwarf those that were found so alarming from 1998 (97) to 2002 (556) – **the figure for 2013 was 1,013**, itself an increase of 102 cases over the previous year.

POLICE REFORM

Meanwhile, the two major bodies tasked with police reform - the **CRSP** (the Public Security Reform Commission) and the **DIECP** (Police Personnel Investigation and Assessment Directorate) – have been abolished by Congress. Both were created in the wake of the murders by police of two young men, the son of UNAH's¹⁸ rector and his friend, in late 2011, which exposed the corrupt and homicidal nature of much of the police force.

CRSP

The **CRSP** was abolished on January 20, after two years of operation. Its mandate was to design and plan public security measures, and covered not only the police, but also the Public Prosecution Service (*Fiscalía*) and the judiciary. Its members were Matías Funez, university lecturer; Víctor Meza, Minister of Governance and Justice in Manuel Zelaya's government; Omar Casco, former Rector of the UNAH; Adam Blackwell, Canadian, Secretary for the Secretariat for Multidimensional Security at the Organization of American States (OAS), and General Aquiles Blú, formerly of the Chilean Carabineros.

On 4 March, **Matías Funez** gave [an interview to Conexihon](#) in which he stated that the Commissioners had been expecting the CRSP to be abolished, as **its proposal for Community Police ran directly counter to the policy of the militarization of public security** promoted by Juan Orlando Hernández. The CRSP had expressed to him their concern at the failure of military police in other countries, and its role in increasing human rights violations, and had written a [letter](#) to Congress in November 2013 objecting to the amendment to the Constitution granting PMOP (Public Order Military Police) civilian policing functions. During its life, the CRSP submitted a range of proposals and initiatives to the President and Congress, all of which were ignored, most pointedly the **National Pact for Security** (*Pacto Nacional por la Seguridad*), under which the presidential candidates committed themselves to a holistic approach to policing if they gained office, including community police and preventive measures. Juan Orlando Hernández was the only candidate not to sign it.

DIECP

The decree abolishing the Police Personnel Investigation and Assessment Directorate (DIECP) was adopted on March 7, but the DIECP will continue until its replacement, variously called the

17 Amnesty International [Honduras: Zero Tolerance ... for impunity](#)

18 National Autonomous University of Honduras

Supervisory Body for Trustworthiness Tests (*Superintendencia de Pruebas de Confianza*) and the IEC (Trustworthiness Assessment Institute), is set up. While the DIECP's mandate was to subject police officers to trustworthiness tests, **the successor body will have powers to extend the tests** to judges, public prosecutors, members of the armed forces and other officials. The tests may be toxicological, psychometric, lie detectors or the investigation of assets (already used), as well as 'any other mechanism considered appropriate'.¹⁹

The **APJ (Alliance for Peace and Justice)**²⁰ called a press conference to present the findings of its study into the clean-up of the police force, which concluded that the two years that the DIECP had been in operation had not yielded any proper results. For example, in the second half of 2012, **290 out of 422 police officers (60%) failed the tests, but only 27 were dismissed** and, despite having been found to be corrupt, they either received honorable discharges or were suspended on full pay. Furthermore, the few dismissed had been low- or middle-ranking, rather than senior officers, suggesting a 'lack of independence or will on the part of the authorities responsible for carrying out the clean-up'.²¹ The **AJP also expressed disquiet at the dismissal of 161 officers from the DNIC** (National Criminal Investigation Directorate) last December and January, some of whom had already passed trustworthiness tests and were considered to be dedicated officers, while in January 35 high-ranking officers were given honorable discharges despite some of them having failed the lie detection tests and being investigated for corruption. One of the AJP's main recommendations was for greater coordination between the various bodies responsible for police reform.²²

POLICE COMMANDING BRUTAL CRACKDOWN FOUND NOT GUILTY

On March 12, the Criminal Appeal Court in San Pedro Sula dismissed the case against two (then) Deputy Police Commissioners, **Héctor Iván Mejía Velásquez** and **Daniel Omar Matamoros Ávila**, accused of failure to fulfil the duties of state officials, illegal detention, causing minor injuries, and damages. The charges were brought after they commanded a brutal crackdown of a peaceful demonstration in the city on September 15, 2010 organized by the National Resistance Front against the Coup as an alternative to the official independence celebrations. Police fired water cannon and tear gas at the protesters, violently beat them with batons, trashed the equipment of the music group Café Guancasco, and raided Radio Uno's premises and beat up the protesters seeking refuge there, after breaking windows and firing tear gas at them. At least five people were hospitalized and 37 arrested, three of them minors, and Efraín Lopez, a lottery vendor who was not taking part in the demonstration, died from tear gas inhalation.²³

Despite the seriousness of the charges against the police commanders, neither was suspended. Far from it - Héctor Mejía was promoted to Commissioner, as Chief of the Preventive Police, and then, in December, as Head of Police Training,²⁴ while Daniel Omar Matamoros Ávila kept his rank and was appointed Head of Security at the Ministry of Security, despite also being one of the first police officers to fail the trustworthiness tests introduced by the DIECP.²⁵

MADJ (Broad Movement for Dignity and Justice) and the Northern Region Human Rights Coalition

19 Proceso Digital [Congreso eliminó la DIECP y crea Superintendencia con poderes ampliados](#)

20 [AJP](#) is a coalition including NGOs, trade unions, church organizations, and the UNAH whose aim is to ensure that 'the reform of the system of public security and justice is carried out effectively'. It includes Julieta Castellanos, rector of the UNAH, whose son was murdered by the police.

21 AJP Press Release [Depuración de la Policía: Dos Años Sin Verdaderos Resultados](#)

22 AJP Presentation [Depuración de la Policía: Dos Años Sin Verdaderos Resultados](#)

23 MADJ Press Release via <http://www.hondurastierralibre.com> [Honduras: En el marco de cuestionada elección del CONADEH: Tribunales favorecen con más impunidad a oficiales de policía violadores de Derechos Humanos.](#) and Commission of Truth Report [The Voice of Greatest Authority is that of the Victims](#) (P.154).

24 El Heraldo [Presidente de Honduras juramenta a la nueva cúpula policial y militar](#)

25 El Heraldo [Oficiales que no aprobaron pruebas de confianza continúan en la Policía](#)

(*Convergencia por los Derechos Humanos de la Zona Norte*) which brought the charges, regard the ruling as yet another example of endemic corruption and impunity and have vowed to pursue the case in the domestic and international courts.²⁶

ARREST OF PRIEST IN LEMPIRA: ALLEGATIONS OF POLICE BRUTALITY

Bonifacio Alvarado Quintero,²⁷ a Catholic parish priest based in Tomalá, Lempira, has reported that, on March 24, while he was driving his car, he was pursued and fired upon about 15 times by police in a patrol car. When he stopped he was beaten up and handcuffed by the three policemen, who accused him of being a drug-trafficker, and took him to the police station in Guarita. As a result of the incident, the mayors of the department demanded a meeting with Óscar Núñez, the police chief of Lempira, while the National Chief of Police, Ramón Sabillón, has demanded a report from him and the DIECP has opened an investigation into the case.²⁸ In response, Óscar Núñez accused the priest of inciting the people of Tomalá to burn down the police station at Guarita following the incident, stated that he was carrying 8 bags of money at the time of his arrest (which the priest said was church collection money), and claimed that at no time was the priest ill-treated. (Newspaper photos show bruising which Bonifacio Alvarado states is from his detention by the police.) According to Óscar Núñez, the police were not aware of the priest's identity as they had only been stationed at Guarita for two days.²⁹

Bonifacio Alvarado has been the parish priest at Tomalá since 2000, and has gained a reputation for his support of the poor population, which is mainly Lenca.³⁰

INDIGENOUS PEOPLE: BILINGUAL EDUCATION

One apparently positive amendment to the Education Act is to provide indigenous children with bilingual inter-cultural education. The languages involved will include Pech, Tawaka, Chortí, Lenca, Garifuna, and Tolupán, and 308 places have been made available for teachers.³¹ The provision of such education as a means of combating structural discrimination was one of the recommendations of CERD (UN Committee on the Eradication of Racial Discrimination) in its [observations on Honduras](#) issued in February. So far, no indigenous organization, including the two of the most prominent - COPINH and OFRANEH - appear to have commented on the initiative.

MINING: TOLUPANS OF LOCOMAPA CONTINUE TO RECEIVE THREATS

Members of the Tolupan indigenous in Locomapa have once again been the targets of threats, **despite being granted precautionary measures by the IACHR**. As reported in our [summary for October to December 2013](#), a total of 38 Tolupans – 18 members of MADJ and their families – had been granted the measures,³² on December 19, due to the threats that they have received for their peaceful opposition to illegal logging and antinomy 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.

26 MADJ Press Release [Honduras: En el marco de cuestionada elección del CONADEH: Tribunales favorecen con más impunidad a oficiales de policía violadores de Derechos Humanos.](#)

27 In some articles his name is mistakenly given as Bonifacio Arévalo Quintero.

28 El Herald [Policías abrieron fuego contra sacerdote](#); DIECP [La DIECP investiga denuncia de abuso policial contra sacerdote](#); La Prensa [Sacerdote hondureño denuncia a policías por golpiza y torturas](#)

29 El Herald [Acusan a sacerdote de incitar a violencia contra la Policía](#)

30 Semanario FIDES [Navidad de los Pobres](#)

31 [Www.ultimahora.hn Distintas lenguas indígenas serán enseñadas en centros educativos](#)

32 [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)

Seven of the eight Tolupans who were forced to flee Locomapa after the murders had returned amid great fanfare on February 22, with a welcoming ceremony, following an undertaking by the state authorities to enforce the precautionary measures, which included their forming a special commission to accompany the returnees.³³ However, **one of those who returned was forced to leave again the very next day** with some of his family, for fear of his life and those of his children.

On March 27, Selvin Fúnez Matute, one of the killers, approached one of the members of MADJ and warned that if he continued to hear them making declarations on Radio Progreso, they would be dragged out of their houses and their tongues cut out. The warning was directed particularly at three of the MADJ members who had returned and the father of another.³⁴ **Both killers – Selvin Fúnez Matute and Carlos Matute ('Los Matute') - continue at large** despite being subject to arrest warrants, and that threat is just one in a series directed at members of MADJ since they returned to their communities. PROAH visited the region twice in March, and heard disturbing testimony, including that 'Los Matute' fire their guns outside the homes of opponents to mining, and warn people that they will be killed if they tell the police. Despite these threats, some people have phoned the police station at Locomapa, only to be told that the police officers themselves are afraid of 'Los Matute', and that they do not have the staff or the transport to pursue them.

When **PROAH members visited the police station** on March 19 to inquire about the measures the police had taken to enforce the precautionary measures, the police claimed not to have received phone calls from members of the community asking them to arrest 'Los Matute', and appeared not to believe that they had received threats. The police also said that to make any arrests, they needed a patrol car and back-up from the police station in Yoro, as 'Los Matute' were highly dangerous and the police's lives were at risk. **(The community think that the police are colluding with the killers** – despite the apparent danger, the police have been seen traveling to the killers' community, but then have claimed each time that the killers were not there). Typically, the police appeared to have no idea what precautionary measures were when the PROAH observers mentioned them, and assumed that they were referring to alternative measures to imprisonment, which became clear when they said that the measures had nothing to do with them – “it was the individual's responsibility to turn up at the court-house to sign”(!).

On March 23, PROAH accompanied members of MADJ from the community to the police station while they filed a formal complaint about all the threats they had received – that way there could be no excuse for the police pleading ignorance.

MINING: EL NEGRITO MUNICIPALITY DECLARES ITSELF A MINING-FREE ZONE

On March 28, the municipality of El Negrito, Yoro, **another Tolupan region**, declared itself a mining-free zone. The decision was taken in a *cabildo abierto* (open council meeting) at the request of over 50 communities because, according to the mayor, Delvin Salgado, they had seen the disastrous consequences of mining in other places, such as the Siria Valley and San Andrés, Copán. Through it, the communities expressed their **clear opposition to the three mining concessions already approved** – two for gold and one for coal – and **they also agreed on a 10-year ban on logging**. This follows the decision by the ICF (Institute for Woodland Conservation) to authorize extensive logging in the area.³⁵ The *cabildo* was marked by a **march of around 10,000 people**.³⁶

33 ERIC and Radio Progreso [Tolupanes retornan a sus tierras con promesa de seguridad del Estado hondureño: Hondudiario SJDH integra Comisión para que Tolupanes regresen a sus territorios](#)

34 Sandra Cuffe, www.alainet.org [Tolupan land defenders subject to more threats in Honduras](#)

35 ERIC and Radio Progreso [El Negrito: primer municipio libre explotación minera](#)

36 La Tribuna [Miles de habitantes salen a protestar contra las mineras](#)

MINING: LA NUEVA ESPERANZA

There was some further good news following the arrest on February 28,³⁷ of **Wilfredo Funes, the foreman of Minerales Victoria's exploration works in La Nueva Esperanza**, as it has been ruled that he should remain in preventive detention pending a judgment on his case.³⁸ This is a positive step because, as well as being the ring-leader of the abduction of PROAH observers on July 25, 2013 (see our [summary for July-September 2013](#)), he was also responsible, directly or indirectly, for many acts of intimidation against the villagers and their supporters for their peaceful opposition to mining exploration. He had continued to live in the community in Tela municipality, Atlántida, for 6 months after the abduction, threatening its members, to such an extent that they had been granted precautionary measures by the IACHR on December 24.³⁹ He had threatened the villagers that they would suffer the consequences if the arrest warrant was enforced.

The **initial hearing** on the case took place in Tela on March 5. PROAH was present with COFADEH, the legal representative of the two PROAH observers which, along with MADJ and the Public Prosecution Service were representing the prosecution side. Wilfredo Funes was charged with wrongful deprivation of the liberty of the two PROAH volunteers, Orlane Vidal and Daniel Langmeier, acts of coercion (*coacciones*) and forced entry (*allanamiento*). It was on the basis of this hearing that the judge ruled that Funes should remain in preventive detention.

When PROAH visited La Nueva Esperanza in early April, it was clear that Funes' arrest and imprisonment was a huge relief for the villagers. However, there are still **fears within the community that they will suffer reprisals** from Funes' family or from the former workers at the mine exploration works who are from neighboring communities. Since Funes' arrest, some villagers have received threats from his relatives and unknown armed men have been seen in La Nueva Esperanza, firing guns at night.

In **the most serious incident since the arrest**, a man who is from La Nueva Esperanza but now works away, had returned on a visit, and was ambushed on March 28 by three men who beat him up. One of them, wearing a ski mask, got out a gun, and the others said to him “Stick a bullet in him because he's going to report us, he's one of those who's making a nuisance of themselves”⁴⁰. They then let him go and told him not to “go round in that company”, referring to the opponents to mining in the village. He recognized the two men without ski masks as former workers at the mine site from a village nearby.⁴¹

Meanwhile, the **future for the community in terms of mining** is still unknown. As reported in our [summary for January and February](#), SERNA (Ministry of Natural Resources and the Environment) visited La Nueva Esperanza on February 4 to gather information for a new environmental impact assessment, which will determine whether mining works will continue to be permitted there. So far, the results have not been made public.

MINING: POLLUTION AND LACK OF REGULATION LEAD TO SOCIAL CONFLICT

As well as the opposition demonstrated in Tolupan territories and La Nueva Esperanza to the north of Honduras, a number of other protests against mining have broken out in different parts of the country due to concerns about pollution.

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

38 ERIC and Radio Progreso [Dictan prisión preventiva a trabajador de Lenir Pérez que secuestró a observadores internacionales](#)

39 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)

40 “*Métele un tiro que nos va a denunciar, este es de los que van chingando...*”

41 Testimony provided to PROAH on their visit to La Nueva Esperanza in early April.

El Tránsito, Nacaome, Valle

In the south of the country, in the department of Valle, **old gold mine-workings from the 19th century have been reactivated** by people from a neighboring community with the permission of the mines' owners, the Valle family. The villagers are concerned not only about the use of dynamite, which they fear will destabilize their homes, as the old workings are in some cases only a few meters away, but also about the contamination of the water supply, potentially affecting 8 communities. In February, they began guarding the entrance to the workings to prevent the miners from entering.⁴²

CEHPRODEC (Honduran Center for the Promotion of Alternative Development) has been supporting the community, and accompanied members to the Public Prosecution Service on March 10 so that they could file another formal complaint, given the authorities' failure to act on the complaint lodged a month before. In addition, CEHPRODEC held a forum in El Tránsito on March 19 (accompanied by PROAH) to inform villagers about legal measures that could be taken to stop the mining, as well as basic protection measures that the community's leaders could take, given the potential for violence.

Although there have been some visits by the authorities, including a number of officials who arrived on March 25 to take water samples to measure the level of contamination,⁴³ **the situation deteriorated in early April**. The Valle family has brought in security guards who claim that the villagers have threatened them, while the villagers claim that the guards have shot at them. As at April 6, three members of the state security forces were stationed at the mine workings, apparently to maintain order.⁴⁴

In terms of the **legality of reactivating the mine-workings**, the Mayor of Nacaome, Victor Manuel Flores, has stated that the municipality has not given a license to the Valles to exploit the mines. However, it now appears that the family was given permission by Cerro Sur, which according to Pedro Landa of CEHPRODEC, has had a mining concession in the area since 1898. The concession is apparently still valid, as the company has continued to pay the land rent (*canon territorial*) for it, at a ludicrously low 25 cents per hectare. Nonetheless, according to Pedro Landa, the reactivation of the mines is illegal as the community has not been consulted.⁴⁵

The case raises questions about the regulatory framework governing mining, as well as its enforcement. The **problem of unregulated artisanal mining** is particularly acute and widespread in the south of the country – for example, in the municipalities [El Corpus and Yusguare](#), Choluteca, where communities are complaining about the contamination of water supplies by mercury and waste from gold-mining. (See also the study [No Todo lo que Brilla es Oro](#) (All that Glitters is not Gold), a study of mining in Choluteca and Valle).

El Níspero, Santa Bárbara

On March 24, **dozens of people from the community of Santa Cruz** set up a road block for several hours, demanding the closure of a mine which, as well as resulting in woodland being cut down, they believe has caused contamination of water supplies and created dust, and through this health problems such as respiratory conditions. They argue that, since the mining company (the name of which is not provided in the newspaper reports) arrived 6 months ago, around 2,000 people have begun to suffer health problems. Following negotiations with the authorities, including the local mayor, they will now take out a legal case against the company to ensure that it ceases to contaminate water sources, which supply dozens of communities.⁴⁶

42 La Prensa [Conflicto en el sur de Honduras por reactivación de minas](#)

43 El Heraldo [Fiscalía investiga denuncia sobre reactivación de minas](#)

44 El Heraldo [Temen perder vidas humanas por conflicto de minera](#)

45 ERIC and Radio Progreso [Se agudiza situación de comunidades que se oponen a industria extractiva](#)

46 La Tribuna [Enardecidos pobladores rechazan presencia de minera](#)

LAND DISPUTES: CAHSA SUGAR COMPANY – HUMAN RIGHTS LAWYER ARRESTED

Front Line Defenders issued an [urgent action](#) on the behalf of **Marlen Cruz Licona, a human rights lawyer arrested due to her work in support of MOCSAM** (Campesino Movement of San Manuel Cortés). Marlen Cruz was arrested on March 8 in Choluteca, and two days later brought before a court in San Pedro Sula, where she was accused of 'usurpation' of land, theft of state property and aggression against police officers. She was ordered to sign on every 15 days and not to approach the land where the alleged crimes took place. The next hearing is scheduled for April.

The charges apparently relate to a take-over by MOCSAM of land disputed with CAHSA (the Honduran Sugar Company) in June 2012. Marlen Cruz, who is a legal representative with CODEH (Committee for the Defense of Human Rights), has said that she has never incited anyone to take over land - her only connection with the take-over was to go the police station after the violent eviction of the campesinos on the 12th (see [our summary for June 2013](#)) to ask for the names and details of those held in detention, to ensure that they were not ill-treated.⁴⁷ The authorities claim that, during the take-over, she told the campesinos to attack DNIC agents, who were gathering intelligence on it, hence the charge of 'aggression against police officers'.⁴⁸

The coalition Alliance for Human Rights (*Alianza por los Derechos Humanos*), which includes CODEH, expressed concern at the arrest, and its implications for other lawyers who choose to support campesinos and social movements, stating that it represented **the criminalization of social protest and the persecution of human rights defenders**.⁴⁹

Marlen Cruz's treatment has **close parallels with the case of Magdalena Morales**, regional secretary of the CNTC (National Farmworkers' Federation) for Yoro, who was arrested in July 2013 and charged with 'usurpation' for her support for campesinos locked in a land dispute with AZUNOSA, which along with CAHSA, are the two major sugar companies in the Sula Valley (see our [summary for January and February 2014](#)). Both companies had land confiscated by INA (National Agrarian Institute) in May 2012 for exceeding the legal limit on the area of holdings in the Valley, which it then assigned to campesino groups. As with AZUNOSA, CAHSA then managed to have the ruling reversed, a decision which the campesinos dispute. The conflict between CAHSA and MOCSAM is, if anything, more bitter than that between AZUNOSA and campesino members of the CNTC. On May 17, 2013, 500 members of MOCSAM had held a demonstration to lay claim to a plot of land and were shot at by CAHSA security guards, who killed two of them and seriously injured two more. Three days later, a member of MOCSAM was murdered, shot in the back as she neared her house⁵⁰. All three murders remain in impunity.

CODEH has expressed surprise that the authorities have decided to arrest Marlen Cruz now, given that the warrant dates from June 2013, and since then she has played a prominent role in the recent elections and has left the country several times.⁵¹ The arrest follows hard on the heels of the provisional dismissal of the charges against Magdalena Morales, on February 14.

47 ERIC and Radio Progreso [Estado hondureño recrudescer persecución contra defensores y defensoras de derechos humanos](#)

48 El Libertador [Honduras: decretan medidas sustitutivas a defensora de derechos humanos](#)

49 ERIC and Radio Progreso [Estado hondureño recrudescer persecución contra defensores y defensoras de derechos humanos](#)

50 <https://www.amnesty.org/en/library/info/AMR37/003/2013/en>

51 El Libertador [Honduras: decretan medidas sustitutivas a defensora de derechos humanos](#)

LAND DISPUTES: MURDER OF TWO CAMPESINO WOMEN IN PIMIENTA, CORTES

On March 27, two women campesino leaders were shot dead in the municipality of Pimienta, Cortés, about 25 kilómetros from San Pedro Sula. The women were named as Alma Yanet Díaz and Uberlinda Castellanos Vijil, both members of the Bellavista campesino cooperative. They were murdered on land which had been assigned to it by INA a number of years before. According to fellow members of the cooperative, representatives of a bank were disputing the ownership of the land, and had brought materials onto it to build houses. Police have arrested a 55-year-old man in connection with the murders.⁵²

LAND DISPUTES: BAJO AGUÁN

On March 13, the Bajo Aguán Permanent Human Rights Observatory presented its **First Report on Violent Deaths caused by the Land Conflict in the Bajo Aguán**⁵³ to Rigoberto Chang Castillo, Minister for Human Rights, Justice, Governance and Decentralization. According to the report, between 2008 and 2013 there were 123 murders and 6 forced disappearances. Campesinos represented by far the biggest category of victims (91, including 1 woman, and 2 forced disappearances), followed by security guards (14 of which 4 were forced disappearances), landowners (7), soldiers (1), police officers (1). Most of the campesinos (76) died of gunshot wounds. These deaths include those from 12 massacres (defined as killings of 3 people or more), with in one case 11 victims. As might be expected, the municipalities with the highest number of murders were Tocoa, with 68 and Trujillo with 42.⁵⁴

The publication of the report coincides with the establishment of the special unit with the mandate to investigate and bring to justice those responsible for all violent deaths in the Aguán region (reported in our [summary for January and February 2014](#)). The unit, to be known as **UMVIBA (Bajo Aguán Violent Deaths Unit)** formally entered into operation on March 3, with 15 detectives from various sections of the national police force and several public prosecutors.⁵⁵ The establishment of UMVIBA was greeted with some caution by campesino groups within the Bajo Aguán, including the Observatory itself, which called for transparency in its investigations.⁵⁶

Meanwhile, the violence continues, with **the sons of campesino leaders increasingly the target**. On March 29, **José David Ramírez, son of Raúl Ramírez, treasurer for MUCA** (Aguán Unified Campesino Movement) was pursued by soldiers wearing ski-masks. The incident occurred at 6.30 pm when José Ramírez was in the community of Lempira, outside Tocoa, having just visited his grandmother there. He stopped to chat with a couple of friends when the soldiers got off a vehicle and began to threaten the three of them. Shortly afterwards, one of the soldiers shot at Ramírez who fled to hide on farmland. He was pursued by at least a dozen soldiers in a police patrol vehicle and four on motorbikes. When they failed to find him, they forced one of his friends to get into the vehicle and show them where José Ramírez lived. When they found the house closed up, they kicked the door down. Fortunately the family had moved some months before.⁵⁷

This incident follows the murder on February 8 of **Walter Geovanny Sevilla** and the wounding of Wilmer Joel Sevilla who were cousins, and both sons of well-known leaders of the San Esteban Cooperative, in the municipality of Trujillo (see our [summary for January and February 2014](#)), as well as that of **Lenin Castañeda** ([see 'Lawyers' below](#)).

52 La Prensa [Ultiman a dos mujeres líderes de campesinos en Pimienta](#)

53 *Primer Informe de Muertes Violentas provocadas por el conflicto agrario en el Bajo Aguán*- not on-line as at April 10.

54 Hondudiaro [Presentan primer informe sobre muertes violentas en Bajo Aguán](#)

55 Conexihon [Unidad especializada investigará asesinatos en el Aguán](#)

56 ERIC and Radio Progreso [Exigen transparencia en investigación de muertes de campesinos en el Bajo Aguán](#)

57 MUCA Statement via <http://www.hondurastieralibre.com> [HONDURAS: Militares dan persecución a hijo de líder campesino de MUCA en el Bajo Aguán](#)

LAWYERS

A grim milestone was reached with the murders of a judge and a lawyer, both on March 14. **They bring to a hundred the number of legal professionals killed in Honduras over the last 10 years,**⁵⁸ and to three the number murdered this year, one fewer than the previous quarter.

The judge, **Lenin Castañeda**, was a justice of the peace (*juez de paz*) in Iriona, and was sitting in his car in front of the gate to his home in the center of Tocoa when he was shot dead by several men in a pick-up, at 9.40 am. He was the **son of Adolfo Castañeda, a founder of MUCA.**⁵⁹

The other victim, **José Nicolás Bernardez**, was also shot dead in his car, by men on a motorbike at 7.40 am, while he was driving through San Pedro's Cabañas neighborhood after dropping his daughter off at school. He had been a **candidate for the LIBRE party**, for Cortés department, and was currently on the party's legal committee. He was a private lawyer, who dealt with some criminal cases. His colleagues stated that they could not think of a motive for his killing and nobody was aware of his having received threats.⁶⁰

Juan Orlando Hernández's immediate response was to state that it was a reaction by criminals to his government's war on crime, when neither the perpetrators nor the motives were known in either case. He asked lawyers to 'take care' and seek help from the state if they felt under threat.

JOURNALISTS

On March 25, **three men were convicted of the murder of Alfredo Villatoro**, the well-known journalist who hosted a show on radio HRN and coordinated its programming. He was [found dead near Tegucigalpa on 15 May 2012](#), six days after being kidnapped from his home. A Tegucigalpa criminal court convicted Marvin Alonso Gómez and two brothers, Osman Fernando and Edgar Francisco Osorio Argujo, on 25 March, exactly 22 months after their arrest on 25 May 2012. The evidence included DNA identification and records of calls to Villatoro's family demanding a ransom. Sentencing will take place on 25 April. According to the judges in charge of the case, the three men could receive sentences ranging from 40 years to life imprisonment under article 192 of the penal code. The conviction was welcomed by **Reporters without Borders**, who also urged the authorities "to show the same commitment to resolving all crimes of violence against journalists, in order to end the impunity that has become the norm."⁶¹ An [article by El Herald](#) points to **a number of questions still unanswered about the kidnapping**, such as whether there were others involved, including someone who masterminded the kidnapping, why the alleged perpetrators left so many clues which would lead to their conviction, and why Villatoro was dressed in police uniform when his body was found.

A couple of weeks earlier, on March 13, there was a further conviction in the murder and kidnapping of another journalist, **Aníbal Barrow**, a presenter for TV Globo. As with Alfredo Villatoro, the killing had been notable not only for the high profile of the journalist, but also because of the macabre treatment of the body after death – in Aníbal Barrow's case, although he was murdered shortly after being kidnapped on 24 June, his body was apparently not discovered until 9 July, dismembered and partly burnt. There were many rumors circulating that in fact his body was in the car when it was found by the police the day of the kidnapping, as well as other potentially suspicious circumstances surrounding his death (see [our summary July – September 2013](#)). The latest person to be convicted is Gabriel Armado Castellanos Pérez, 18 years old, who will serve a maximum of eight years'

58 Based on [figures from Honduran Lawyers' Association](#) (*Colegio de Abogados de Honduras*), which put the number of lawyers killed since 2004 at 96 on December 10, 2013, which was followed by a further murder in December, as well as the three this year.

59 Conexihon [Aguán: Cinco abogados asesinados en los últimos tres años](#)

60 La Prensa [La Policía investiga el asesinato de dos abogados en Honduras](#)

61 Reporters without Borders [Three men convicted of kidnapping and killing journalist in 2012](#)

imprisonment as he was a minor when he committed the crime. He apparently shot the journalist in the car who, as he was dying, was shot by someone else. That brings to five the number of people imprisoned for Aníbal Barrow's murder, while three more are on the run.⁶² As with Villatoros' case, there is still the unanswered question of who masterminded the murder. The accused have stated that it was a drug trafficker who contracted them, but there has also been speculation that it was a political killing, given that the journalist had stated his allegiance to LIBRE shortly before his murder.

WITHDRAWAL OF NGOS' LEGAL STATUS

On February 28, URSAC (Civil Associations Registration and Monitoring Unit) had issued a decree **withdrawing the legal status from 5,429 NGOs** – which would have meant their closure - because of their failure to submit annual reports within a 30-day deadline. The NGOs affected included the freedom of expression organization C-Libre, FIAN Honduras, CEM-H (Center for Women's Studies-Honduras), the publisher Editorial Guaymuras, Forum Syd Honduras (a Swedish NGO), MAO (Olancho Environmental Movement), *Red* COMAL (Alternative Community Marketing Network), and around 2,000 local education associations. Many of the NGOs said that they had in fact submitted their reports in time.⁶³

In response to expressions of concern nationally and internationally, including a [visit to C-Libre's offices](#) by Efraín Pérez, International Advisor for the UN High Commissioner for Human Rights, the government issued an apology and sacked URSAC's director. Rigoberto Chang Castillo, Minister of Human Rights, Justice, Governance and Decentralization, which has responsibility for URSAC, said that he would ensure that the staff received better training and records were computerized to avoid a similar situation in the future. The deadline was extended for a further 30 days for those NGOs which had not managed to get their returns in⁶⁴ (now extended for a further 60 days as, according to URSAC, only 500 NGOs have so far complied).⁶⁵

62 El Tiempo [Ocho años de cárcel para asesino de Aníbal Barrow](#)

63 Defensoresenlinea [Arremetida de la dictadura JOH contra las ONG's](#)

64 Conexihon [Gobernación se disculpa ante ONGs por publicación de cancelación de Personerías Jurídicas](#)

65 La Tribuna [De 11 mil ONG's solo 500 presentan informes financieros](#)

ANNEXE

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS – HEARINGS MARCH 2014

During the 150th period of sessions of the Inter-American Commission on Human Rights (IACHR), from 20 March to 4 April, 2 hearings were held specifically on Honduras, on March 25 – on the democratic rule of law and on the PEN/University of Toronto report [Honduras: Journalism in the Shadow of Impunity](#). Honduras also featured briefly in thematic hearings on human rights defenders and drugs policy. Summaries of these hearings are set out below, based on videos and audios of the hearings⁶⁶ and other sources.⁶⁷

Situation of the Democratic Rule of Law in Honduras

CEJIL (Center for Justice and International Law) as well as the Honduran NGOs **ERIC** (Team for Reflection, Investigation and Communication) and **AJD** (Association of Judges for Democracy) gave testimony at the hearing, focusing on the impact of the coup and recent legislative decisions on the rule of law, which they argued had had grave repercussions for human rights in the country.

They pointed to alarming levels of homicide and impunity. For example, so far in 2014, there had been 18 massacres in Honduras (defined as murders of 3 people or more), and 84 minors had been murdered in February alone. In terms of public security measures, they pointed to three main concerns – the privatization of public security, the lack of a professional, modernized police force, and the militarization of policing. On the first of these, they estimated that in Honduras there were now **75,000-120,000 private security guards**, operating with little or no state control. On the basis of those figures, while there was roughly 1 police officer per 1,103 head of population, the ratio for security guards was closer to 1 per 103 head of population. With regard to state security, they argued that, despite having set up a number of committees and spent \$3 million, **the clean-up of the police force** embarked upon in late 2011 had been a failure.

The petitioners explained that the process of **(re)militarizing the police** started in December 2011 when, in response to the crisis caused by the murder of the UNAH rector's son by police, legislation was passed to allow the military to perform police functions during states of emergency – one of which was declared shortly afterwards and was extended three times. In June 2013, the creation of the TIGRES elite police force was approved by Congress, followed by the Public Order Military Police in August 2013. The petitioners were concerned about the lack of clarity about the role of these police forces. Two Commissioners, the IACHR President, **Tracy Robinson, Rapporteur on Honduras**, and **José de Jesús Orozco Henríquez, Rapporteur for Human Rights Defenders**, expressed concern at this development, Tracy Robinson arguing that the term 'military police' was an oxymoron, and pointing out that the IACHR had consistently warned about the use of the military for civilian policing functions, because of their lack of training in this and the potential for human rights abuses. She asked the Honduran government to present its vision of how these police forces were to be deployed. (It did not do so in the short time available at the end of the hearing, but was asked to present any further points in writing).

On the justice system, the petitioners expressed concern at the **absorption of the Ministry of Justice and Human Rights, as well as SEDINAFROH** (Ministry for Indigenous Peoples and Afro-Hondurans) into 'Super-ministries'. The petitioners questioned whether this move would contribute to 'institutional strengthening', as billed, given the sheer number and diversity of subjects covered by these

66 Available at <http://www.oas.org/es/cidh/audiencias/hearings.aspx?lang=en&session=134&page=1>

67 See the IACHR's press release No. 35/14 [IACHR Wraps Up its 150th Session](#) for an overview of the hearings

new ministries, with fewer ministers to deal with them. The creation of the Ministry of Justice and Human Rights and SEDINAFROH had been welcomed by the IACHR, which had stressed the need for them to be adequately resourced.

José de Jesús Orozco Henríquez expressed particular concern at the **suspension of 33 judges** as part of the 'purge' of judicial officials by the Judiciary Council (*Consejo de la Judicatura*), which entered into operation in October 2013. He was concerned that the lack of a transparent, regulated disciplinary process was destabilizing the justice system. AJD stated that it had lodged legal challenges about the suspensions and the use of lie detectors in the 'purging' process – both were still awaiting a ruling.

The Commissioner expressed similar concerns about the summary transfer of public prosecutors (such as the 'restructuring' of the human rights section of the Public Prosecution Service headquarters in October, when three human rights prosecutors were transferred – see our [summary for October to December 2013](#)). He stressed the need for such transfers to be carried out according to objective and transparent procedures – if not, then, as with the suspension of the judges, it introduced instability into the system and undermined the independence of the judiciary, a point emphasized by the IACHR in its recent report [Guarantees For The Independence Of Justice Operators](#).

The transfer of the prosecutors was one of the first acts of Oscar Chinchilla, the Director of Public Prosecutions, whose appointment, along with that of his deputy, Rigoberto Cuellar, was criticized by the petitioners for irregularities in its process and for being essentially political. AJD pointed out that Oscar Chinchilla was the only one of the five judges of the Constitutional Chamber of the Supreme Court not to be dismissed in December 2012 for opposing model cities and measures to clean up the police, mentioned in the IACHR's report.

The Commissioner, James Cavallaro, Rapporteur on the Rights of Persons Deprived of Liberty, stated that he found 'very worrying' the **adoption of Decree 56-2013 in May 2013, which makes pretrial detention obligatory for 21 offenses**. He said that it ran counter to everything that the IACHR had been saying about the over-use of this measure, as expressed in the [Report on the Use of Pretrial Detention in the Americas](#), particularly in view of the poor prison conditions in Honduras and other countries, and asked whether the law would be reviewed. The Honduran state replied that it was designed 'to combat organized crime' and that measures were being introduced to improve prison conditions.

Reports of Killings of Journalists and Impunity in Honduras

PEN International, PEN Canada and the **University of Toronto** presented the findings and recommendations of their joint report, released in January - [Honduras: Journalism in the Shadow of Impunity](#). The report examines the surge in violence against journalists who cover organized crime, government corruption and other sensitive issues and who increasingly face threats and lethal attacks with almost complete impunity for the perpetrators. Since June 2009 at least 32 Honduran journalists – most working for the broadcast media – have been killed, yet the vast majority of these killings remain unsolved. **Dina Meza**, the award-winning Honduran journalist and human rights defender, who has been subjected to harassment and threats since 2006, stated, 'To practice journalism in a country with high levels of impunity...is to write with a gun pointed at your head... The situation of freedom of expression in Honduras is under attack and journalists' deaths are an insult'. The representative of the University of Toronto stated that the key findings of the report were grounded in the failure of the Honduran government to meet its legal obligations to protect the right to life, the right to judicial protection and freedom of expression as required by the American Convention of Human Rights. These breaches were the result of its failure to prevent, investigate, punish and provide redress for violence against journalists.

Representatives of the **Honduran government** pointed to initiatives such as the new inter-institutional approach to investigations, with the creation of the office to investigate deaths of high social impact, and stated that of the 32 deaths of journalists in the last five years, 10 cases have been brought to court, with four convictions and three cases currently on appeal. The Honduran government suggested that the crimes against journalists were the result of common criminality.

The **Rapporteur for Freedom of Expression, Catalina Botero**, pointed out that in other countries, Governments blamed crimes against journalists on organized crime, and that for this reason, the IACHR strongly recommended that states establish protocols for investigating threats and violence against journalists. She asked whether prosecutors in Honduras were specialized in investigating crimes against journalists. She also offered the support and capacity-building of the IACHR to the Honduran government to train them in doing so. The Government did not respond to this request during the hearing. **Tracy Robinson, Rapporteur on Honduras**, reiterated PEN's specific recommendation that the Honduran government must protect any individual who participated in the hearing.⁶⁸

Situation of Human Rights Defenders in the Americas

COFADEH and ERIC were among the many NGOs listed by the IACHR as petitioners, but those who actually attended the hearing, in addition to CEJIL were from Brazil, Guatemala, Ecuador, Bolivia and Colombia, and therefore the concrete cases cited tended to be from those countries. Again, **impunity** was a major theme, with the failure to investigate and punish the threats and persecution of human rights defenders (HRDs) identified both by the IACHR and the petitioners as the most serious obstacle to their work. In their presentation, the petitioners cited the Amnesty International report '[Transforming Pain into Hope](#)' on HRDs in the Americas, which stated that the organization had taken action on almost 300 cases of attacks between January 2010 and September 2012. Those directly responsible were convicted in fewer than five of these cases, and in no case was the person who ordered the attacks identified. In the hearing, the petitioners stressed that proper investigation of the attacks giving rise to the **precautionary measures** was vital, and that the IACHR should monitor more actively the form and implementation of national protection mechanisms.

With regard to **Honduras**, the **use of police** to implement the precautionary measures and their abysmal level of training in them (as demonstrated by the Locomapa case) was (yet again) mentioned, as was the state's failure so far to adopt its draft **Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators**. Honduras was also mentioned as one of the countries where **criminalization and stigmatization of HRDS** were being used to hinder their work and reduce their support.

The chair of the hearing, José de Jesús Orozco Henríquez, rapporteur for human rights defenders, said that **the IACHR was considering producing a report on criminalization** given its increasing prevalence as a strategy to undermine HRDs in the region. He also said that he would consult his colleagues about the possibility of the IACHR organizing a **regional meeting to discuss best practice** in the protection of HRDs.

68 Summary based on PEN-International press release '[Impunity in Honduras: PEN Writers testify before the Inter-American Commission on Human Rights](#)' and Human Rights Brief - American University Center for Human Rights and Humanitarian Law [Reports of Killings of Journalists and Impunity in Honduras](#). The texts of the petitioners' statements are available at <http://www.pen-international.org/wp-content/uploads/2014/03/Honduras-Statement-1-4-2.pdf>

Drug Policies and Human Rights in the Americas

This was the first time that there had been a thematic hearing on this issue. Again, although COFADEH was one of the petitioners, no Honduran NGO submitted evidence at the hearing itself. The sole reference to Honduras was to the establishment of the Public Order Military Police (but none to the [Ahuas tragedy](#)), when one of the NGOs mentioned the **increase in militarization** in the region as a result of the war on drugs. The NGOs present⁶⁹ were from Colombia and Peru, whose representatives spoke of the impact of **forced coca eradication** on campesino growers; Mexico, who told of the **dramatic increase in extrajudicial executions, torture and disappearances** as a result of the state's efforts to combat the drugs trade; Argentina and the US (Washington Office on Latin America – WOLA). All the petitioners present expressed concern at **the disproportionate use of prison sentences**, which often made no distinction between dealers and users, nor in the scale of activity - it was normally small-scale dealers and mules who were imprisoned, invariably with hefty prison terms (sometimes higher than those for rape or murder), which could be viewed as the criminalization of poverty. In a study by WOLA, in the eight Latin American countries examined, 75-80% of the women in jail had been imprisoned for drug offenses. This disproportionate approach had significantly contributed to the region's prison crisis.⁷⁰

69 For further details of the participants and their arguments see WOLA article [Inter-American Commission on Human Rights Holds First Ever Hearing on Drug Policy](#) (in Spanish)

70 For further details of the hearing itself see '[Drug Policy and Human Rights](#)' Human Rights Brief - American University Center for Human Rights and Humanitarian Law. For more background see OAS report issued in May 2013 '[The Drug Problem in the Americas](#)' and the [Drugs Policy page](#) of the WOLA website.