

## HONDURAS ACCOMPANIMENT PROJECT – PROAH

### SUMMARY OF HUMAN RIGHTS ISSUES AND EVENTS IN HONDURAS OCTOBER TO DECEMBER 2014

The **Inter-American Commission on Human Rights (IACHR)** featured prominently in the last quarter of 2014, with its on-site visit in early December (see below), as well as its 53rd session of hearings from October 23 to November 7, which included three on Honduras (see Annexe on P.34 for more details). Its primary concerns included the **alarming rates of violence in the country** as well as **the murder and harassment of human rights defenders, journalists and justice operators**. Unfortunately, there was no let-up from October to December.

**Four lawyers were killed** in the space of a month, including two public prosecutors and a public defender (P.4), adding to the climate of fear for the legal profession which is making a number of judges consider resigning. Another journalist was killed in December (P.7), bringing the total for 2014 to 9, making it one of the worst years for such murders since the coup, and securing **Honduras' place in the top 10 of the most dangerous countries for journalists in the world over the past 5 years**. **Three land rights activists** were also murdered, including a member of COPINH opposed to the dam project in Rio Blanco (P.21), and a campesino leader in the Bajo Aguán (P.23). **The number of murders of children and young people continued to increase**, with disturbing allegations of social cleansing in Yoro (P.16). There were also numerous instances of **attempted criminalization**, for example, of journalists through the abuse of defamation laws (P.11) and of land rights activists on charges of sedition (potentially) (P.22) and usurpation (P.24). These groups also continued to suffer other forms of persecution, including death threats and illegal detention.

Meanwhile, there were a number of **crimes committed by the security forces**, including the TIGRES and PMOP (Public Order Military Police), set up as alternatives to the corrupt National Police force. 50 TIGRES were suspended for the theft of \$1.3 million (P.29); in two separate incidents, PMOP were involved in a rape, and in the shooting of bus, wounding four people (P.30), and 10 policemen and two soldiers, including an army colonel, are alleged to have regularly used child prostitutes (P.29).

#### VISIT OF IACHR

The IACHR issued a [press release](#) accompanied by an [annex](#) with its **preliminary observations** following its on-site visit to Honduras from December 1 to 5 to monitor the general human rights situation in the country. The IACHR had last visited in May 2010, in response to the coup (see [report](#)). As well as state officials, the commissioners met a huge number of organizations, and traveled to La Ceiba, Tocoa, El Progreso, San Pedro Sula, and Bajo Aguán and visited care centers for migrant children; Garífuna communities and campesino communities; and several prisons in the country.

The IACHR's findings were suitably damning, referring to the **alarming rates of violence**, including some of the highest homicide rates worldwide, as well as disappearances, high levels of gender-based violence, and agrarian conflicts that also produce acts of violence, committed in a context of extensive **impunity**, a result of institutional weakness, corruption, and the lack of independence of the judiciary. The IACHR referred to the alarming testimony it had heard regarding the **killings and harassment of human rights defenders, justice sector operators, and journalists**, among others, and the persecution of those who seek justice, lodge complaints and present information to the authorities.

The IACHR also expressed concern at the **involvement of the Armed Forces in a broad range of state functions**, including the PMOP (public order military police) and investigation and punishment

of organized crime, the civic education of children through the Guardians of the Fatherland program, its role in the prison system and in land disputes, and considered that it presented a risk to the rule of law.

The IACHR described the **criminal justice system** as 'excessively punitive', with key priorities for reform including strengthened safeguards to ensure the independence of judges, and improvements to the juvenile justice system, in line with international human rights standards. The Commissioners also referred to the **high levels of poverty and social inequality**, with a lack of access to basic nutrition affecting large segments of the population. They made particular reference to the **Bajo Aguán**, where they observed that the majority of people not only lived in poverty and exclusion, but felt 'absolutely hopeless', due to the lack of opportunities and lack of access to justice to resolve conflicts related to land disputes. They also referred to poverty and dispossession suffered by Garífuna **communities** due to the encroachment onto their territories of private companies without prior consultation, and to the labor exploitation of women in the *maquilas*.

The IACHR identified as '**push**' factors for emigration this poverty and the prevailing violence and impunity, combined with a lack of hope that the situation would improve. It urged the state to adopt urgent measures to attack the structural causes of the violence and impunity, and to protect the people from this situation.

The [reaction of business leaders and the armed forces](#) was predictable, with Guillermo Matamoros, ex-president of CHE (Honduran Economists' Association), and Fredy Díaz Zelaya, the head of the Joint Chiefs of Staff, accusing the IACHR of bias. The latter stated that there was only one truth – the population's trust in the armed forces, and the soldiers' commitment to the people, citing two areas in particular – the Moskitia and the Bajo Aguán - as regions where the situation had improved (rather given the lie by the complaints of human rights violations committed by the army itself in the Moskitia and the continuing persecution, including killings, of campesinos in the Bajo Aguán (see pages 20 and 23 respectively). The reduction in land disputes was also stressed by [Ricardo Álvarez](#), Vice-President and cabinet coordinator for home affairs and decentralization when commenting on the IACHR's visit. He attributed this 'social peace in rural areas' to greater dialog between the campesinos and the state, and said that as a result of this and other improvements, Honduras would be removed from the IACHR's 'black list.'

This **black list** – and Honduras' presence on it – seemed to be the prime preoccupation of the Honduran state when considering the IACHR visit. The so-called black list is the list of countries specifically mentioned in Chapter IV.B of the IACHR's Annual Report, as has been the case with Honduras for every year since the coup due to particular concerns about its human rights record. Regardless of the IACHR's assessment of its human rights situation, Honduras will be excluded from Chapter IV.B for 2014, in line with Article 59 (8) of the IACHR's [Rules of Procedure](#), as the evaluation of its human rights situation will be covered by the country report of the visit. This will not prevent Honduras being re-included in Chapter IV.B in future years.

## **HUMAN RIGHTS REPORTS**

### *Amnesty International*

Honduras was also mentioned in the Amnesty International report launched on December 9, International Human Rights Defenders Day - [Defending Human Rights in the Americas: Necessary, Legitimate and Dangerous](#) (as of January 30, it was only in Spanish). The report focuses primarily on over 200 cases of attacks and abuses on which Amnesty International took action during the last two

years and mentions a number of cases in Honduras, including the Bajo Aguán, the murders of Margarita Murillo and Tomas Garcia and of the judge Mireya Mendoza Peña, as well as the current deficiencies in the protection for human rights defenders.

#### *Observatory for the Protection of Human Rights Defenders*

The **Bajo Aguán** features prominently in the [2014 Annual Report - "We are not afraid": Land rights defenders attacked for confronting unbridled development](#) by the Observatory for the Protection of Human Rights Defenders, the joint initiative of the FIDH (International Human Rights Federation) and the OMCT (World Organization against Torture). It mentions, for example, the murder of MARCA lawyer [Antonio Trejo](#) in September 2012, and subsequently of his brother for seeking justice for his death, as well as the smear campaigns directed at leaders of MUCA and Annie Bird of Rights Action for the organization's support to the campesino movements in the region. In **Zacate Grande**, the report refers to the constant threats and harassment directed at Pedro Canales Torres, President of ADEPZA (Association for the Development of the Zacate Grande Peninsula), as well as the bias within the judicial system, with trials 'often decided in favor of powerful economic interests instead of land rights defenders'.

#### *COFADEH*

On October 27, COFADEH (Committee of the Relatives of the Detained and Disappeared in Honduras) issued a report [Situation and Trends, 4 Emblematic Cases of Human Rights Violations in Honduras](#)<sup>1</sup>, which focuses on the illegal detention and torture of 24 people during a peaceful protest against the coup outside the Congress building on August 12, 2009 (see also P.28 for an update); the disappearance of community leader Reynaldo Palma in August 2011 and subsequent persecution of his family; the killing of 4 people in Ahuas, La Moskitia, by agents involved in a joint anti-narcotics operation by the US Drugs Enforcement Administration and the Honduran authorities, and the murder of the journalist Juan Carlos Argeñal who was investigating corruption at the local hospital in Danlí. The report states that in all four cases authorities with influence are implicated, which has given rise to delays in investigations, and thus impunity. Other significant features include the lack of protection of key witnesses and the failure to investigate the intellectual authors.

#### *CESPAD*

CESPAD (Study Center for Democracy) issued the first in a series of situation analyses. The first one is entitled [Violence, impunity and militarization in Honduras: signs of the fragility of state institutions](#)<sup>2</sup>, and covers September and October.

### **DRAFT LAW TO PROTECT HUMAN RIGHTS DEFENDERS, JOURNALISTS, MEDIA WORKERS, AND JUSTICE OPERATORS**

The IACHR, as well as a range of human rights NGOs, including Amnesty International and Observatory for the Protection of Human Rights Defenders, in their reports mentioned above, as well as [PEN International](#), have stressed the need to urgently approve this bill. At the end of 2014 it was [stalled](#) within the Honduran Congress, having already received its first and second readings, in part in order to take into account comments on the draft by civil society organizations, as well as to address budgetary concerns. In addition, there were indications of a lack of political will to make progress on

1 *Situación y tendencias, 4 casos sensibles de violaciones a derechos humanos en Honduras*

2 *Violencia, impunidad y militarización en Honduras: signos de la frágil institucionalidad estatal*

the bill, including derogatory remarks made by both the President of Congress, [Mauricio Oliva](#), and the presidential advisor [Marvin Ponce](#) in early November, suggesting that some of the victims invited fatal attacks because of their conduct, with the latter referring to 'a load of crooked lawyers being killed because of land disputes'. This drew condemnation from civil society organizations, such as [C-Libre](#). According to [newspaper reports](#), President Juan Orlando Hernández assured the IACHR during its visit that the law would be passed in January and that there would be a budgetary allocation for the measures it provides (whether or not it will be adequate, given the current dire lack of funding for the current protection measures, remains to be seen).

## US BUDGET LAW FOR 2015

Following intensive lobbying in the States, the [US Consolidated Appropriations Act for 2015](#) broadly maintains the **conditions for police and military aid to Honduras**, although the proportion of aid subject to such conditions has decreased from 35% in 2014 to 25% for 2015. These include the implementation of assistance to innocent victims of counter-narcotics operations and the investigation and prosecution, within the civilian justice system, of military and police personnel alleged to have violated human rights. The condition relating to the protection of freedom of expression, association, and assembly, and due process of law, with the specific reference to the Bajo Aguán, has also been retained, but with the crucial addition of wording on the prevention of threats and attacks against social activists and human rights defenders.

The '**International Financial Institutions**' section of the Act also has implications for Honduras with regard to the **funding of megaprojects**. The statement regarding the outright opposition of the US to the funding of large hydroelectric dam projects worldwide, introduced in the [2014 Appropriations Act](#), has been replaced by wording stressing the need for full impact assessments, transparency and consultation with affected parties. (It makes specific reference to reparations for victims associated with the infamous Chixoy dam in Guatemala). It also refers to the need for such institutions to strengthen their evaluation policies and practices (particularly relevant in relation to Dinant and the World Bank).

In addition to these changes, the Act provides for an additional \$130 million **funding** in development aid to Central American countries to seek to address migration, and additional funds for CARSI (Central America Regional Security Initiative).

## LAWYERS

### Murders

**Four lawyers were murdered in the space of a month** in the last quarter of 2014 - two public prosecutors, a public defender and an ex-prosecutor who was working as a private lawyer. On the basis of [figures](#) produced by CONADEH (National Human Rights Commissioner), **this brings the number of lawyers murdered since 2010 to 85, with 9 killed this year**. This compares with 21 in 2013, which included the prosecutor [Orlan Chávez](#), head of the Anti-Money Laundering Unit in the capital. There have been [at least 5 murders of prosecutors](#) since 2010, all but one of which is still in impunity. Up to late October, according to the CAH (Honduran Lawyers' Association), **five lawyers had asked the CONADEH for help in leaving the country in 2014**, as they feared for their lives, and by the end of December, CAH had been notified of **death threats to at least 15 lawyers**.<sup>3</sup>

<sup>3</sup> El Tiempo [El 2014, un año trágico para los abogados hondureños](#) (The article states that there have been 25 lawyers murdered in 2014, and then proceeds to list 10, one of whom, Ana Mérida Hernández, was murdered in 2011.)

In a [press release](#) issued in late November, **the IACHR condemned the murder of the first three lawyers.**

#### *Marlene Banegas and Olga Patricia Eufragio*

On October 10, the prosecutors Marlene Banegas, coordinator of the Prosecution Office for Crimes against Life in San Pedro Sula, and Olga Patricia Eufragio, who served in the Prosecution Office of Environment, were killed in San Pedro Sula while they were travelling in a Prosecution Service car. Marlene Banegas received over 50 gunshot wounds, indicating that she was the primary target. The prosecutor had apparently received protection and had been assigned a bullet-proof vehicle, shared with the coordinator of the Prosecution Office against Organized Crime, but was travelling in an ordinary car when she was murdered. At the time of her death, she had been working on a range of cases, including the veteran campesino leader [Margarita Murillo](#), murdered on August 27, the murder of Carlos Mejia Orellana, Radio Progreso's marketing manager, as well as [corruption within the IHSS](#) (Honduras Social Security Board) in San Pedro Sula, which the Public Prosecution Service itself has described as 'a very dangerous case'. In July 2013, after receiving [death threats](#), she had been forced to withdraw from a trial of 3 members of Mara 18, charged with the murder of 17 people in a shoe shop, and was assigned police protection, but that was withdrawn when she ceased to be regional coordinator for the Service. By early November 2014, around 20 members of this gang had been arrested in connection with the prosecutors' murders.

#### *Iris Azucena Argueta*

The third victim, [Iris Azucena Argueta](#), an ex-justice of the peace who had been a public defense lawyer for 18 months at the time of her death, was [shot](#) eight times by men on a motor-bike in the central square of Catacamas, Olancho, on October 23. She was on her way home from work, and was in her car, which she had just parked, when she was attacked. She tried to escape on foot but was shot several more times, and died shortly afterwards in hospital. The motive for the attack is not known.

#### *Edwin Eguigure*

The fourth victim was [Edwin Eguigure](#), murdered on the morning of November 11 in the village of El Chimbo, in the municipality of Santa Lucia, near Tegucigalpa. It appears that he was on his way to work, and was on foot, with his wife and daughter, when he was stabbed and then shot by two assailants. He was a former public prosecutor, and his wife is one currently, for the Women's Unit. A few weeks before his death, a businessman for whom he had been acting as the legal representative who was murdered along with his family, and it was therefore believed that the two murders were connected.

**Kevin Solórzano Hernández**, a university student who lives in the area, has been arrested in connection with the lawyer's murder, and as at January 18, was being held on remand at Támara high security prison. His arrest has been subject to [protests](#) by his friends and family, who insist that he is innocent. The Alliance for Human Rights<sup>4</sup> (*Alianza por los Derechos Humanos*) has expressed [concern](#) regarding the case, including irregularities in the conduct of the identity parade which resulted in the student's arrest, as well as the disregard of important evidence pointing to his innocence. **[Disturbing allegations have also come to light that he was beaten by 7 members of the Public Order Military](#)**

4 Consists of CIPRODEH (Center for the Investigation and Promotion of Human Rights), CPTRT (Center for the Prevention, Treatment and Rehabilitation of Torture Victims and their Relatives) and CODEH (Committee for the Defense of Human Rights in Honduras)

## LAWYERS (contd)

**Police** (PMOP) to force him to confess to the crime. His case has been taken up by the CONADEH (Office of the National Human Rights Commissioner) as well as the IACHR during its visit, and it has been [transferred](#) from the Prosecutor's Office for Crimes against Life to UNAF (National Prosecution Support Unit) which, his family has said, appears to more receptive to hearing evidence indicating his innocence.

### Vulnerability of judges

In its [press release](#) condemning the lawyers' murders, the IACHR also mentioned that **at least 20 judges had allegedly received death threats** delivered by unidentified people, telephone calls, and other means in 2014, with criminal judges dealing with cases related to organized crime being the main targets. They were receiving protection in the form of bodyguards. The IACHR noted that *“if States do not guarantee the security of its judges against all kinds of external pressures, including retaliation aimed directly at attacking his/her person and family, the exercise of the judicial function may be severely affected, frustrating the free development of the judiciary and access to justice for victims of human rights violations.”*

Bearing out the IACHR's concerns, the criminal court judge Norma Iris Coto, based in San Pedro Sula, stated in a [press article](#) that **a large number of judges had told her that they were considering resigning** because they feared for their lives due to constant death threats and did not wish to put their families at risk.

The case of trial judge [Mayra Aguilera](#) is a stark illustration of the pressures faced by members of the judiciary. On November 28, **armed men raided her home** in the early hours of the morning while she was out. They tied up her children and left threatening messages for her. She was assigned military bodyguards immediately but is also pressing for a bullet-proof car, which would seem indispensable given that most murders of lawyers have occurred while they have been driving.

### Security measures

The lack of protection for prosecutors and judges handling sensitive cases has provoked increasing outrage among members of the legal profession – for example, the head of the Supreme Court, Jorge Rivera Avilés, [had to leave the wake for Iris Argueta](#) as he was the target of her colleagues' anger at the failure to provide security for justice operators. The judge Norma Iris Coto [complained](#) that, at present, bullet-proof cars tended to be given solely to high-ranking judges, police and prosecutors. Following the murders of the two prosecutors, the Deputy Director of Public Prosecutions, [Rigoberto Cuéllar](#), acknowledged that justice operators dealing with sensitive cases currently did not have even the minimum of security guarantees. In response, the Public Prosecution Service [announced](#) on October 15 the adoption of the Special Regulation for the Protection System for Public Prosecution Service Officials at Risk or under Threat by Reason of the Performance of their Duties<sup>5</sup> a new regulation, under which that 'special' cars would be provided for their use, although there were budgetary constraints. As part of this program, on October 17, the Public Prosecution Service was allocated 42 new cars, 16 of which were bullet-proof. In addition, 72 security experts from the Dignitary Protection Unit of the armed forces would be made available to prosecutors and judges at particular risk.

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<sup>5</sup> *Reglamento Especial del Sistema de Protección para los Servidores y Funcionarios del Ministerio Público, en Situación de Riesgo o Amenaza por Razón del Desempeño de sus Funciones*

## LAWYERS (contd.)

### Reforms to the Penal Code

The murder of the public defender Iris Azucena Argueta occurred the day after the adoption, on October 22, of [major reforms to the Penal Code](#), including **increasing the prison sentences from 30 years to life for the murder of a range of public officials**, including judges, prosecutors, and police, and as well as the heads of the three branches of the state, members of Congress and the National Security and Defense Council (*Consejo Nacional de Defensa y Seguridad*), protected witnesses and the director of the OABI (Office for the Administration of Confiscated Goods). The prison terms for other crimes against justice operators and various other state officials, including government ministers, are also increased by as much as a third. The speed with which the measure was adopted, in a closed session with little discussion, was the source of some disquiet, for example, on the part of human rights organizations, such as [COFADEH](#). For the [Office of the CONADEH](#), **an increase in prison terms alone was insufficient to address murders of justice operators** – effective investigations were needed to identify those responsible, given that impunity for such killings was currently running at 95%.

## JOURNALISTS

In its visit to Honduras, the [IACHR](#) made special mention of **the attacks on journalists and members of the media**, including murders and death threats, and the impunity surrounding them. In addition, a [report](#)<sup>6</sup> by the El Salvador-based NGO **Comunicandonos**, stated that **72% of journalists had suffered some form of censorship**, 30% of whom had imposed self-censorship. The greatest source of **threats** to journalists were identified as the police, at 29%.

### Murders in 2014

According to [CONADEH](#), 6 journalists were murdered from 2003 to the coup and 43 since (41 as at August 20, followed by the murders of [Dagoberto Díaz](#) on August 21 and [Reynaldo Paz Mayes](#) on December 15 – see below). On the basis of these figures, **9 journalists were murdered in 2014, as compared to three in 2013**. (The 2013 murders were all of journalists identified with LIBRE and included the particularly grisly killing of Aníbal Barrow, leading C-Libre to believe that there was an active strategy to keep the number of killings low in the election year, when Honduras would be under international scrutiny, but to make them high impact to spread fear). **This number makes 2014 one of the worst years for murders of journalists in Honduras since the coup**, equaling the death toll for 2012, and topped only by 2010, when 12 journalists were killed.<sup>7</sup> According to CONADEH, the impunity rate for murders of journalists is 91%, marginally better than the rate for lawyers.

### *Honduran murder rate for journalists internationally*

The number of killings of journalists in 2014 meant that Honduras had the dubious distinction of being featured as one of the 'top' countries in the statistics produced by various international organizations. According to [figures](#) produced by IAPA (Inter-American Press Association), **Honduras accounted for**

6 'Entre la censura y la discriminación. Centroamérica amenazada' ('Between censorship and discrimination – Central America threatened')

7 CONADEH figures taken from the PEN International report [Honduras: Journalism in the Shadow of Impunity](#) (Table 1 P.19)

**3 of the 11 murders of journalists in the Americas in the 6 months up to October 2014**, making it, along with Paraguay, the country with the highest number of such killings in that period. (IAPA's [report](#) on Honduras acknowledges that there were other victims, but they were not included in the figures as it was impossible to know whether they were murdered because of their profession – a problem exacerbated by the lack of effective investigations).

On the basis of the number of murders, the Swiss-based journalists' organization, the Press Emblem Campaign, places **Honduras as one of the [top 10 most dangerous countries for journalists worldwide in 2014](#)**, alongside such countries as Syria, Iraq and Afghanistan. It also comes 7th in the [list](#) of the most dangerous countries in the world for journalists over the past 5 years, quite a feat for a country not at war and 94th in the world in terms of population size.

### *Threats of further killings*

Underlining the profession's vulnerability, David Romero, director of Radio Globo, [stated](#) at a meeting with the IACHR that in late November, criminal investigation agents had visited him and informed him that a number of journalists could lose their lives in the confrontation between the government and organized crime. What they failed to do was suggest or provide anything in the way of concrete measures to allow him or other journalists to mitigate this risk.

### *Reynaldo Paz Mayes*

**The last victim of 2014** was Reynaldo Paz Mayes, a presenter and owner of the regional TV station Channel 28 (*Canal 28*), who was murdered on December 15 as he was exercising in the morning at a sports center in the city of Comayagua. The journalist, who was shot at least twice, ran a critical opinion and analysis program which often touched on sensitive issues such as impunity. He had received anonymous death threats in connection with the opinions he expressed on the air for a long period of time and was a member of LIBRE. Nonetheless, in the immediate aftermath of the murder, the police stated that they believed he was killed for his pistol, which was not found at the scene of the crime. His murder was condemned by the [IACHR](#), [UNESCO](#) and [Reporters without Borders](#) which all called for a thorough and impartial investigation.

## **Murder investigations**

### *Herlyn Espinal*

Juan Carlos Acosta Manzanares, accused of the murder of Herlyn Espinal, chief correspondent on Televisión's news program *Hoy Mismo* (Today), was himself [found murdered](#) in Talanga, Francisco Morazán department, on October 1. He had been sought by the authorities since August 12, after a witness notified them that he had seen Acosta washing blood off a pick-up at a farm in El Batey, close to where the journalist was found shot dead in a field in Santa Cruz de Yojoa, a municipality south of San Pedro Sula, on Monday July 21. According to autopsy reports, Herlyn Espinal had been murdered a few hours after leaving his home in the early hours of Sunday morning. The witness stated that he had heard Acosta confess to the murder, and [according to the authorities](#), Acosta had spent some months in the US to evade capture. The farm in El Batey had been raided by the police on July 24 and Rigoberto Zambrano, the person in charge, was found in possession of two of Herlyn Espinal's shirts. He was arrested for perverting the course of justice (*encubrimiento*) as it was suspected that he knew who had committed the murder. The authorities have not given any details of the motive for the crime and are not seeking anyone else in connection with it.

## **JOURNALISTS – Murder investigations (cont)**

### *Nery Soto*

The well-known TV presenter and radio producer Nery Soto was gunned down outside his home in Olanchito, in the northern department of Yoro, on the night of August 14, as he was putting his motorbike in his garage. Colleagues say Soto, a *Canal 23* TV anchor and co-producer of Radio Full FM's *Cuarto Poder* (Fourth Estate) program, had been investigating corruption involving the mayor of the nearby city of Yoro, who is currently wanted for suspected money laundering. Three or four journalists from the channel had [already been threatened](#) by text message, e-mail or calls on air when they had dealt with subjects such as drug-trafficking and political corruption. A young man, Carlos Javier Martínez Ponce, has been arrested for the crime, with the preliminary hearing set for December 29, 2014. (There has been no news of it). The authorities are seeking to prove that he belonged to a group of hit-men which operated throughout the department, as well as investigating the [alleged collusion](#) of a justice official in the murder. To the distress of his family, Nery Soto's body had to be [exhumed](#) on November 5, as the authorities had failed to perform an autopsy at the time of his death.

### *Carlos Mejía Orellana*

On November 21, Edwin Donald López Munguía was [arrested](#) for the murder and robbery of Carlos Mejía Orellana, Radio Progreso's marketing director, who was stabbed to death at his home on April 21. López was arrested in Arena Blanca, a community to the south of El Progreso, along with 12 other people who, according to the police, belong to a criminal gang called 'El Terreno' who have been intimidating the residents of the area. There had been a warrant out for his arrest for the murder since June 6, but the police had not implemented it, apparently because they thought he had fled the area. López had been the first person to use the victim's mobile phone following the murder. Carlos Mejía's relatives and colleagues at Radio Progreso are pressing for a full investigation to establish the true motives and intellectual authors of the murder, which the authorities had dismissed as a crime of passion.

### *Aníbal Barrow*

The rarity in establishing the intellectual authors of such murders is underlined by the case of Aníbal Barrow, the well-known presenter of TV Globo whose murder was notorious for its gruesomeness. Although he was killed shortly after being kidnapped in San Pedro Sula on June 24, 2013, his body was not discovered until over two weeks later, dismembered and partly burnt. The [public trial](#) against four suspects began on October 8, 2014, over a year later, and will continue into 2015. They were paid to commit the crime, but the Public Prosecution Service has so far failed to identify the person who contracted the killing, or the ultimate masterminds of it. One person has already been jailed for 8 years for the killing, and was tried separately because he was a minor when the murder was committed.

### **Case of journalist's assault by priest reopened**

The Supreme Court [reopened the case](#) against Carlo Magno Núñez, Chancellor of the Honduran Catholic Church, who hit **Luis Ortíz** in the face in February 2012 when the journalist tried to question him about Roberto Paiz, a priest who had been sacked for allegedly raping a woman with learning difficulties, and who had made counter-accusations against the Church. The case against Carlos Magno Núñez had been dismissed in August 2014 as the judge deemed its time-limit to have expired – mainly because Núñez had failed to turn up to a number of the hearings. It was reopened by the Supreme Court

following an appeal by the journalist's lawyer.

## **JOURNALISTS (contd)**

### **Death threats**

The [persecution](#) targeted at **Alex Sabillón**, presenter and reporter of the TV news program '*Hechos de Choloma*' ('Happenings in Choloma'), is for C-Libre a symbol of the lack of respect for freedom of expression in Honduras, as well as of the impunity surrounding attacks on journalists. C-Libre recorded 11 attacks against Sabillón from 2011 to 2014, in the northern city of Choloma, Cortés department, including psychological, physical and material damage, and an [accusation of 'sedition'](#) brought against him by *Aguas de Choloma*, the local water company. Many of the attacks have arisen since he started exposing corruption by the company in 2012. In February 2014, the policeman assigned to Alex Sabillón for his protection in response to death threats, was [murdered](#) on his day off, apparently after an argument in a pool hall. There have also been a number of other **murders** of people associated with the case, including [Benito López](#), president of the Water Council and FNRP coordinator for San Francisco del Ceibón, killed along with his son on October 6, 2014, after publicizing, through Alex Sabillón, alleged corruption associated with *Aguas de Choloma* amounting to 2 million lempiras. Such has been the level of threats associated with the water company that on August 30, 2014, **Alex Sabillón was forced to leave his home** with his family and move to a different part of the country. The director of *Aguas de Choloma* is [Leopoldo Crivelli](#), the city's mayor, who is being investigated for corruption in relation to the water company and more generally in his administration. Alex Sabillón has been the target of death threats by other Choloma municipal officials. On June 16, 2014, Miguel Callejas, Director of the Highways Commission allegedly said to him, "I don't care if you've got police protection, we're going to kill you, you bastard." The threat was made in the presence of the policeman assigned to protect Alex Sabillón.

**Óscar Edgardo Corea**, a radio news presenter in Comayagua, has [asked for protection](#) from the authorities after being warned by a stranger at the end of October that he would be murdered if he continued to report on a criminal gang (not named) operating in the region. He was told that he would be killed by the same person responsible for a number of killings in Comayagua department, including that of a judge.

### **Illegal detention**

**Juan Carlos Cruz Cruz**, a journalist now on the staff of C-Libre, has finally got justice five years after he was beaten, illegally detained and his camera broken after he photographed [police beating four youths](#) in the capital, on the night of July 31, 2009. The police, who had been checking people's documents, had asked the youths, who had a motorbike, for its papers which they had left at home nearby. Instead of allowing them to go and get them, the police began beating the youths with their batons, and then turned on the journalist. All of them were taken to police cells and one of the youths had his arm fractured by the police. The victims were given compensation in a conciliation procedure, and on November 26, the policemen concerned were due to issue a [public apology](#) at a press conference.

On November 20, 2014, **Luis Antonio Valencia**, a cameraman and radio and television producer for DeK TV and Discovery FM radio in Nacaome, Valle department, [was arrested](#) by two policemen as he

## JOURNALISTS (Contd)

entered his home at 11.45 pm, after working late. They gave no explanation as to why he was being arrested, but it was apparently recorded in the station logbook as 'vagrancy' (*vagancia*). He was released at 10.30 the following morning when his lawyer and a local CONADEH staff person arrived. His lawyer was astonished when the police denied that he was being held, when she could see him in the cells. The journalist and his colleagues believe that the arrest was a form of intimidation, in response to reports they had made about police corruption.

### Judicial persecution

According to C-Libre, the journalists of the Radio and TV Globo have suffered the [greatest number of lawsuits](#) in recent months, and they account for three of the five cases below.

#### *Julio Ernesto Alvarado*

The most notable case has been that of Julio Ernesto Alvarado, director and presenter of Globo TV's news program '*Mi Nación*' ('My Nation'), who had a **16-month ban on practicing his profession lifted and then reimposed by the courts in August**, after he was found guilty of defamation for covering alleged corruption by a university dean, Belinda Flores, in 2006. On November 5, 2014, the IACHR granted Alvarado precautionary measures<sup>8</sup> which asked the Honduran authorities not to impose the ban until the IACHR had ruled on the substance of the case which is the subject of a formal petition by the newly-formed PEN Honduras (see P.13). This was hailed by [PEN International](#) as a landmark decision, as it was the first time that the IACHR had demanded the revocation of such a ban on a journalist. However, on December 4 – during the IACHR's visit - **the Honduran courts issued a decision confirming that the ban would go ahead**, a move condemned by [Reporters without Borders](#) as 'a slap in the face to freedom of information in Honduras'. This latest ruling was in response to a [legal challenge](#) which Alvarado had filed against the ban with the Supreme Court, on constitutional grounds, in October 9, with 13 other journalists also filing challenges in solidarity with him.

#### *Cesar Silva and David Romero*

In October, **Waldina Paz**, a member of Congress, lodged a **defamation lawsuit** against Globo TV journalist **Cesar Silva** and its director, **David Romero**. She has stated that she has had to face allegations of corruption from the channel for over 11 months. At the [hearing](#) on November 6, David Romero agreed to publicly apologize, but Cesar Silva rejected conciliation, insisting on a full and open trial process, as he wished to expose the fact that there was no case to answer, claiming that he had only asked her where she had got the money to be able to set up her own channel, Honduras TV.

#### *David Romero*

David Romero is already facing a defamation action brought by **Sonia Inéz Gálvez**, a lawyer married to the Deputy Director of Public Prosecutions, Rigoberto Cuellar, which, if successful, **could result in a sentence of up to 15 years in jail for Romero and the closure of Radio and TV Globo**. He is accused of defaming her on air by accusing her of abusing her influence over the Public Prosecution Service. The lawsuit was [accepted](#) by the Supreme Court on August 25. A [conciliation hearing](#) on September 22 failed to yield a result and so the case will now go to a full trial. Reporters without

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8 PM 196/14 – [Julio Ernesto Alvarado, Honduras](#) See [ruling](#) (in Spanish only).

## JOURNALISTS (contd.)

Borders have [condemned](#) the lawsuit and called for its **immediate withdrawal**.

### *Gilberto Gálvez*

Gilberto Gálvez was forced to attend a [court hearing](#) on December 4, after **Gilma Ondina Castillo, mayor of La Paz** in the south west of the country, brought a defamation case against him. Gálvez, who is a correspondent for Channel TEN and HRN in the capital as well as a local news program, *Construyendo Sociedad* (Building Society), was threatened after he publicized the fact that the municipal council of La Paz had decided not to work Saturdays. The mayor had demanded that he consult with her every time that he published anything about her or her administration, but as he had ignored this instruction, and published comments on Facebook, she had brought the lawsuit against him. At the hearing, she had rejected conciliation as she 'felt attacked', which means that the case will go to a full trial. Gálvez has reported the case to CONADEH, along with the fact that the mayor is denying him access to the Town Hall. Two other journalists also fear being sued by the mayor.

### *Eusebio Díaz Matute*

The director and presenter of the program '*Temas y Noticias*' ('Issues and News') has [reported](#) that he was also threatened with a lawsuit by a mayor, Jefry Miguel López Ocampo, of Sonaguera, Colón, in early October, for publicizing the fact that the mayor was trying to cover up details of a TSC (National Court of Auditors) report which had identified a number of financial irregularities. The journalist had also reported on other irregularities in the administration of the municipality.

### **Threat of closure**

As well as bringing lawsuits to stifle opposition, there is the constant threat that mayors will close down alternative TV or radio stations. One of the latest potential victims is the community radio station *Éxtasis* (Ecstasy), in Langué, Valle department. Its presenter, Ángel Antonio García, [reported](#) on November 24 that the mayor, Óscar Yáñez, and the Director of Municipal de Justicia, Ezequiel Cárdenas, had warned they were going to cancel the program even though he had authorization for it. He often invites leaders of social movements on his program who are critical of the municipal authorities.

### **Community radios**

On October 13, the Mesoamerican Network of Community, Indigenous, Garífuna and Feminist Radio Stations (*Red Mesoamericana de Radios Comunitarias, Indígenas, Garífunas y Feministas de Honduras*) published a [statement](#) expressing concern at their treatment by the authorities. Although a regulation was passed in August 2013 specifically providing for community radio stations ([Community Broadcasting Services Regulation](#)), the conditions were so strict that many could not comply. In particular, only organizations legally recognized by the state could request radio frequencies, which completely disregarded the nature of [community](#) radio stations. The statement also refers to various acts of persecution and attempts at political control by CONATEL (National Telecommunications Commission), the body responsible for granting these licenses.

Their concerns were echoed by Edison Lanza, the IACHR's new **Special Rapporteur for Freedom of Expression**, during his visit to Honduras in December. He [stressed the need](#) for diversity and independence within the media, with community radio given due recognition. He pressed for positive

discrimination for community media, including measures to make it easier for them to obtain radio frequencies.

## **PEN Honduras**

The Honduran branch of PEN International was [officially established](#) on October 1. The organization welcomed it as a much needed initiative, given the climate of rising violence and fear in which Honduran journalists and writers are working. PEN Honduras aims to bring them together with the shared aim of combating persistent impunity for attacks, as well as strengthening the place of literature in the country's cultural sector. Its president is the journalist and human rights defender [Dina Meza](#), who herself has been the target of constant threats.

## **STUDENTS**

### **Criminalization due to protests**

There was an escalation in the **conflict at the UNAH** (National Autonomous University of Honduras) in the last quarter of the year. Student protests against various changes to the university system, including pass marks, intensified, as did the response to them by the university authorities. Students [occupied](#) buildings on UNAH's San Pedro Sula campus (UNAH-VS) for over two weeks, in the second half of October, while in Tegucigalpa, four UNAH buildings were occupied on October 23. There had also been a previous occupation of UNAH buildings for nearly a week in San Pedro Sula. The university responded by reporting five UNAH-VS student leaders - Ovet Córdoba, Marcos Rubí, Javier Hernández, Franklin Benites, and Geovany Mejía - to the Public Prosecution Service, where they could potentially face charges of unlawfully occupying public property, which carries a prison term of 2-4 years. On December 19, six UNAH students in Tegucigalpa were [notified](#) that they would be suspended, one for one term and the rest for two, for violating university rules by occupying buildings and preventing classes from taking place. Both these measures have been condemned by [human rights organizations](#) as an attack on the right to peaceful protest, as well as by the teaching staff at the Sociology Faculty, who issued a [statement](#) which also criticized the lack of consultation on the changes proposed.

As well as these measures, seven UNAH students were [illegally detained](#) in Tegucigalpa after leaving a peaceful protest at the university campus on November 18. They had just left the university premises at 5.45 pm when they were arrested by a police patrol, ostensibly for being drunk and disorderly on a public highway (*escándalo en vía pública*), and were taken to a police station at 8 pm. They were eventually released at 11 pm following the intervention of Edy Tábor, the lawyer for CPTRT (Center for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Relatives). According to the lawyer, this offense is punished by a fine imposed by a judge, but no such judge was present at that police station, and the students, who showed no signs of being drunk, were never breathalyzed. In addition, the students were not allowed a phone call, a legal right following arrest, and it was only because one of the students had managed to hide their phone and call a journalist that help eventually arrived.

The case is disturbingly reminiscent of that of **Rommel Darío Morán Espinal**, arrested on July 24 outside the UNAH at one of the protests. The abuses he suffered included being severely beaten by COBRA riot police which resulted in his being hospitalized, not being allowed a phone call, and being placed in preventive detention despite the fact that this is not normal practise for these kind of offenses (see P.11 of our [summary for July 2014](#)).

In addition, there were allegations of [intimidation](#) by the armed security guards at the university, with one saying to the students that with their attitude, they deserved to be shot or stabbed.

### **Apology for racist comments**

On October 2, Miguel Antonio Fiallos, professor of architecture at the UNAH, [formally apologized](#) to an Afro-Honduran student, Osbin Pérez Álvarez, for racist comments he had made, the first such act at the university. The event was attended by the UNAH authorities, as well as by officials from DINAFROH (Indigenous and Afro-Honduran Peoples Directorate) of the Ministry of Development and Social Inclusion. In April 2013, the professor had gone up to Osbin Pérez and told him that there were no black architects because the course was very difficult at the UNAH and black students preferred to go to private universities where 'money solved everything'. The apology was agreed as part of a conciliation process arranged by the Public Prosecution Service, to which Osbin Pérez had reported the comment. The agreement also included the professor's suspension without pay for 8 days and human rights training, as well as an awareness-raising campaign for lecturers in the same subject.

### **LGBTI**

During the [IACHR's visit](#) to Honduras, civil society organizations [reported](#) that from **2009 to December 1, 2014, 174 violent deaths of LGBTI people had been recorded** (90 gays, 15 lesbians and 69 transsexuals), mainly in the departments of Cortés (which includes San Pedro Sula) and Francisco Morazán (which includes Tegucigalpa). The highest number of violent deaths of gays (10) and transsexuals (13) occurred during the second half of 2009, in the aftermath of the coup.

According to the Public Prosecution Service, 157 members of the LGBTI community have been murdered in the last 8 years, of which 33 cases were subject to legal proceedings, with 9 guilty and 3 innocent verdicts, which meant that 124 cases remained in impunity. Erick Martínez of CIPRODEH (Center for the Investigation and Promotion of Human Rights) reported that impunity for such killings had increased to 97%.

In addition to these crimes, the CONADEH reported allegations of attempted murder, abuse of authority, injury, illegal detention, theft, harassment, rape, death threats, domestic violence and aggression by individuals and agents of the state security forces against LGBTI people.

**Regionally, Honduras has the highest number of attacks on LGBTI people.** According to figures collected by local NGOs, in 2014, 76 cases were reported in Honduras, 50 in Guatemala and 7 in El Salvador.

The IACHR remarked that, while the state reported on the investigation into a number of cases, it did not present information on **measures to prevent violence against LGBTI persons**. It also expressed concern at the the situation for **defenders of LGBTI rights**, who are 'subjected constantly to attacks and harassment by groups seeking to impose a structural discrimination against them through violence' as well as, on a number of occasions, arbitrary detentions by the police, for posing a threat to 'morals and good customs.'

One such case is **APUVIMEH**<sup>9</sup>, for which ILGA (International lesbian, gay, bisexual, trans and intersex association) has issued an [alert](#), given the seriousness of its situation. APUVIMEH was granted precautionary measures in January 2014 (PM 457-13) following a series of acts of harassment, including threats by two armed men to kill everyone present at APUVIMEH's Christmas party in 2013 if they were not paid 650 dollars. Such was the level of intimidation that José Zambrano,

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

APUVIMEH's President, was forced temporarily into exile in February 2014. The acts of persecution stretch back to 2009, and include the murder of Walther Tróchez, one of APUVIMEH's members of staff, in December that year. The attacks against APUVIMEH appear to be linked to its efforts to seek justice for the murder of Walther and other members of the LGBTI community. One of the most recent cases of persecution relates to Jonatán Rafael Escobar Cruz, an active member of APUVIMEH, who in October 2014 began to receive death threats by phone. The calls started after he, along members of the technical team, began denouncing to the Public Prosecution Service the impunity surrounding the murders of his fellow LGBTI activists.

## WOMEN

### Murders

The [murder of Miss Honduras](#), María José Alvarado on November 13, by the boyfriend of her sister, who was also a victim, shone a spotlight on violence against women in Honduras. CDM (Center for Women's Rights) issued a [press release](#) stating that the case highlighted the widespread nature of femicide as well as the lack of political will on the part of the state to prevent, investigate and punish them. For the CDM, this was demonstrated by the fact that **in the 16 months since femicide became a specific crime in the penal code, in April 2013, charges had been brought against only 7 people** (see also CESPAD report below). The CDM also pointed to a [report](#) they had produced in September which highlighted **discrepancies** in the figure of 219 produced by the Ministry of Security for violent deaths of women in the first half of 2014, arguing that it had omitted 45 murders reported in the newspapers, which would raise the figure to 262 murders. A [special bulletin](#) by UNAH's Violence Observatory puts the figure for that period even higher, at 271.

The murder statistics have traditionally been a source of [controversy](#), with major discrepancies between those held by the Observatory and the Ministry of Security, respectively. Nonetheless, the Violence Observatory's [special bulletin](#) gives the total number of murders of women for 2014 as 531, a 16% reduction in the 2013 figure of 636, the first time its statistics had shown a decline in the 10 years that the Observatory had recorded them. (According to the [Public Prosecution Service](#), Tegucigalpa seemed to buck the trend, with 100 women killed from January to October 2014, as compared to 86 for the same period the previous year). According to [newspaper reports](#), the Observatory's latest estimates put the overall murder rate for males and females combined at 67 to 69 per 100,000 inhabitants for 2014, a continuation in the reduction of the rate – from 86.5 in 2011, 85 in 2012 and 79 in 2013. The Observatory would be [investigating](#) the apparent reduction in the figures, which appeared to be due to increased arrests of criminal gangs.

### CESPAD Report

In late October, CESPAD (Study Center for Democracy) [presented](#) its [report](#) '**Women in Honduras: Between Violence and the Lack of Access to Justice**' (*Mujeres en Honduras: Entre la Violencia y la Falta de Acceso a la Justicia*), which examines violence against women in the form of domestic violence, murders and femicides, as well as the barriers to swift and effective justice. In this regard, one of the most telling statistics is that, **while the number of murders of women rose continually between 2009 and 2013, almost doubling from 363 to 636, the number of cases which went to trial actually went down**, from 172 to 140, (although the number of sentences increased slightly from 62 to 78). The study focuses on the lack of budgetary provision for measures to combat violence against women, and proposes the creation of a specific budget line for the investigation for murders of women

for the Ministry of Security, a 20% increase in provision for the Women's Unit of the Public Prosecution Service, to improve investigative capacity and the formulation of charges, as well as the establishment of more courts specialized in domestic violence in cities such as La Ceiba, Comayagua y Yoro and other regions where the figures on this crime were particularly alarming. It also proposes that the state launch a campaign against violence against women and girls.

### **Office for victims of gender-based violence**

The authorities have [opened an office](#) in San Pedro Sula, staffed by prosecutors, psychologists and social workers to attend to women victims of violence – whether domestic or in the streets, as well as sexual abuse and sexual harassment – with a view to rapid arrests and provision of security measures. The city accounted for over half of all murders of women in the country in 2013.

## **CHILDREN AND YOUNG PEOPLE**

### **Murders**

While it looks as if the murder rate for women has finally decreased in 2014, for the first time in years, along with the general murder rate (see P.27), the same can not be said for the number of violent deaths of children and young people (under 23 years of age). According to its [December Report on the Human Rights Situation for Children and Young People in Honduras](#), Casa Alianza recorded **1,031 murders for children and young people in 2014**, an increase of 18 over 2013 (1,013 cases), with an impunity rate of 98%. The monthly average number in the first 11 months of Juan Orlando Hernández's term (January 27 to December 31) was 83.9, higher than the average for Porfirio Lobo's presidency, at 81.06, almost double the level under Manuel Zelaya's presidency (43.44 from 2006-2009) and quadruple that of Carlos Flores' (21.23 from 1998 to 2002). The organization had noted an increase in signs of torture on the bodies before execution. In 73 of the 84 cases in December, the perpetrator was unknown.

### **Allegations of social cleansing in Yoro department**

On November 13, Hector Margarito Medina, a lawyer by profession, filed a [formal complaint](#) with the Public Prosecution Service and the CONADEH in Tegucigalpa concerning **the murder of over 120 young people**, aged 15-23, in his home town of El Negrito, Yoro department, since 2010. Most of the the victims were minor delinquents, and he alleges that a group of 10 men, associated with the mayor's office, are responsible for the killings, a form of social cleansing. Margarito Medina had been protesting about the situation for a number of years but the authorities in El Negrito itself had failed to respond. Fearing for his safety, he remained in the capital for over a month after filing the complaint, during which time he received support from COFADEH. On December 23, COFADEH, PROAH and other human organizations [accompanied him back to his community](#) so that he could continue his fight for justice for those murdered. On his arrival in El Negrito, Margarito was welcomed by representatives of his community, and also met with the municipal Social Development Coordinator, Carlos Flores, at the town hall, in the absence of the mayor, who was on vacation.

### **Gangs**

Casa Alianza's November [Report](#) highlighted **the use of children by criminal gangs**, and their often fatal consequences. According to the police, children are used to commit the crimes with highest risk, such as robberies and murders as, if caught, they will get a more lenient sentence than adults (as well as

being considered more expendable by the gangs). Girls are used to collect blackmail money or as a distraction, to gain the trust of the victim who is subsequently robbed, kidnapped or murdered. One example was the case of a girl who was used by gang members in the murder of a taxi driver in the capital, and was injured in the fight between the taxi-driver and his killers. She was taken to hospital and, a few days after going home to her parents, was found brutally murdered with signs of torture, her body wrapped in barbed wire. The police believe that the killers, who were arrested, thought that she had betrayed them. The children tend to come from very poor neighborhoods and are tempted by the promise of money, but find the reality very different.

Associated Press ran a chilling [article](#) on the **level of penetration of schools by street gangs**, stating that most of the schools in the capital under their control, and with teachers and principals the targets of extortion.

### **Persecution of COIPRODEN**

Wilmer Vásquez, director of COIPRODEN (Coordination Group for Private Institutions for Children, Adolescents, Young People and their Rights), reported **the attempted sabotage of his car**. He found a block with nails sticking out in one of his front tires in the early hours of December 20 as he was leaving the organization's Christmas party. He has been very active in the international arena recently. On October 8, he had reported at a [press conference](#) on a meeting in Geneva he had attended with the UN Committee on the Rights of the Child (CRC), along with other organizations, on Honduras' compliance with the UN Convention on the Rights of the Child. He stated that the CRC was concerned at the violent deaths of children and the alleged involvement of the security forces in these, children's health, the Guardians of the Fatherland program and the sexual exploitation of minors. The meeting was in preparation for the CRC's examination of the Honduran state in May-June 2015. He also gave [evidence](#) at the IACHR hearing on Human Rights Situation of Children and Adolescents in Bajo Aguán, Honduras on October 30 at its 53rd period of sessions (see P.34 for more information).

The attempted sabotage of Wilmer Vásquez's car was the latest in **a series of incidents involving the organization**. On December 18, the car window of Silvia Ayala, another member of staff (and LIBRE and FNRP member), was broken and on Monday of the same week, a car with four men was seen circling the building. On December 23, Wilmer Vásquez [complained](#) at the police's failure to respond to these incidents.

### **MIGRANTS**

The total number of **unaccompanied minors** apprehended at the US's southwest border from 1 October-31 December 2014 was down 38% on the same period in 2013 – from 12,852 to 8,010. Honduran minors only accounted for 506 of the total for this last quarter of 2014, a dramatic reduction as compared with the number for the 2014 fiscal year (1 October 2013 – 30 September 2014), when Honduras was the country with the most unaccompanied minors apprehended, at 18,244.<sup>10</sup> The [reasons](#) for the reduction are complex, but it appears to be in part due to action by the Honduran and Mexican authorities to intercept migrants before they ever get to the US border, with [heavy use](#) of the TIGRES specialized police force in the case of Honduras. As the above 'Children' section indicates, there are no signs that the 'push' factors have been reduced. According to the report by the UNHCR (UN High Commissioner for Refugees), [Children on the Run](#), 57% of the child migrants from Honduras were fleeing as they feared they could suffer serious harm, mostly (44%) from organized armed criminal

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10 US Customs and Border Protection [Southwest Border Unaccompanied Alien Children](#) (accessed January 10, 2015)

actors, while 21% mentioned deprivation as a reason for leaving.

### **Consideration of refugee status for minors**

The US government [announced](#) on November 14 that it would now **allow minors in El Salvador, Guatemala and Honduras to apply for asylum or a residency permit at offices in their own country**, to 'provide a safe, legal, and orderly alternative to the dangerous journey that some children make'. The concrete benefit of this has been [questioned](#) by commentators. For one thing, the White House had already [announced](#) that the total number of refugees for the whole of the Latin America and Caribbean region admissible for the 2015 fiscal year would be 4,000, a reduction of 1,000 on the previous year. As mentioned above, double that number of accompanied minors have already been apprehended at the border in the first quarter of the fiscal year (1 October – 31 December 2014). Furthermore, the overwhelming number of slots tend to be given to Cuban refugees, who took up 4,200 of the places in the previous year. In addition, as well as having to satisfy the criteria for refugee status (difficult when the child is fleeing gang violence), the children will need to have at least one parent in the US who is a legal immigrant, and anecdotal evidence suggests that the majority would not be. Given all these restricting factors, this concession sounds like the old joke about the 'offer' advertised at the cinema which says that senior citizens can enter free provided that they are accompanied by their parents.

### **Border screening procedures**

At the same time, the CONADEH [stated](#) on November 23 that they had received reliable reports that **child migrants apprehended would be subject to a fast-track procedure**, which would mean that they would be deported without proper consideration of their grounds to remain in the United States, which if it turned out to be true, would be a violation of due process and of their human rights.

**Human Rights Watch** (HRW) had already expressed concern at the screening procedures applied to adults in its report, released on October 16, entitled [‘You Don’t Have Rights Here’: US Border Screening and Returns of Central Americans to Risk of Serious Harm](#), based on the accounts of 25 people sent back to Honduras and 10 in detention, and an analysis of deportation data. All migrants interviewed expressed a fear of returning to Honduras, and some of those who had been returned to Honduras were so afraid that they were living in hiding, afraid to go out in public. Several who were recently deported provided accounts that, if true, should have qualified them for asylum in the US, such as serious threats from gangs in Honduras, including small business owners who refused to make demanded payments to gangs; victims of or witnesses to gang crimes, including murder and rape; and fear of a gang forcibly recruiting a family’s young son. Others fled abusive domestic partners or violence related to sexual orientation, both grounds for asylum under US law. However, virtually all of those interviewed who had been apprehended at or near the border were deported summarily, despite many expressing their fear of return to US Customs and Border Protection (CBP) agents. In 2011 and 2012, **only 1.9% of all Hondurans apprehended were referred for additional screening to establish whether they had a 'credible fear' of return**. This is similar to the proportion for migrants from other Central American countries in that period, but compares with an overall average for migrants worldwide of 21% (and, for example, to 66% for migrants from China). HRW acknowledges that it is unable to corroborate claims about the specific dangers interviewees said they faced in Honduras, but states that the experiences they described and the fears they expressed should have led US immigration authorities to give their cases sufficient scrutiny before they were returned to their

home country. (See also [article](#) on the report).

### **Deportations**

The US Immigration and Customs Enforcement (ICE) agency [reported](#) that, during the 2014 fiscal year, it had deported 40,695 Hondurans, as compared to 37,049 for the previous year, while according to a [report](#) by the AFP news agency, citing Guatemalan data, Mexico deported 42,697 Hondurans during the 2014 calendar year.

### **Alliance for Prosperity**

The CEPR (Center for Economic and Policy research) has produced an [analysis](#) of the [“Alliance for Prosperity” plan](#), drawn up by the governments of El Salvador, Guatemala and Honduras, ostensibly to address the root causes of the 2014 child refugee crisis. The plan was presented on November 14, by the presidents of the three countries at [an event](#) at the Inter-American Development Bank (IADB).

The CEPR considers it as highly ambitious - 'nothing less than a blueprint for a major economic and social transformation of the region, including large-scale reforms in education, policing, energy, finances and legal and justice systems, and requiring sizable investments in areas such as infrastructure, job creation and crime reduction.' However, while the Plan describes the factors that push people to migrate, such as poverty, crime, violence, and poor education, the CEPR expresses doubts about the extent to which the measures will address them, as opposed to benefiting solely big business. It appears that key funding will be provided by the IADB, the U.S. government and other Washington-based sources.

### **Ex-OFRANEH president freed from Mexican prison**

Ángel Amílcar Colón Quevedo, an ex-president of the Garífuna organization OFRANEH, was **finally released in October 2014 after over 5 years in pre-trial detention in Mexico**. Amnesty International had featured him in its campaign against torture, launched in 2014, and had made him a prisoner of conscience. Ángel was arrested by police in Tijuana in March 2009 as he made his way to the United States, where he was hoping to earn enough money to pay for the cancer treatment for his son, who sadly died while Ángel was in prison. **Ángel was forced to make a confession under torture** which he later retracted, but the Mexican authorities failed to act on his reports of torture. In the end, the CPTRT was able to examine him and provide the Mexican authorities with evidence of his ill-treatment.

Ángel is [demanding](#) reparations from the Mexican government, as well as measures to prevent other migrants in Mexico suffering the same ordeal. The Mexican organization Centro PRODH (Miguel Agustín Pro Juárez Human Rights Center), which had taken up Ángel's case, [reported](#) on December 11 that the authorities had so far failed to honor their commitment to provide Ángel with support for his rehabilitation – such as funding for medical and psychological treatment – made when he returned to Honduras a month earlier. The CONADEH has [undertaken](#) to launch a campaign to aid other Hondurans imprisoned in Mexico and the United States, and ensuring their access to justice. According to a report by Centro PRODH, [‘Migrantes en Prisión: La incriminación de migrantes en México, otro destino trágico’<sup>11</sup>](#), **there are at least 400 Hondurans in Mexican jails, and the NGO suspects that many are in the same position that Ángel was**. It [stressed](#) the need for Honduran government and its diplomatic missions to take a more active role in identifying and supporting these

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11 'Migrants in prison: The incrimination of migrants in Mexico, another tragic fate'

prisoners.

## **GARÍFUNAS**

### **Land and migration**

The expulsion of Garífuna's from their land by, for example, tourist projects, African palm plantations and drugs traffickers, has been identified as one of the main 'push' factors behind the recent substantial increase in the [migration of young Garífunas](#). According to a survey conducted by Nanigu, a Garífuna youth organization, a total of 320 people from the community of Corozal, near La Ceiba, migrated to the US between January and August 2014, most of them 12-30 years old and headed to New York and New Orleans.

In October and November, Agricultural Missions posted a [series of articles](#) on Garífuna land issues based on a number of delegation visits to various communities.

## **LA MOSKITIA**

### **Human rights violations by police and army**

In mid-October, Karla Cueva, Deputy Minister for Human Rights and Justice [visited](#) La Moskitia and had a meeting with community leaders to hear at first hand the allegations of human rights violations committed by the security forces. It was in response to a letter which the Miskito organization MASTA (Moskitia Asla Takanka) wrote on September 18 to President Juan Orlando Hernandez, which detailed such abuses as the apparently indiscriminate use of explosives and gunfire near to communities, raids on houses without warrants, beatings of the inhabitants, threatening gunfire and theft. This has occurred against the background of increased militarization of La Moskitia with the war on drugs. (See P.16 of our [summary for August-September 2014](#) for more details). The state delegation also included the Deputy CONADEH, and the Chief Human Rights Prosecutor and a representative from the Human Rights Department of the Ministry of Security. MASTA welcomed the visit as it indicated that the state was taking their complaints seriously.

### **Oil and gas exploration**

It was [announced](#) in October that the British company, [BG Group](#), had finished the first phase of its oil and gas exploration in an area of 35,000 square km in the sea off the coast of La Moskitia. This involved flying over the area to perform gravity gradiometry – identifying changes in density of the rocks beneath the seabed, and therefore potential reserves, through variations in the earth's gravitational field. The next stage will be seismic surveys. The government is hoping for concrete results of the exploration by the end of 2015. The concession has been controversial, as the area concerned covers part of the environmentally-sensitive Mesoamerican Reef System, the largest barrier reef in the Western hemisphere, already under pressure from climate change. Both [OFRANEH](#) and indigenous groups within La Moskitia have complained at the lack of consultation, as the 'socialization' (as opposed to consultation) of the project only came a number of months [after](#) the exploration concession had been rubber-stamped by Congress, in May 2013.<sup>12</sup> OFRANEH draws some hope from the potential precedent at the other end of the Mesoamerican Reef System, with the Belizean Supreme Court's [decision](#), in April 2013, to declare offshore drilling contracts null and void. The court overturned the

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12 See Sandra Cuffe [Drilling the Caribbean: Indigenous communities speak out against oil and gas exploration in Honduras](#).

contracts in part after determining that the government failed to assess the environmental impact on Belize's ocean, as required by law, prior to issuing the contracts.

## **LENCAS**

Between October and December there were a number of **acts of persecution of opponents of hydroelectric projects**, both in Rio Blanco and Santa Elena.

### **Rio Blanco**

COPINH have denounced what they believe to be **the murder of Maycol Ariel Rodríguez García**, a 15-year-old from the community who disappeared on October 26 and was [found dead](#) in the Gualcarque River on October 29, after intensive searches. COPINH have stated that, although it was made to appear that he had drowned, his body bore wounds and signs of blows. After the body was recovered, it had been taken to the Forensic Medicine Unit in Tegucigalpa, in coordination with the Special Prosecution Unit for Ethnic Groups and Cultural Heritage. Maycol had been very active in the community's struggle against the proposed Agua Zarca hydroelectric project by DESA. He had been working in the Vega del Culeton, ancestral Rio Blanco land that DESA claims and where the community has planted crops as part of its action to recover it. His brother, William, who was also active in the struggle against the dam, was murdered earlier in the year, on May 24 (see P.4 of our [summary](#) for May 2014 for more details).

The members of the community involved in the recuperation of the Vega del Culeton have been subject to significant **police harassment and intimidation** in recent months. In mid-November, COPINH [reported](#) that police fired their weapons close to where the people were working on this land, and were also behaving aggressively in the area of El Roble. In addition, on [October 9](#), police and four members of the Madrid family, who had illegally sold the land to DESA, came onto the Vega del Culeton and issued death threats to the members of community and told them that they would be evicted from the land on October 13, a threat which was [not carried out](#). They were the same police who had been responsible for vandalizing the community's health center in Tejera on August 23, while the community were at a meeting discussing another [hydroelectric concession](#) – the River Cange, involving Blue Energy.

During a [visit to Lenca territory](#) to look at European Union-funded projects on October 9 and 10, **representatives from EU embassies met in Esperanza with COPINH** representatives from a range of communities. PROAH was present at the meeting. Berta Cáceres thanked the EU representatives for their support in 2013, when she and two other COPINH leaders suffered criminalization as a result of their support for the Rio Blanco community, and urged the EU to continue providing both political and financial support for human rights in the country. She pointed out that several banks from EU member states were funding harmful development projects in Lenca territory.

### **Santa Elena**

On December 10, Human Rights Day, PBI (Peace Brigades International) issued a [document](#) outlining the **series of acts of intimidation of members of MILPA** (La Paz Lenca Indigenous Independent Movement) due to their opposition to the hydroelectric project on the River Chinacla in Santa Elena municipality, La Paz department. The dam would be built by Los Encinos company, owned by Gladys Aurora López, currently Vice-President of Congress and chair of the National Party's Central Committee. PBI expressed concern about the safety of the members of MILPA - on January 5, Juan Francisco Martínez was [murdered](#) (more details will be available in our January summary). Below are

the most recent developments outlined in PBI's document.

#### *Consultation process*

On October 6, 2014, a ***cabildo abierto*** (open meeting) was held, ostensibly to consult the community on whether the hydroelectric company should be allowed to carry out a feasibility study on the project. As well as failing to observe the standards on such consultations laid down in ILO Convention 169 on the rights of indigenous peoples, the ***cabildo* was conducted in an intimidating atmosphere** – the police and army were present, taking photos of opponents of the dam; the venue was too small, with only 400 places, when the hydroelectric project would displace 700 people, as well as affecting others. The minutes of the meeting, requested by MILPA, simply states that everyone was in favor of the feasibility study, without stating who attended. According to [COPINH](#), **people were transported over from nearby El Salvador in 6 buses to swell the numbers of those voting in favor**. CEHPRODEC (Honduran Center for Community Development), which is providing MILPA with legal support, has requested more detailed minutes in order to present a formal challenge to the *cabildo*.

#### *Death threats and attempted land evictions*

Since November 2013, a number of community leaders - Martín Gómez Vázquez, Félix de Benítez, Pedro Amaya, Calixto Vázquez, Juan Bautista and Julio González – have been the **targets of death threats and surveillance** by supporters of the hydroelectric project. There have also been a number of **attempts to evict people** from their land, the most recent being on September 3, when, without a warrant, police and armed civilians fired gunshots, destroyed crops and stole and vandalized property (see P.17 of our [summary for August and September](#) for more details).

#### *Defamation and criminalization*

There is also concern at the defamation and criminalization of members of MILPA. The municipality along with the police is currently putting together a 'case' to **accuse some of them of sedition and treason**, charges for which pre-trial detention is obligatory. In addition, on November 3, one of the leaders, **Calixto Vázquez was arbitrarily detained** during a peaceful march, and released the same day without charge. His arrest was condemned by [Front Line Defenders](#) and [ACI Participa](#).

#### **Marcala - eviction and arrest of street traders**

On November 26, in Marcala, also in the department of La Paz, **indigenous street vendors were evicted from the 'calle empedrada'** ('cobbled street') an area which they had occupied for 18 years and which provided an income for 100 families. It appears that it is because they are considered to be in competition with the privatized municipal market nearby. The eviction was effected by the police and army, who threw most of the vendors' wares on the ground. Following the eviction, the families held a sit-in outside the town hall for a number of days. The protest was broken up on December 2 by the authorities, who arrested five of the vendors, a move [condemned](#) by the Alliance for Human Rights as the criminalization of poverty.

#### **Yamaranguila – Opposition to wind power project**

On October 11, members of the Lenca organization CINPH from the communities of Yamaranguila municipality, Intibucá department, met to [express their opposition](#) to a private wind power project, 'Vientos de Yamaranguila' ('Winds of Yamaranguila') in their region, on the grounds that the large number of windmills would be built on areas which are sources of water, damaging their supplies.

## **MINING: LA NUEVA ESPERANZA**

On November 18, **Wilfredo Funes, former head of security for Minerales Victoria mining company, was found guilty of the [deprivation of liberty](#) of two PROAH observers on July 25, 2013 as well as to coercion and unlawful entry** onto the property of Antonio Callejas and Concepción Gutiérrez, of Nueva Esperanza, Tela municipality, Atlántida department. The couple had been facing constant intimidation from the employees of Minerales Victoria because of their refusal to sell their land for mining. The PROAH observers were accompanying them at their home in view of these threats when it was invaded by the employees who temporarily abducted them, and Antonio and Concepción were forced to flee their home. This was part of a wider [campaign of intimidation](#) waged by the mining company and the National Police against the community in response to its peaceful and legitimate opposition to the mine. Such was its intensity that 18 people, members of the community of Nueva Esperanza as well as human rights defenders and priests that have been supporting them are beneficiaries of [precautionary measures](#) (PM 195-13) granted in December 2013.

Wilfredo Funes was sentenced to 4 years 3 months' imprisonment. He was released on payment of a fine, as is possible for this length of prison term, but no longer lives in the community. The fact that he was arrested and tried at all was a major achievement, given the scale of impunity in Honduras surrounding attacks on people defending the land and the environment and those who support them. **We are grateful for the permanent vigilance and accompaniment on the part of the international community in the case and for the work of attorneys from COFADEH and MADJ** (Broad Movement for Dignity and Justice) who worked on the case for over a year.

## **MINING: CANADA**

Sandra Cuffe has produced an [article](#) which gives a useful summary of Canada's influence and involvement in the mining sector in Honduras, which includes **GoldCorp's San Martín mine in the Siria Valley and the lesser-known San Andrés mine in Azacualpa**, in La Unión municipality, Copan, operated by Aura Minerals. The latter was the scene of a confrontation between the community and the police in April 2014 after the residents blocked access to the mine in protest at the expansion of the mining operation, including a potential threat that operations would extend into the community's cemetery. (For more information on the San Andrés mine, see the '[Aquí Abajo](#)' [article](#) of November 7, which includes a video of the confrontation, as well as P.13 of [our summary for July 2014](#)). See also the summary of the IACHR hearing on the impact of Canadian mining activities on human rights in Latin America (P.37) for more background.

## **LAND DISPUTES: BAJO AGUÁN**

### **Murder**

Amnesty International issued an [urgent action](#) on the case of the campesino leader **Juan Ángel López Miralda** (also known as Juan Galindo), shot dead on November 11 by two unknown individuals on a motorbike in the Rigores community, Trujillo municipality, Colón department. He was cycling home after leaving a meeting in a nearby church when he was murdered. Juan Ángel López Miralda had been a member of MUCA (Aguán Unified Campesino Movement) and president of Cristo Rey cooperative in Marañones until he was forced to leave the country in November 2013 following two attempts on his life. In the first, in April 2013, men wearing balaclavas tried to kill him. He suffered a similar attack in October 2013, just days after Colonel German Alfaro, then commander of the Xatruch

Task Force, and police officers had visited his father's home, behaving in an intimidating manner. Juan Ángel López Miralda had returned to the country in July 2014 for family reasons. His murder was also condemned by [COFADEH](#) and [COPINH](#).

### **Criminalization**

On December 10, Human Rights Day, the charges against **Irma Lemus**, deputy coordinator of OPDHA (Human Rights Observatory of the Aguán) were [definitively dismissed](#) at a court in Tocoa, Colón, after the prosecution witnesses failed to turn up to the initial hearing, and the Public Prosecution Service was unable to explain their absence. Irma Lemus, who had been subject to alternative measures to prison since November 10, had been charged, with others, with land invasion, cattle theft, damage to the Honduras Cattle Fund ([Fondo Ganadero de Honduras](#)) and extortion. The Cattle Fund is a company set up by the Honduran government with USAID money in 1984 to improve cattle production by small- and medium-sized producers. In 2007, the campesinos had lodged a formal request with INA (National Agrarian Institute) to have the land in question, in Ocotes Altos, assigned to them, on the grounds that the Fund was not using it and had exceeded the limit on the area of land (*sobretecho*) which it could hold. In the absence of any action by the INA, [60 families finally decided to occupy it](#). Irma Lemus' arrest was regarded by [human rights organizations](#), such as [IM-Defensoras](#), as a means of criminalizing her work.

### **World Bank – Dinant**

In October and November, representatives of the CAO, the World Bank's Compliance Advisor Ombudsman, visited Honduras, in relation to the complaints concerning Dinant's palm oil operations. These include the two most recent ones, **lodged with the CAO in July by MUCA and the MCRGC** (Gregorio Chavez Refounding Campesino Movement) which denounce 'displacement of communities, violence, use of security forces, and environmental impacts'.

**These bring to four the number of investigations conducted by the CAO directly or indirectly involving Dinant.** The first was the [original investigation](#) into the loan to Dinant by the IFC (International Finance Corporation – a private sector arm of the World Bank), the results of which were published in December 2013, which exposed glaring deficiencies in the IFC's evaluation of the social and environment impacts of the company's activities.<sup>13</sup> An investigation into the procedures for the loan to the **FICOHSA** was then triggered by the CAO when it became aware that the bank, the biggest in Honduras, had made significant loans to Dinant. The CAO's [report](#), published in August 2014, repeated much of the same criticisms of the IFC.

After consulting community representatives, Dinant and the Honduras, **the CAO decided to postpone completing its assessment of the latest complaints, by MUCA and the MCRGC**, to allow progress to be made on dialogue efforts already under way as a result of the previous complaints.<sup>14</sup> The CAO stressed the 'postponement means neither closure of CAO's involvement nor does it prevent CAO's future intervention' and the CAO would be resuming its assessment in mid-2015.

The CBI (Consensus Building Institute) has been collaborating with the CAO on a possible **mediation process** between the various parties in the land disputes with Dinant in the Bajo Aguán. According to a [report](#) by Conexihon, the CBI has recommended an investigation into the origin of the land dispute by

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13 See IFC [presentation](#) of October 10 to civil society organizations on progress related to Dinant's Enhanced Action Plan and actions IFC is taking to improve its environmental and social risk management, plus an [account](#) of the meeting itself.

14 See under 'Synopsis' of the [MUCA](#) and [MCRGC](#) complaints

an independent committee of experts, as well as into the allegations of human rights violations, criminalization and impunity. In addition, it recommends regional initiatives for social and economic development. The campesino movements, represented by the Aguán Valley Regional Agrarian Platform (*Plataforma Agraria del Valle del Aguán*) undertook to analyse the recommendations in order to decide whether to take part in the next stage in the process. They were pleased that the CBI had taken on board their proposal for an investigation into the origins of the conflict. This was one of a [series of recommendations](#) that the Platform had made in October, which included a review of the procedures for the exhumations currently taking place by UMVIBA (Bajo Aguán Violent Deaths Unit). **Truth Out** has produced an excellent [article](#) which provides background to the funding of Dinant, as well as to the wider land conflict.

#### **LAND DISPUTES: VILLANUEVA**

On November 28, four hooded men in bulletproof vests who said they were police officers, **shot dead [Natividad Caballero Hernández](#), the president of the community council (*patronato*) of Belén**, a neighborhood of Villanueva, Cortés department. They entered her home at 4 am, and killed her as well as her bodyguard, aged 19, after apparently asking her where the money and the pistol were. Her three young daughters were in the house at the time of her murder. She had been receiving death threats and suffered attacks since she had been working towards the legalization of the neighborhood, as it currently had the status of a land invasion. As a result, young men from the community took it in turns to stay at her home to protect her when her partner was working at night. Her predecessor as president of the *patronato*, César Augusto Armijo Reyes, was also murdered, in May 2012.

#### **LAND DISPUTES: COMAYAGUA**

The CNTC (National Farmworkers Federation) [reported](#) that over 17 families from the campesino cooperative *Camino al Futuro* (Path towards the Future) in Las Mederas, San Jeronimo municipality, Comayagua department, had been the **victims of a brutal attempt to drive them off their land** that began in the early morning of December 30 and continued the next day. They were forced to flee into the mountains as they were being chased by men in military clothing wearing ski masks and firing live ammunition. Their houses and their crops of corn, rice and beans were set on fire. The campesino group has been occupying the land for 6 years, and was in negotiations with the Institute of Forest Conservation (ICF) and the INA to obtain the titles to it. The eviction seems to be associated with the Maradiaga family which is claiming that it has title to 140 acres of the land, despite that fact that, according to the cooperative, it is currently designated by INA as forest land and therefore any title would currently be illegal.

#### **ZEDEs**

Grassroots groups in and around the Gulf of Fonseca are increasingly concerned since the publication, in September, of the [preliminary feasibility study on ZEDEs](#) (Employment and Economic Development Zones) by KOICA, the Korean International Cooperation Agency, which suggests **the development of world class port facilities in Amapala, on the island of El Tigre**. The proposal could have profound implications for the entire gulf, and ADEPZA (Association for the Development of the Zacate Grande Peninsula) fears that there will be **evictions** from the Zacate Grande peninsula as a result. On October 23, a number of organizations, including ADEPZA, CEHPRODEC, CODEFFAGOLF (Committee for the Defense and Development of the Flora and Fauna of the Gulf of Fonseca), and several churches, organized a [rally](#) against the proposed ZEDE. The participants, around 500 people, traveled in 12 boats

from Zacate Grande to El Tigre island and marched through the streets of Amapala. There was also a number of international organizations present, including PROAH.

The mayor of Amapala, Santos Cruz, who claimed not to have been notified that the protest was taking place, has stated that he would reject the proposed ZEDE if it had negative impacts on the inhabitants, although he admitted that he did not at the moment have much idea of its implications. A couple of months previously, he had visited the port of [Busan](#), South Korea's second largest city and a designated [free economic zone](#). He went together with the mayors of Nacaome and Alianza, other municipalities in Valle department potentially affected by components of the ZEDEs – Nacaome with an agroindustrial zone and Alianza with warehousing facilities for the new port. They all appeared [impressed](#) with Busan, and enthusiastic about the possibility of its success being replicated in Honduras. It is significant that the South Korean government retains control of the Korean free economic zones. As such, they would not be representative of life planned under the ZEDEs, where the Honduran government would cede control to the Orwellian-sounding Committee for the Adoption of Best Practices. Analysts such as Fernando García have expressed doubts about the capacity of the ZEDEs to deliver genuine improvements to the living standards of the local population, as well as concern at the loss of sovereignty and possible expropriation of land. Under the law establishing the ZEDEs, the decision to establish one may be subject to a plebiscite where the population affected is over 100,000, while the population of Nacaome, Alianza and Amapala combined is less than 60,000. The [CEPR](#) has written further about the legal and practical implications of the ZEDEs, particularly for the Gulf of Fonseca, where there have also been [other plans](#) afoot, in discussions with El Salvador and Nicaragua, for a 'master investment plan'.<sup>15</sup>

As at January 19, it was [envisaged](#) that KOICA would present the final feasibility study by the end of March, at which point the President planned to present this first ZEDE (Amapala, Alianza and Nacaome) in Korea, Japan and the United States (rather jumping the gun in terms of local consultation).

## **MALNUTRITION**

According to a report issued by the National Statistics Institute (INE) in October, Honduras faces one of the highest rates of [chronic malnutrition](#) in Latin America, surpassed only by Guatemala, Haiti and Bolivia. 23% of children under five suffer from stunted growth from chronic malnutrition, and it is most common among children with mothers with no education 48% and those in the poorest households 42%. This figure of 23% is a reduction from 2005-2006, when the last survey was conducted, when 30% of children were found to have stunted growth.

The representative of the World Food Program, Pascualina Di Sirio, separately [stated](#) that 23% of the population suffered from malnutrition, with worst affected departments Lempira, Intibucá, El Paraíso and La Paz. It was particularly prevalent in children from 2-5, who have suffered the effects of the malnutrition of their mothers during pregnancy.

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15 For background on the ZEDEs, see also the New Republic ["I've Seen All Sorts of Horrific Things in My Time. But None as Detrimental to the Country as This."](#) and the article by ex-PROAH volunteer, Erika Piquero in Latin Correspondent [Who really benefits from Honduras' Model Cities?](#)

## POLICING

### Training

CONAPREV (National Committee for the Prevention of Cruel, Inhuman and Degrading Treatment) in its [report](#) for 2014, stated that it recognized that police and military training included classes on human rights which represented important progress, but that it was 'insufficient', and as a result **abusive practices continued**, which included excessive force, misuse of tear gas when breaking up peaceful demonstrations, aggressive and discriminatory verbal treatment, particularly of women and LGBTI people, and mistreatment upon arrest. It then went on to list some of the **cases of torture by the security forces**.

CONAPREV's report appears to bear out the concerns expressed in the [conclusions](#) of the **Multinational Commission of the APJ** (Alliance for Peace and Justice) in its evaluation of the new curriculum for police training. The Commission, which includes members from Guatemala and the United States, stated that it was an important step forward, but that it would have no effect without deep institutional reform, including strengthened mechanisms for monitoring police conduct.

In the last quarter of 2014 there were **a series of disturbing allegations of criminal acts by the police**, including the elite forces of the TIGRES and the PMOP (Public Order Military Police), as well as legal proceedings for past violations.

### Murders by police

#### *Agua Blanca Sur – three youths in 2011*

A public hearing [has finally been set](#) for October 2015, in **the trial of three police officers for the murder of three youths** in Agua Blanca Sur, El Progreso municipality, Yoro department on February 1, 2011. The victims, Nahúm Murillo, Neptaly Galeano and Narzy Bonilla, had left their homes in the morning to go up to a bathing spot on the outskirts of the community. They were found shot dead hours later. At the time of the murders, the accused police officers had been assigned to the community. They had originally been found not guilty in the first stage of the trial process, but that decision had been overturned after the victims' families appealed to the Court Inspector. As at October 10, 2014, two of the police officers were still continuing to work with no restrictions on their duties, while the third had voluntarily resigned from the force.

#### *Tegucigalpa – two students in July 2014*

On December 26, the Public Prosecution Service [lodged an appeal](#) against the decision, issued four days earlier, to release, pending trial, two policemen implicated in the murder of two female students from the UNAH in Tegucigalpa. The two officers, both from DNSEI (National Directorate of Special Investigation Service) were in a restaurant with a colleague, Marvin Joel Gallegos Suárez, near three students on July 6, 2014. (It does not appear that they were in uniform). At around 1 am, one of the students, Gessy Marleny García Martínez, went to look at her cell-phone. One of the policemen approached her and asked her to hand it over. She refused, he tried to grab the phone and it fell to the floor. When she went back to the table, **Gallegos Suárez shot her dead, as well as her friend, Yuri Fabiola Hernández, and wounded another fellow student in the arm who pretended to be dead**. The Alliance for Peace and Justice (APJ) had [condemned](#) the decision to release the two policemen. They were originally accused of being accomplices to murder, the attempted murder of a protected

witness and dereliction of their duties as state officials. The judge ordered alternative measures to prison rather than pre-trial detention as he ruled that the charge of complicity in murder should be changed to one of perverting the course of justice (*encubrimiento*).

#### *Santa Rosa de Copán – one man in October 2014*

A police officer, Allan Josué Chacón Fuentes, has been placed in pre-trial detention, accused of the [murder](#) of Natanael Alberto Reyes Flores, in Santa Rosa de Copán on October 26. The policeman, who works in San Pedro Sula, was off-duty at the time. They had left a bar in the early hours of the morning and were walking home when Chacón Fuentes shot the victim 8 times.

### **Police brutality**

#### *Tegucigalpa - August 12, 2009*

On November 14, the [initial hearing](#) took place in the trial of senior police officer, **Elder Madrid Guerra**, currently head of COEPOL (Center of Police Operations and Strategy). He is facing charges of human rights violations including **illegal detention, ill-treatment and torture of 24 people during a peaceful protest against the coup outside the Congress building** on August 12, 2009, when he was commander of the COBRA special forces.<sup>16</sup> The legal proceedings against him have been tortuous, as charges were dropped against him in 2010, but were subsequently revived, and then Elder Madrid's lawyers sought to invoke the 2010 Amnesty Law – in both cases these moves were successfully challenged by COFADEH and the Public Prosecution Service. A second hearing, scheduled for December 3, was [suspended](#) when the judge's secretary and the police officer's defense lawyer both failed to turn up. PROAH has been accompanying COFADEH in the case.

#### *Choloma - August 14, 2009*

Radio Progreso [reported](#) on November 13 that the **case may be reopened against Héctor Iván Mejía, Abrahan Figueroa Tercero and Nelson Osorio**, senior National Police Officers accused of being responsible for another brutal crackdown in the aftermath of the coup – this time of a demonstration in Choloma, on August 14, 2009. The charges against the police officers were [definitively dismissed](#) in August 2013, but the victims' lawyers have filed an appeal and secured a hearing in November to explain its grounds – bias on the part of the judge, who, they allege, distorted the evidence and invented facts in her ruling. In the crackdown on the demonstration against the coup, involving about 4,000 people, 200 members of the security forces – soldiers and police - began to disperse the protesters using water jets, tear gas and police batons. They destroyed the cameras and other equipment of three journalists covering the events, including Gustavo Cardoza, a Radio Progreso correspondent who was beaten and illegally detained. 32 people were arrested and 5 were taken to hospital as a result of being beaten by batons, one of whom also had a gunshot wound.<sup>17</sup> As at January 16, no decision appeared to have been made on whether to admit the appeal.

#### *Tegucigalpa – November 10, 2014*

On November 10, **a teacher was brutally attacked** by officers of the municipal police in the center of Tegucigalpa, after he asked them to stop beating street sellers, including an elderly woman. He was

16 See P.136 of Commission of Truth report [The Voice with Most Authority is that of the Victims](#) and COFADEH report [Situation and Trends, 4 Emblematic Cases of Human Rights Violations in Honduras](#) for more details.

17 See P.139 of Commission of Truth report [The Voice with Most Authority is that of the Victims](#) for more details.

beaten with batons and kicked all over his body, as a result of which he sustained serious bruising and a head wound which required 16 stitches. After the attack, the municipal authorities threatened to shut down his mother's market stall.

### **Soldiers and police clients of child prostitutes in Olancho**

On October 14, the Special Prosecutor's Office for Children [arrested](#) Xiomara Patricia Olivera Paguada, who is accused of recruiting women and girls in Juticalpa, Olancho department, by [calling and offering them high-paid jobs](#). They were then forced into prostitution. One of Olivera's alleged victims was her sister's stepdaughter, a 15-year-old girl who [claims she was forced to have sexual relations](#) with at least 10 police and two members of the military. Two of these alleged clients were Eddy Rolando Caballero Merlo, a police officer, who has protested his innocence, and Angel Andres Flores Amador, who is an army colonel. Both of them, and Olivera, have been placed in [pre-trial detention](#). According to Nora Urbina, the head of the prosecutor's office, Olivera's primary clients were [members of the security forces](#).

### **TIGRES – Theft**

On December 11, 50 members of the TIGRES elite police squad and 23 agents from the SIU (Sensitive Investigations Unit) were [formally suspended](#) for their involvement in **the theft of 1.3 million dollars**, part of a cache found following the arrest of the Valle Valle brothers, major drug-traffickers, in Florida, Copán, on October 5. The TIGRES, [set up with US funding](#) to combat organized crime, drug trafficking, and corruption (!), has been operational since June 2014.

### **Purge**

The DIECP (Police Personnel Investigation and Evaluation Directorate) [announced](#) that **it had reported 672 police officers to the Public Prosecution Service between January 2012 and November 2014**, as part of the police purge. Of these, 70 cases will be closed, because there was insufficient evidence to take them to trial, the DIECP itself had concluded that the accused should face disciplinary rather than criminal proceedings, or because, in a few cases, the police officer had died. In 2014, 10 police officers had been convicted as a result of the purge. The charges against the 672 police officers, of whom 155 are deputy inspector rank or higher, included **abuse of authority, murder, coercion, embezzlement, theft, torture, and illegal detention**.

Between January 2013 and November 2014, the DIECP had also referred [17 cases to the TSC \(National Court of Auditors\) of suspected corruption of high-ranking police officers](#), including two ex-director generals. The total amount, in money and property, which could not be accounted for by their normal income was 240 million lempiras (about 12 million dollars). The TSC was having some difficulty in producing proof that it was acquired illegally, in part because some of the cases went back to the 1970s. At present, the DIECP is investigating 162 police officers for unlawful enrichment, and hopes to send 27 more cases to the TSC at the beginning of 2015.

Since May 2012 1,350 police had been removed from the force and at least 1,570 had left of their own accord, with a further 700 to go, it was [announced](#) on December 9.

### **Replacement of police director**

There is [speculation](#) that the decision to remove the police director Ramon Sabillon, announced on November 20, was motivated by failings in the purge of the police force, as well as his opposition to

militarizing security. He was [replaced](#) by his deputy, Felix Villanueva.

## **Military police**

### *Abuses*

Set up, like the TIGRES, in part in response to the failings of the National Police, the Public Order Military Police (PMOP) have also been operational for only a short length of time. However, within days of first appearing on the streets, in October 2013, they had been responsible for at least two intimidating raids on the houses of people associated with LIBRE, and were considered by the opposition as an instrument for spreading fear in the run-up to the elections. Since then, **the PMOP has been associated with a string of abuses**, including the beating of the director of Casa Alianza in May. The abuses committed in the last quarter of 2014 are among the most serious so far:-

On October 1, a **PMOP sergeant** [fired through the back window of a public bus](#) after it failed to stop at a checkpoint in Tegucigalpa. Of the fourteen passengers, four were injured – two with bullet wounds, and two from broken glass. The driver said that he had been unable to stop in time, given the speed he was traveling at and the number of passengers. The Transport Minister, Yovany Dubón, said that it was an isolated incident and [defended the PMOP's actions](#). However, the same day as the shooting, the sergeant was [charged](#) with attempted murder of the two people who received gunshot wounds, as well as violation of the duties of state officials and damages to the owner of the minibus, and was placed in pre-trial detention.

A [sweatshop worker](#) reported that, on November 21, while she was waiting for a bus in San Pedro Sula after leaving work, she was forced at gunpoint to get into the back of a PMOP patrol truck and taken to an isolated area where she was **raped by eight military police**. A National Police patrol took her to Forensic Medicine Unit and then to hospital. A PMOP spokesman stated that they were investigating the case.

### *Additional 1,000 military police*

Meanwhile, the number of PMOP was increased by 50% with [addition of another 1,000 men](#) who [completed their training](#) on December 6. It is not clear where they will be [deployed](#), but one rumour has been that it will be in Choluteca and Olancho, which would be in line with the objective of the force having nationwide coverage. A contingent of the PMOP was [established](#) in La Ceiba in October.

## **Ebed Yanes trial**

On December 1, there was **yet another postponement of the trial of three soldiers** charged in connection with the murder of Ebed Yanes, when their lawyer applied to have the presiding judge removed from the case. The trial had already been postponed from November 19 when one of the defendants requested a change of defense lawyer. Ebed Yanes is one of the most notable victims of the militarization of police functions. The 15-year-old, who was riding a motorbike, failed to stop at a military checkpoint in the early hours of the morning on May 27, 2012, in a suburb of Tegucigalpa, and was then pursued by soldiers in a vehicle who shot him repeatedly. The judge in the case, Mario Díaz, is a member of the AJD (Association of Judges for Democracy), one of a number of organizations which signed a public statement published in 'El Heraldo' on the day of the hearing about the remilitarization of the country since the coup. The soldiers' defense lawyer argued that this meant that the judge should not preside over cases involving the armed forces. A [new hearing](#) has now been set for January (16th), after the Court of Appeal rejected the application for the judge's removal. PROAH

has been accompanying COFADEH in the case, the progress of which has been dogged with delays as well as being actively obstructed (see P.17 of our [May 2014 summary](#) for more details).

### **Soldiers accused of firing on a car**

Two soldiers were [arrested](#) on November 29 after firing on a car in Cabo Cañaveral, Santa Cruz de Yojoa municipality, Cortés department. They shot at the car without any warning, according to its occupants, who appear not to have been hurt in the attack. The two soldiers have been charged with attempted murder, damage and abuse of authority.

### **Torture of miners – trial of soldiers**

On November 3, **two of the three soldiers accused of torturing four miners had the [charges against them dismissed](#)** at the initial hearing of their trial for torture and abuse of authority, on the grounds that no evidence had been provided of their involvement in the crime. The Public Prosecution Service stated that it would be appealing this decision. The remaining soldier, who is still facing charges, is a sergeant, while the others are a private and second lieutenant. Soldiers have been guarding La Cuculmeca mine in San Juan Arriba, El Corpus, Choluteca department, in the south of the country, to prevent miners entering after its entrance collapsed in July, killing eight people. In September, [film footage](#) on national TV showed two soldiers put cloths over the heads of two miners and then throw water over them to simulate drowning, to punish them for working in the mine after its closure. The accused were [formally charged](#) on October 2, and on October 3, Fredy Díaz Zelaya, head of the Joint Chiefs of Staff had [announced](#) the suspension of senior military officers in the south of the country pending investigation. It includes the commander of RECABLIN (Armored Cavalry Regiment), the three soldiers' regiment.

### **Appointment of new Minister of Security**

InsightCrime has written about the [implications](#) of the appointment of Julian Pacheco Tinoco as Minister of Security effective January 15, when the current incumbent, Arturo Corrales, will become Foreign Minister. **It is the first time that an active general has headed the ministry since its creation in 1998**, and according to InsightCrime, '[T]he decision to place Pacheco as the head of the police confirms the de facto reality in [Honduras](#): that the military are officially in charge of all things related to citizen security.' He is currently head of FUSINA (National Inter-Institutional Security Force).

Even before his appointment was [announced](#), on December 15, civil society organizations, such as [ERIC](#), had been expressing **concern at the number of posts which had been wrested from the military in the 1990s, but which had returned to them since the coup** – such as the Civil Aviation Authority, Merchant Marine, Immigration Service and Hondutel, as well as increasing areas of civil security.

### **PUBLIC PROSECUTION SERVICE**

On November 12, Congress [passed](#) major amendments to the Public Prosecution Service's organic law (*Ley del Ministerio Público*). The [changes](#) include a provision allowing its Director to hire and fire people as he sees fit, as well as restrictions on prosecutors speaking to the media in sensitive cases. The opposition is concerned that such provisions could be abused for political ends.

## PRISON SYSTEM

According to the CONAPREV [report](#) for 2014, Honduras began a complex process of prison reform in December 2012, under the National Prison System Act (*Ley del Sistema Penitenciario Nacional*), which expired on December 3, 2014. CONAPREV considered **the appointment of members of the military to positions of authority within the prison system**, both in the National Prison Board (*Instituto Nacional Penitenciario*), and high security prisons themselves, as a setback, or at the very least, a halt to this process of reform, which should have led to a transition from police control to civil, rather than military, control. CONAPREV stated that it had found its **work hindered by the military** within the Marco Aurelio Soto high security prison, in Támara, near Tegucigalpa – for example, a medical expert was not allowed to take in a camera to photograph evidence of ill-treatment of a prisoner, and soldiers are often present when the organization is interviewing prisoners, and begin to reprimand the prisoner and encourage other prisoners to intimidate them. (See also [reports](#) of individual prison visits).

CONAPREV also [considers](#) **the three prisons situated in barracks**, officially approved for use in April 2014 – at the barracks of the COBRAs, First Infantry Battalion in Tegucigalpa and Third Battalion in Naco, Cortés department – were **unsuitable for civilian prisoners** in terms of facilities and because of the lack of trained staff. They are currently being used for 'special' prisoners, such as politicians in the case of the First Infantry Battalion, and criminals awaiting extradition, in the case of the COBRAs. The latter facility was [condemned](#) by CIPRODEH for its inhumane conditions.

CONAPREV, in its report, condemns **the high level of killings and attacks within the main prison system**, and the general lack of control by the authorities. 85% have a system of self-government, in which power is shared between the prison authorities and the prisoners themselves, leading to a situation of bullying and general ill-treatment between the prisoners with the acquiescence of the authorities. This situation is particularly concerning given that almost 54% of the prisoners in the system are being held in pre-trial detention, one of the highest rates in Latin America.

This high level of pre-trial detention has been identified as one of the causes of **major over-crowding**, with currently 14,500 inmates in a prison system designed for 8,000, which in turn is no doubt a cause of the alarming levels of multi-drug resistant tuberculosis in prisons, which [according to the Honduran Red Cross](#), is contracted by over 3,000 inmates every year. To seek to address this, the government is undertaking a [major overhaul](#) of the prison system, including the construction of new prisons.

## HONDURAN TRUTH COMMISSIONS

A number of human rights organizations jointly held a [conference](#) to analyse the state of implementation of the recommendations of the two truth commissions set up in the wake of the coup - the state-appointed [Truth and Reconciliation Commission](#) (TRC - *Comisión de la Verdad y la Reconciliación*) and the civil society alternative, the [Commission of Truth](#) (CoT - *Comisión de Verdad*). The TRC had issued 84 recommendations and the CoT 18, but there were now no formal mechanisms to follow them up. In addition, some considered that the situation was not helped by the fact that human rights was now dealt with as part of a mega-Ministry. Among the most important recommendations identified, which still remained to be implemented, were the removal of political functions from the armed forces and the strengthening of constitutional guarantees for human rights. The importance of achieving justice for those who had suffered human rights violations as a result of the coup was also stressed.

## **IACHR REPORT - THE RIGHT TO TRUTH**

The TRC was referred to in passing (from Para 176) in the IACHR report [The Right to Truth in the Americas, published](#) on November 27, which also refers to the IACHR judgment in the case of Velásquez Rodríguez v. Honduras (1988), its first on forced disappearance, which had been brought by COFADEH (see, for example, Para 56). COFADEH gets a specific mention (Para 207) as one of the civil society organizations which has worked to secure the truth and justice on behalf of the victims. Mention was also made of the ground-breaking '[The facts speak for themselves](#)' on disappearances in Honduras from 1980 to 1993 (Para 233). It was written by the then CONADEH, Leo Valladares, who was also an IACHR commissioner from 1988 to 1995, and is now with ACI-Participa. In addition, the IACHR report refers to amnesty decrees in Honduras - the post-coup amnesty decree of 2010 (Para 99), as well as those of 1987 and 1991 (Para 163).

Proyecto de Acompañamiento internacional en Honduras (PROAH)  
<http://proah.wordpress.com>

Honduras Accompaniment Project  
<http://hondurasaccompanimentproject.wordpress.com>

Friendship Office of the Americas  
<http://friendshipamericas.org>

Facebook page:<https://www.facebook.com/proahonduras?fref=ts>

## ANNEXE

### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS HEARINGS OCTOBER - NOVEMBER 2014

During the 153rd period of sessions of the Inter-American Commission on Human Rights (IACHR), from October 23 to November 7, there were three hearings specifically on Honduras, on October 30 - the human rights situation of children and adolescents in Bajo Aguán, the case of Ángel Pacheco León, and economic, social and cultural rights of women in Honduras. In addition, Berta Cáceres of COPINH was mentioned several times during the hearing on the **improper use of criminal law to criminalize human rights defenders**. There was also a hearing on the **impact of Canadian mining activities on human rights in Latin America** which, although did not feature any Honduran cases, is highly pertinent given past experience and the Honduran government's ambitions for the mining sector. Summaries of these hearings are set out below, based on [videos](#) of the hearings and other sources, including the Washington College of Law's Center for Human Rights and Humanitarian Law, which has produced [summaries](#) of all the hearings, which included a number on migrants. See also the IACHR's [press release](#) and [report](#) for an overview of this period of sessions.

#### **Human Rights Situation of Children and Adolescents in Bajo Aguán, Honduras**

The petitioners were CEJIL (Center for Justice and International Law) and COIPRODEN (Coordination Group for Private Institutions for Children, Adolescents, Young People and their Rights) which represents 34 organizations.

In its introduction, the IACHR highlighted its concern about the situation in the Bajo Aguán, which had prompted it to grant precautionary measures to 123 campesino leaders in the region in May 2014.<sup>18</sup> However, the situation for children and adolescents was not well-known – Tracey Robinson, the IACHR's President, referred to them as the '**invisible victims**'.

COIPRODEN highlighted the parlous situation for campesino children, which numbered 114,000, in the 22 campesino settlements of the Bajo Aguán, both in terms of their physical security and their social, economic and cultural rights. Between January 2012 and December 2013, it reported that there had been 54 violent deaths of campesinos, 22 of which were between the ages of 15 and 18. Most of these were attributed by the authorities to criminal organizations, while in fact the perpetrators were believed to be private security guards and state security forces who act with impunity because the region lacks political will and resources to investigate. This contrasted with the alacrity with which the justice system acts against the campesinos, including minors.

COIPRODEN pointed to the **extreme poverty** suffered by most families in the settlements. Children have limited reliable access to food, education, housing and health care. An investigation by Casa Alianza in 2012 had recorded 17 cases of advanced child malnutrition, and there were high levels of teenage pregnancies, because of lack of effective education. There are only three schools for all twenty-two settlements, nine teachers for 2,200 families, and the existing schools are built precariously, with no walls, materials, blackboards, desks or books.

COIPRODEN also spoke of the **psychosocial impacts** of the violent situation in the Bajo Aguán. Most of the adults murdered had been young men with young families which had to endure the trauma of

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18 PM 50/14 - Campesino Leaders of Bajo Aguán, Honduras – see resolution (in Spanish only)

their death as well as the loss of the main providers for the families. The violence with which the state security forces conducted evictions also produced psychological trauma in children.

The state, in its response, pointed to a range of initiatives, but the IACHR stated that it was not clear the extent to which they were applied to the campesino settlements of the Bajo Aguán. The IACHR also stressed that even if the settlements were temporary and unstable, children needed proper education and health facilities within them. With evictions, it was important for the state to take into account their impact on children, not only at the time, but afterwards, in terms of housing etc. It also pointed out that the murder of campesino leaders was a violation of the right to defend human rights. The IACHR stated that it would examine the situation in more detail during its country visit in December.

### **Case 12.585 - Ángel Pacheco León, Honduras**

The petitioners were COFADEH, as well as the brother and sister of Ángel Pacheco León, a National Party candidate for the department of Valle, who was murdered in November 2001. The petition filed with the IACHR **accuses the Honduran government of failing to properly investigate his murder**, as well as denying the family access to the criminal investigation.

**Pacheco was murdered in front of his small children in Nacaome, Valle**, shortly before the elections. According to the [formal case](#) presented to the IACHR by his sister, after winning the primary elections, he was called to a meeting by high authorities of the National Party, where they demanded that he decline his candidacy in favor of a person they specified, but he refused. He was subsequently called to another meeting which he did not attend because he had been told that he would be killed there. He later received several death threats, some from activists of his own party, including from the person for whom the party authorities had requested that he decline his candidacy, and someone had attempted to murder him in a restaurant.

**The threats to his family have continued since his death**, and his brother has requested police protection many times without any response. Another brother has been murdered. The petitioners stated that there had been **many irregularities in Pacheco's murder investigation**. Two days after the murder on November 25, 2001, police arrested three suspects in connection to the murder. By November 30, all three warrants were dismissed and no new arrests have been made. The investigation team for the murder had been dismantled in 2004 and the DNA evidence was destroyed or lost after Pacheco's body was exhumed during a second investigation. The petitioners also presented testimony that the original crime scene had not been protected and **even though Pacheco's children had witnessed the murder, no arrests had been made in 13 years**.

The Attorney General stated that the murder of Ángel Pacheco was a complex case and that the state had conducted a number of investigations, one of which is ongoing. There was no weapon to compare to the crime scene and DNA evidence did not match their main suspect. The Honduran state asked the IACHR not to file its merits report on the case until the results of the new investigation into Pacheco's murder, opened in 2014, became available.

The IACHR assured the petitioners that the merit report would go ahead, but asked for updated information, particularly from the Honduran state. It also stressed the need for the state to afford the family protection. The Attorney General agreed to speak to the family about this in the coming weeks.

## **Economic, Social and Cultural Rights of Women in Honduras**

The petitioners were CEJIL and CODEMUH (Honduran Women's Collective), and the hearing concerned working conditions that have left many young female textile workers disabled. The focus was on the *maquilas* of transnational companies in the Cortés Department, around San Pedro Sula. The petitioners alleged that they create unsafe working conditions for lower class female workers resulting in long term medical conditions. The state claimed it was taking actions to improve the conditions.

According to CODEMUH, **the long hours and repetitive nature of textile work resulted in 48% of female textile workers becoming disabled.** The women, mostly 18-35, suffer from musculoskeletal and other degenerative disorders, and joint inflammation because the women are forced to stoop over sewing machines for up to 12 hours a day. Many workers requiring wrist, knee, and spinal surgery, and their mobility is affected. Female textile workers of Cortés are also statistically more likely to develop stress related illnesses such as heart disease, anxiety, and depression.

The state responded that it is currently working on solutions to occupational disability among young female textile workers. In 2014, state agencies held five working meetings with the Ministry of Labor to discuss occupational disability. The government is currently examining a proposal to regulate labor more carefully, and has assessed six companies so far for labor violations and another four companies are scheduled to be evaluated in 2014. The State also claimed it is working on creating policies to improve gender equality in Honduras.

The petitioners responded that the textile companies in Cortés are in violation of ILO labor standards and wants the State to agree to a date for a meeting with NGOs about the plight of the female workers there. The IACHR commissioners asked about the presence of unions in Cortés and whether the situation of the textile workers was a constant problem, and whether the work-related injuries were covered by the social security administration. Due to the lack of time, they asked both parties to submit responses to them in writing, and concluded by expressing the hope that the parties would meet again in Tegucigalpa to discuss the issue further.

## **Improper Use of Criminal Law to Criminalize Human Rights Defenders**

There were about 20 petitioners for this hearing – international, regional and national organizations, including Amnesty International, FIDH (International Human Rights Federation), as well as COPINH and COFADEH from Honduras, reflecting the widespread and serious nature of this practice. **The IACHR had added this hearing as a means of speeding up the production of its report on criminalization of human rights defenders (HRDs)**, the subject of a questionnaire which it had issued in August 2014, given its increasing concerns about the extensive use of this mode of repression. The IACHR hoped to complete the report in the first half of 2015, with a view to presenting it at the July hearings.

COPINH and COFADEH were represented at the hearing itself by FIDH, which based its [presentation](#) on a document submitted to the IACHR highlighting 7 emblematic cases of criminalization, including **Berta Cáceres of COPINH**, who was also mentioned in the presentations by IM-Defensoras and Amnesty International. Both FIDH and Amnesty International stated that **most reports of the abuse of criminal law to persecute HRDs related to those working on land rights**, particularly during disputes involving vulnerable groups, such as indigenous communities fighting to defend their right to territory and to use natural resources, access to a healthy environment and the right to water. FIDH also stated that these were people who were often forced to resort to direct action, such as occupying the land and resisting eviction, and tended to be less visible as they were far from urban centers. Criminalization was also used against HRDs reporting human rights violations relating to cases related

to corruption, state policies, and civil, political and labor rights.

**The lack of independence of the Public Prosecution Service was a central feature of the criminalization of HRDs**, who can be prosecuted a number of times, as happened with Berta Cáceres, who was prosecuted twice. This lack of independence extended to judges who, even if they do not ultimately find the HRD guilty, will invariably accede to requests for pre-trial detention of the HRD. There was a marked contrast between the alacrity with which the justice system moved against HRDs as compared with investigations of attacks against them.

**A particular problem was the security forces' failure to recognize the right to peaceful protest**, with HRDs subject to arbitrary arrests.

**Criminalization presents a particular challenge for HRDs, as it prevents many of their allies from reacting** because they feel they must respect the independence of the justice system, placing the onus on the HRD to present proof of innocence. Amnesty International pointed to the toll such criminalization can take on HRDs, even if the charges are eventually dropped, having an impact on, for example, finances, family, and the organization itself. The fact that generally there was no reparation for bringing groundless charges served to reinforce the idea that criminality and defending human rights were in some way linked.

The FIDH's recommendations to states included the punishment of those officials who used the justice system to criminalize HRDs, and to raise awareness of the legitimacy of HRDs' work.

**CEJIL focused on the use of anti-terrorism laws against HRDs**, reporting that, for example, according to the UN Rapporteur on Terrorism, in 2010-2011 48 people were arrested on terrorism charges in Chile, of whom 32 were indigenous leaders of Mapuche communities. If two of its draft laws are adopted, Brazil will become the Latin American country with the most extensive anti-terrorism legislation, followed by Colombia, Peru and Ecuador. Brazil had made ample use of such laws to curb anti-World Cup protests. With regards to Honduras, CEJIL cited the example of the Law against the Financing of Terrorism, adopted in 2010, as an initiative designed to stifle social protest. Under it, organizations had to prove to the Ministry of Security that funding was being used for social development and not for [anti-government] marches.

## **Impact of Canadian Mining Activities on Human Rights In Latin America**

This hearing was in a sense a continuation of the one held in late 2013, on 'The Human Rights Situation of People Affected by Mining in the Americas and Responsibilities of the Host and Home States of the Mining Companies' in which Latin American organizations focused on 24 emblematic cases of human rights abuses associated with Canadian companies, which account for 60% of all mining operations in Latin America (see P. 24 of our [Human Rights Summary Oct-Dec 2013](#)).

The petitioners this time were the CNCA (Canadian Network on Corporate Accountability), a coalition of 29 organizations represented at the hearing by the Justice and Corporate Accountability Project, Halifax Initiative and Mining Watch Canada (see [full CNCA submission](#) and [Mining Watch Canada's presentation](#)). No Honduran cases (such as Goldcorp's San Martín mine in the Siria Valley) were mentioned by the petitioners, who used instead **Blackfire Exploration's mine in Chiapas, Mexico**, to illustrate how the Canadian state, through its own acts and omissions, is implicated in grave indigenous and human rights violations in its aggressive promotion and protection of mining interests. The CNCA highlighted the central role the Canadian Embassy in Mexico played in enabling and then defending the Blackfire mine, even after community leader Mariano Abarca had been murdered, it had come to light that the company had been making direct payments to the local mayor in order to repress

protests, and the mine had been shut down on environmental grounds. Even after embassy officials finally met representatives of the local community, who told them of unfulfilled promises, lack of community support, environmental damage and corrupt practices, the Canadian government continued to advise Blackfire on how it could sue the state of Chiapas under the terms of NAFTA (North America Free Trade Agreement) for having closed the mine.

**The CNCA pressed for mandatory corporate and state accountability standards** providing accessible processes, independent fact finding and remedies for harms taking place.

The Canadian government spoke at great length about the corporate social responsibility (CSR) mechanisms that it had in place, stating that it was a world leader in CSR initiatives, being the first and only country to adopt, in 2009, a CSR National Strategy. It has a CSR National Contact Point established under the OECD Guidelines for Multinational Enterprises, and introduced the Office of the Extractive Industry CSR Counsellor, both of which could offer mediation between the complainants and the companies. It considered this a more effective route than one legally enforced through the courts, as disputes could be resolved quickly through dialogue. However, the CNCA pointed out that such mechanisms were dependent on the companies' cooperation, and of the three cases accepted by the CSR Counselor (before she resigned in disgust), all fell through because the companies pulled out.

CNCA stated that, **given the frequent lack of political will to pursue human rights violations associated with Canadian mining companies in the courts of the host country, often the only course remaining was to resort to civil litigation in Canada**, which was extremely expensive and therefore out of the reach of most plaintiffs. In addition, the companies frequently put forward the argument that the case was outside Canada's jurisdiction, and should be dealt with in the host country. There were currently two cases being pursued in the Canadian courts, both involving human rights abuses committed in Guatemala - Hudbay Minerals, involving murder and rape (the first case where a Canadian judge had allowed Guatemalans to sue a Canadian company in Canada – in 2013) and Tahoe Resources, involving the shooting of seven men. These only went ahead because the jurisdictional arguments were dropped by the defendants.

**The Canadian state representative made it clear that Canada was not prepared to assume any legal responsibility for the actions of its companies abroad.** She argued that the human rights abuses fell outside Canada's obligations under the American Declaration, and that host countries already offered means of legal redress. In terms of standards developed to seek to address current gaps in international law in this area, she dismissed [The Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#) as simply a declaration by scholars with no practical implications. She was keen to quote the commentary on foundational principle 2 of the [Guiding Principles on Business and Human Rights](#) (The Ruggie Principles), which states that '*At present States are not generally required under international human rights law to regulate the extraterritorial activities of businesses domiciled in their territory and/or jurisdiction*' while blithely ignoring the principle itself - '*States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.*' At no time did she address any of the specifics of the cases of human rights violations mentioned.

**The CNCA argued that the idea that Canada should adopt extraterritorial regulations was nothing new.** Since 2002, the UN Special Rapporteur on Toxic Waste, and then the UN Committees on the Elimination of Racial Discrimination and the Rights of the Child, had urged Canada, specifically, to assume its responsibility to protect against human right abuses outside its territory and to provide effective oversight regarding regarding its companies' overseas operations, including through

extraterritorial regulation. In addition, there were already precedents in other countries for bringing extraterritorial cases to the host country's courts, such as the US Alien Tort Statute, and in Europe. Furthermore, they argued that in reality, they were not extraterritorial cases, as the actions in the host country reflected decisions made in the boardrooms in Canada.

In terms of the extraterritorial obligations, the IACHR in its response referred to Articles 35 and 36 of the [OAS Charter](#) which stated that '*Member States should refrain from practicing policies and adopting actions or measures that have serious adverse effects on the development of other Member States*' and that '*Transnational enterprises and foreign private investment shall be subject to the legislation of the host countries and to the jurisdiction of their competent courts and to the international treaties and agreements to which said countries are parties, and should conform to the development policies of the recipient countries.*'

**Commissioner Antoine, Rapporteur for Canada as well as for indigenous peoples, expressed concern at Canada's 'hands off' approach.** On the one hand it stressed all the CSR initiatives it had introduced, but the very serious human rights violations occurring on the ground – particularly affecting indigenous and Afrodescendant peoples, and their rights to life and health, with displacement and criminalization of HRDs – highlighted glaring deficiencies in Canada's policies. It led her to question whether there was any monitoring or enforcement of these CSR standards. **She urged the government to go beyond legalistic arguments for non-intervention and look at how to address these violations.** The IACHR was currently drafting a report on indigenous peoples and the exploitation of natural resources and one of the chapters would deal with extraterritoriality. The CNCA and the Canadian government were asked to provide more information in writing, which would help in the drafting of the chapter.

**In the [press release](#) presenting its conclusions after the hearings, the IACHR specifically mentioned Canada,** when it urged “the States to adopt measures to prevent the multiple human rights violations that can result from the implementation of development projects, both in countries in which the projects are located as well as in the corporations’ home countries, such as Canada.”