
HONDURAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

In 2009, Honduras suffered from the first coup d'état in Latin America since the fall of the military dictatorships at the end of the 1980s. In the early morning of June 28, members of the armed forces kidnapped the constitutional President Manuel Zelaya Rosales and forced him into exile in Costa Rica. The President of Congress, Mr. Roberto Micheletti, participated in the coup and assumed Government control with complicity of the Supreme Court of Justice and the Attorney General. The coup took place to avoid a non-binding referendum that should have taken place the same day in order to ask citizens their opinion about the possibility of installing a fourth ballot box in the November 29 elections to vote on the feasibility of convening a Constitutional Assembly to reform the Constitution of the Republic of Honduras¹.

A few hours after the attack on President Zelaya's house, various media organisations across the country that had reported extensively about the referendum and had invited the population to participate had their offices closed and placed under military surveillance². On June, 30 2009, the *de facto* Government restricted constitutional rights through Executive Decree 011-2009, establishing a curfew and suspending the right to personal freedom, freedoms of association and assembly as well as the freedom to travel, leave, enter and remain in Honduran territory. On September 26,

1/ Initiative known as the "fourth ballot box" (*la cuarta urna*). On May 26, 2009, via Executive Decree No. PCM-020-2009 and based on the Honduras Citizen Participation Law, President Zelaya agreed to commission the Honduras National Statistics Institute (*Instituto Nacional de Estadística de Honduras*) to carry out a "National Opinion Survey" about the convening of the National Constitutional Assembly.

2/ Those affected were *Canal 8*, *Canal 36*, *Maya TV* and *Radio Globo*. *Canal 8* reopened a few days later with new programmes and personnel; *Canal 36* reopened on July 6, 2009 and was closed again on September 28, 2009 for not accepting the conditions of the regime. It reopened again on October 19.

the *de facto* Government issued Decree PCM-M-016-2009 increasing these limitations³.

Serious human rights violations were registered as a result of this civil-military coup d'état, including in particular the violation of the right to peaceful protest, the disproportionate and excessive use of force by the police and the military to repress legitimate and peaceful demonstrations, as well as gender-based violence against women demonstrators, the violation of the rights to life, integrity and personal freedom⁴, as well as of freedoms of expression and movement. At the end of its on-site visit, the Inter-American Commission on Human Rights (IAHCR) "confirmed a pattern of disproportionate use of public force, arbitrary detentions, and the control of information aimed at limiting political participation by a sector of the citizenry"⁵. In a climate of acute political polarisation, brought about in part by the mass media, the majority of which demonstrated openly repressive positions inciting violence against supporters of the overthrown Government, the freedom of the press was subject to serious limitations and journalists critical of the *de facto* Government faced repeated acts of intimidation and harassment.

The legal administration, led at the highest levels by those responsible for the coup, as well as the National Human Rights Commissioner who justified it, left the civil population defenceless against the crimes perpetrated by those responsible for the coup d'état.

In the midst of this highly conflictive situation, lengthy negotiations took place between the various regional and international bodies, the leaders of the *de facto* Government, the deposed President and the countries in the region in order to try and reinstate the President in his legitimate role. On October 30, 2009, the efforts made by the various negotiators culminated in the signing of the Tegucigalpa / San José agreement that was neither respected by the *de facto* Government nor by the political forces behind

3/ Executive Decree No. PCM-016-2009 authorises the National Telecommunications Commission (*Comisión Nacional de Telecomunicaciones* - CONATEL), the army and the police to immediately interrupt the transmission of any radio station, television or cable channel that in its opinion "offends human dignity, public servants or attack the law and Government resolutions". Therefore, on September 28, 2009, military personnel closed *Canal 36* and *Radio Globo* for their position against the *de facto* Government. See Inter-American Commission on Human Rights (IACHR) Press Release No. R71/09, September 29, 2009. Furthermore, the Executive Decree 124-2009 that came into effect on October 7, 2009 authorises CONATEL to cancel the use of the licences granted to radio stations and TV channels. Invoking the decree, radio stations proceeded to cancel contracts with social organisations.

4/ According to the Committee of Relatives of Disappeared and Detainees in Honduras (COFADEH), between June 26 and October 15, 2009 there were more than 3,000 illegal arrests.

5/ See IACHR, *Preliminary Observations on the IACHR Visit to Honduras*, August 21, 2009.

the coup d'état. On November 29, 2009, the *de facto* Government carried out presidential elections, in which Mr. Porfirio Lobo Soza was elected, with no observation carried out either by the Organisation of American States (OAS) or the United Nations. Subsequently, on January 26, 2010, the political forces that carried out the coup d'état, of which the elected President forms part, passed an amnesty law that would exclude criminal responsibility of those responsible for the coup.

The violence suffered in the country as a result of the coup d'état has made for a delicate situation for human rights defenders. Although situations already existed in which they were at risk, the breaking with constitutional order and the subsequent unfolding of the repression against the whole of civil society had an immediate effect on the individuals and organisations that are fighting for the respect of human rights for the population of Honduras⁶.

Serious situation of human rights defenders and organisations after the coup d'état

The long list of precautionary measures granted by the IACHR since June 29, 2009 shows the magnitude of the repression suffered by all those who opposed the coup d'état, particularly human rights defenders⁷. Most of the organisations that were receiving threats before the coup d'état continued to be threatened. However, the reform of the legal framework with the implementation of martial law and curfews further violated their rights and protection. The organisations that have reported being at risk include: the Committee for the Defence of Human Rights in Honduras (*Comité de Defensa de los Derechos Humanos de Honduras* – CODEH), the Prevention, Treatment, Rehabilitation Centre of Torture Victims and their Families (*Centro de Prevención, Tratamiento, Rehabilitación de las Víctimas de Tortura y sus Familiares* – CPTRT), the Arco Iris Association (*Asociación Arco Iris*), the Centre for Women's Studies (*Centro de Estudios de la Mujer* – CEM-H), the Committee of Relatives of Disappeared and Detainees in Honduras (*Comité de Familiares de Detenidos y Desaparecidos*

6/ As a result of the coup d'état, the IACHR received information that indicated that numerous human rights defenders were at risk. Furthermore, some human rights organisations denounced to the IACHR the use of State means to harass defenders, including the initiation of police and judicial investigations, arbitrary detentions, attacks, intimidation, surveillance and monitoring. Reports were also received that some organisations had had their electricity cut off in their offices, their communication lines had been severed and their emails had been intercepted. Some headquarters were shot at from heavily armed men, and bombs were thrown, and others were searched. See IACHR Report, *Honduras: Human rights and the coup d'état*, December 30, 2009.

7/ See IACHR, *Precautionary measures granted by the IACHR during 2009*, at www.cidh.org/medidas/2009.sp.htm.

de Honduras – COFADEH), the Centre for Research and Promotion of Human Rights (*Centro de Investigación y Promoción de los Derechos Humanos* – CIPRODEH), the organisation “Vía Campesina”⁸, the *Kukulcan Association* (*Asociación Kukulcán*)⁹, the Committee for Freedom of Expression (*Comité por la Libre Expresión* – C-Libre)¹⁰, the Honduras Women’s Collective (*Colectivo de Mujeres de Honduras* – CODEMUH)¹¹ and workers organisations including the Trade Union for Workers at the National Children’s Council (*Sindicato de Trabajadores del Patronato Nacional de la Infancia* – SITRAPANI), the Industrial Drinks and Similar Workers’ Trade Union (*Sindicato de Trabajadores de la Industria, Bebidas y Similares* – STIBYS) and the National Agricultural Institute Workers’ Trade Union (*Sindicato de Trabajadores del Instituto Nacional Agrario* – SITRAINA). When the group of those who resisted the coup d’état was being formed, the *de facto* Government increased its repression against them: the offices of various media companies and social organisations were attacked with grenades and machine guns and received threats of attacks. For example, COFADEH was the victim of an attack on September 22, 2009 when officers from the preventive police threw two tear gas bombs at the COFADEH offices at a time when 170 people were seeking refuge there after the State security forces repressed the protestors in front of the Brazilian Embassy where President Manuel Zelaya was at the time¹². On September 22, a verbal complaint was lodged with the Human Rights Public Prosecutor in the COFADEH offices and he was able to see evidence of the bombs thrown. By the end of 2009, no report on this situation had been received. Likewise, in the night of August 11, one hour after the curfew had started, unknown persons fired against the offices of the Via Campesina organisation¹³. Also, the STIBYS trade union¹⁴ was victim of an explosive artefact on July 26, 2009 at 10.30 am. A National Front of Resistance Against the Coup d’Etat (*Frente Nacional*

8/ Vía Campesina is an organisation that works on peasants’ rights.

9/ The Kukulcán Association works on the defence of Lesbians, Gays, Bisexuals and Transgender (LGBT) rights.

10/ C-Libre is an organisation that monitors and reports attacks on freedom of the press in Honduras.

11/ CODEMUH stands out for their fight against labour exploitation of women in the factories in the north of the country.

12/ See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009. At that moment, children and injured people were providing statements and receiving medical assistance, along with young beneficiaries of the Violence Prevention Programme. According to COFADEH, the action was motivated by the fact that it had been impossible to arrest those who were in the doorway of the institution.

13/ See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009.

14/ STIBYS is one of the founding and leading organisations of the Popular Block that opposed the coup d’état and forms part of the National Front of Resistance Against the Coup d’Etat.

de Resistencia Contra el Golpe de Estado) meeting was taking place that day, prior to the funeral of Pedro Magdiel Muñoz¹⁵. Similarly, on September 12, 2009, an explosive artefact was thrown at the offices of *Canal 36*. The explosive contained a propaganda leaflet to draw their attention to the General Álvarez Martínez National Armed Front (*Frente Armado Nacional General Álvarez Martínez*) and a list of names of various social leaders, who were warned of being under surveillance and threatened with death¹⁶. The owner-manager of the channel lodged a complaint with the Public Ministry, and the Human Rights Public Prosecutor recorded the facts. By the end of 2009, security measures for the owner and the channel had only been partially implemented, in spite of the fact that they have benefited from IACHR precautionary measures of protection since July 2009.

Furthermore, the offices of human rights organisations like Arcos Iris, CIPRODEH, CEM-H and CODEH were under permanent surveillance by police patrol and military officers¹⁷. CPTRT and six of its members, including its Director, Mr. **Juan Almendares**, were also victims of acts of intimidation, including threatening telephone calls, monitoring and surveillance of their homes¹⁸. Moreover, in the weekend of September 5 and 6, 2009, unknown individuals entered and searched the offices of the Committee for Freedom of Expression, forcing the locks of three desks¹⁹. On the whole, the ban on meetings for the opponents of the coup d'état resulted in violent harassment of human rights defenders.

Criminalisation of and violent repression during public protests

Peaceful protests took place in a violent climate that served as a pretext to carry out mass arbitrary arrests, acts of harassments and be aggressive with the protestors. On July 30, 2009, the *de facto* regime announced and publicly threatened that it would take a series of measures including forced eviction of protesters who cause problems and the application of Article 331 of the Criminal Code to those who participate in protests, meet-

15/ During the protest that took place on the border with Nicaragua when Mr. Zelaya tried to enter Honduras on July 25, 2009, Mr. Pedro Magdiel Salvador Muñoz, 24 years old and a member of the Front of Resistance Against the Coup d'Etat, was found assassinated near Beneficio Agrícola in the exit from Paraíso to Alauca. His body showed clear signs of torture when examined by the forensic doctors and 42 knife wounds. Eye witnesses confirmed that he was arrested by an army official whilst he was smoking in the shade of a tree at the end of the afternoon.

16/ See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009.

17/ See CIPRODEH Report, *Amenazas y Obstáculos a Defensores de Derechos Humanos Post Golpe de Estado en Honduras*, September 5, 2009.

18/ See CPTRT Report, *Informe Preliminar sobre Violaciones a los Derechos Humanos*, July 2009.

19/ See CIPRODEH Report, *Amenazas y Obstáculos a Defensores de Derechos Humanos Post Golpe de Estado en Honduras*, September 5, 2009.

ings and public parades that cause public disorders²⁰. On July 31, 2009, Mr. **Carlos H. Reyes**, leader of STIBYS, of the National Popular Resistance Coordination (*Coordinadora Nacional de Resistencia Popular*) and of the National Front of Resistance Against the Coup d'Etat, was injured by members of the preventive police whilst he was participating in a protest against the coup d'état in the El Durazno area of the town of Tegucigalpa. The police officers shouted at him: "this is how we wanted to get you son of a bitch", they pushed him and hit him with a baton, making him fall over, fracturing his right arm. As of the end of 2009, Mr. Reyes had not been called to give a victim statement²¹. Furthermore, hundreds of people were detained in the police headquarters in July, August and September for having participated in protests against the coup. In addition, the judges who were diligent in granting the appeals for legal protection (*recurso de amparo*) and habeas corpus in favour of the protestors were the subject of police threats²². For instance, in the case of the repression in San Pedro Sula, on August 3, 2009, the Judge who granted the habeas corpus, Mr. **Osman Fajardo Morel**, was assaulted by the police and the Inspector of the police station No. 1, where he was going to verify the arrests of 37 people following the repression of a meeting of the National Front of Resistance²³. Human rights defenders were also prosecuted for their participation in the marches and for defending dissidents victims of violent acts of repression. For example, Ms. **Gloria Guadalupe Oqueli**, a lawyer, was subjected to judicial harassment, accused of crimes of "libel and slander amounting to defamation in public demonstrations"²⁴. Within the same context, on July 14, 2009, the National Feminist Network in Resistance (*Red de Feministas en Resistencia*) organised a peaceful protest in the National Women's Institute (*Instituto Nacional de la Mujer – INAM*). Two women members of CEM-H were badly beaten by police officers who were not wearing identification. Furthermore, they were verbally abused and intimidated. The same day, in the afternoon, one of the women was beaten and was victim of surveillance²⁵. The women filed a complaint with the Public Ministry and, as they received no response, they took their complaint to the IACHR.

20 / See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009.

21 / See COFADEH.

22 / See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009. It is also worth highlighting that members of President Zelaya's cabinet were the subject to trials and arrest warrants.

23 / See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009.

24 / See CPTRT.

25 / See CPTRT Report, *Informe sobre las Violaciones a los Derechos Humanos*, 2009.

Repression of human rights defenders who report violations committed immediately after the coup

Within the context of violent repression of those who oppose the coup d'état, defenders who denounced human rights violations committed during the protests or who tried to help demonstrators were also the victim of aggression. On July 3, 2009, Mr. **Gabriel Fino Noriega**, correspondent for *Radio América*, was assassinated as he was leaving *Radio Estelar* buildings, in San Juan Pueblo, Atlántida department²⁶. Mr. Fino Noriega was disseminating information about the protests against the coup d'état and denouncing those who supported the coup d'état. Various human rights defenders were also assaulted for trying to protect the protestors or for trying to prevent the arbitrary arrests. On August 11, 2009, Mr. **Alex Matamoros**, a member of CIPRODEH, was arrested when he intervened with police officers to avoid the arrest of and aggression against a student from the Francisco Morazón National Teaching University (*Universidad Pedagógica Nacional Francisco Morazán – UPNFM*). Mr. Matamoros was taken to the police headquarters in Manchén and then to the metropolitan police headquarters No. 1, where he was detained without charge until his release at 4 am on August 12²⁷. Ms. **Hedme Fátima Castro Vargas**, Human Rights Prosecutor, member of the Association for Participative Citizenship (*Asociación para una Ciudadanía Participativa – ACI-Participa*) and a collaborator of COFADEH, was subjected to surveillance and received threats by preventive police officers, undercover officers and activists of the National Party (*Partido Nacional*). On October 9, when a police officer was about to throw a tear gas canister at protesters, Ms. Castro asked him to wait until the elderly and children were not in the vicinity. The police officer aggressively questioned her authority to make such a request, at which Ms. Castro Vargas produced her Human Rights Prosecutor identity card. In response, she was hit on the back with a baton, and the identity card was pulled from around her neck. Then she was shoved out of the way. Ms. Castro Vargas has benefited from IACHR precautionary measures since August 21, but the Honduran authorities did not comply with them²⁸.

26/ See Press Release No. R48/09, in which the Special Rapporteur for Freedom of Expression “condemn[ed] the assassination of journalist in Honduras”, July 6, 2009; and Press Release No. R66/09, in which the Special Rapporteur for Freedom of Expression “condemn[ed] restrictions to freedom of expression in Honduras”, September 24, 2009. See also COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009 and CIPRODEH Report, *Amenazas y Obstáculos a Defensores de Derechos Humanos Post Golpe de Estado en Honduras*, September 5, 2009.

27/ See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009 and CIPRODEH Report, *Amenazas y Obstáculos a Defensores de Derechos Humanos Post Golpe de Estado en Honduras*, September 5, 2009.

28/ See COFADEH Report, *Segundo Informe de Violaciones a Derechos Humanos en el Marco del Golpe de Estado en Honduras*, October 2009.

As of the end of 2009, the measures granted to Ms. Hedme Fátima Castro Vargas had still not been implemented.

Worsening of the violence against defenders of LGBT rights

The attacks against Lesbian, Gay, Transgender and Bisexual Rights (LGBT) activists have been a reality for some time in Honduras; however, as for other human rights defenders, the coup d'état has placed them in an even more precarious situation. On January 9, 2009, Ms. **Cynthia Nicole** was assassinated. She was an activist for transgender rights and leader of the Violet Collective (*Colectivo Violeta*), which works for the defence of transgender rights. She was shot by three unknown persons from a car. By the end of 2009, no investigation into the case had been open. Similarly, on July 4, 2009 at 12.30, Mr. **Fabio Zamora**, a member of "Renacer"²⁹, was killed with six shots to the head. The LGBT Collective filed a complaint with the Public Ministry, but in spite of the fact that there were witnesses of the assassination, it is unlikely that anyone will testify for fear of reprisals. Furthermore, on December 13, 2009, Mr. **Walter Tróchez**, Secretary of Renacer, was assassinated. He was a member of the LGBT community and an active participant in the Resistance Front. Days before, he had been beaten and threatened with death after being kidnapped by four men. Following his kidnapping, Mr. Walter Tróchez filed reports with COFADEH, CIPRODEH and the Human Rights Attorney General's Office. The only advances made in the case have been the collection of the body and the autopsy carried out by the medical examiner.

Harassment of defenders fighting against impunity of the crimes from the last dictatorship

Before the coup d'état, the harassment against those who were fighting against the impunity of crimes committed between 1980 and 1991 was continuing. On January 28, 2009, Ms. **Bertha Oliva de Nativí**, General Coordinator of COFADEH, received death threats via two text messages, and defamatory leaflets about her were also distributed in Tegucigalpa park, linking her name to guerrilla organisations. Ms. Bertha Oliva de Nativí is carrying out important work in COFADEH related to reconstructing Honduras' memory. It is worth highlighting the fact that the harassment against COFADEH has continued after the coup d'état. As a result of their work in collecting statements about human rights violations and for their opposition to the coup d'état, COFADEH and its members were placed under surveillance and were victims of harassment.

29 / Renacer is an organisation that provides assistance for those who live with HIV-AIDS.

Threats and harassment of defenders of the right to environment and of indigenous peoples' rights

In 2009, the defenders who protested against the exploitation of natural resources that affect environmental rights and the rights of indigenous peoples continued to be the victims of persecution and harassment. For several years now, Father **Andrés Tamayo** and members of his community have suffered persecution as a result of their participation in the Olancho Environmental Movement (*Movimiento Ambientalista de Olancho* – MAO). Furthermore, for denouncing the coup d'état, the *de facto* Government removed his Honduran citizenship – Father Tamayo is originally from El Salvador and has been living in Honduras for the past 26 years. He was deported to El Salvador in November 2009³⁰. Furthermore, on January 6, 2010, the radio station *Faluma Bimetu*, based in Triunfo de la Cruz, on the Atlantic Coast, was looted and set on fire by a group of unidentified men. For more than a decade, the radio station had been denouncing the interests of financial groups that are trying to displace the Garifuna communities from their ancestral lands with the aim of developing tourism in the beaches in the region. Furthermore, the community radio opposed the June 28, 2009 coup d'état, which exposed it to reprisals.

Threats and attacks against social leaders and defenders of workers' rights

Defenders of workers' rights are another vulnerable group in Honduras, as shown by the assassination attempt against Mr. **Fabio Evelio Ochoa Fernández**, who was attacked with firearms on June 23, 2009. Mr. Ochoa Fernández carries out a wide range of activities related to the defence of workers' rights and, at the time of the attack, he was a member of an organisation that supported President Zelaya's referendum initiative. It should be clarified that the attack against Mr. Ochoa Fernández took place in a context where the physical integrity and lives of various social leaders, human rights defenders and members of the opposition were at risk, as a result of threats and attacks carried out by the conservative sectors that opposed the initiative.

However, one should welcome the sentencing of the murderers of Mr. **Dionisio Díaz García** to 21 years of prison on March 19, 2009. Mr. Dionisio Díaz García was a member of the Association for a More Just Society (*Asociación para una Sociedad más Justa* – ASJ) and a lawyer for twelve security guards fired from Honduras Technical Security (*Seguridad*

³⁰ See Committee for Human Rights Defence (*Comité por la Defensa de los Derechos Humanos*) Press Release, November 2009.

Técnica de Honduras – SETECH). He was assassinated on December 4, 2006 in reprisal for his work in defence of the labour rights of the poor and of the twelve guards who lost their jobs. The prisoners' defence lawyer filed an appeal with the High Court, whilst the Human Rights Attorney General's Office also filed an appeal, requesting that the maximum penalty be imposed. At the end of 2009, the decision on both appeals was still pending.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Cynthia Nicole (César Noel Moreno)	Assassination	Urgent Appeal HND 001/0109/OBS 007	January 19, 2009
Ms. Bertha Oliva de Nativí	Death threats	Urgent Appeal HND 002/0209/OBS 023	February 5, 2009
Mr. Dionisio Díaz García	Assassination	Press Release	March 20, 2009
Mr. Fabio Evelio Ochoa Fernández	Assassination attempt	Urgent Appeal HND 003/0609/OBS 091	June 26, 2009
Father Andrés Tamayo	Intimidation	Urgent Appeal HDN 004/0709/OBS 104	July 13, 2009
Mr. Walter Tróchez	Assassination	Urgent Appeal HDN 005/1209/OBS 192	December 16, 2009