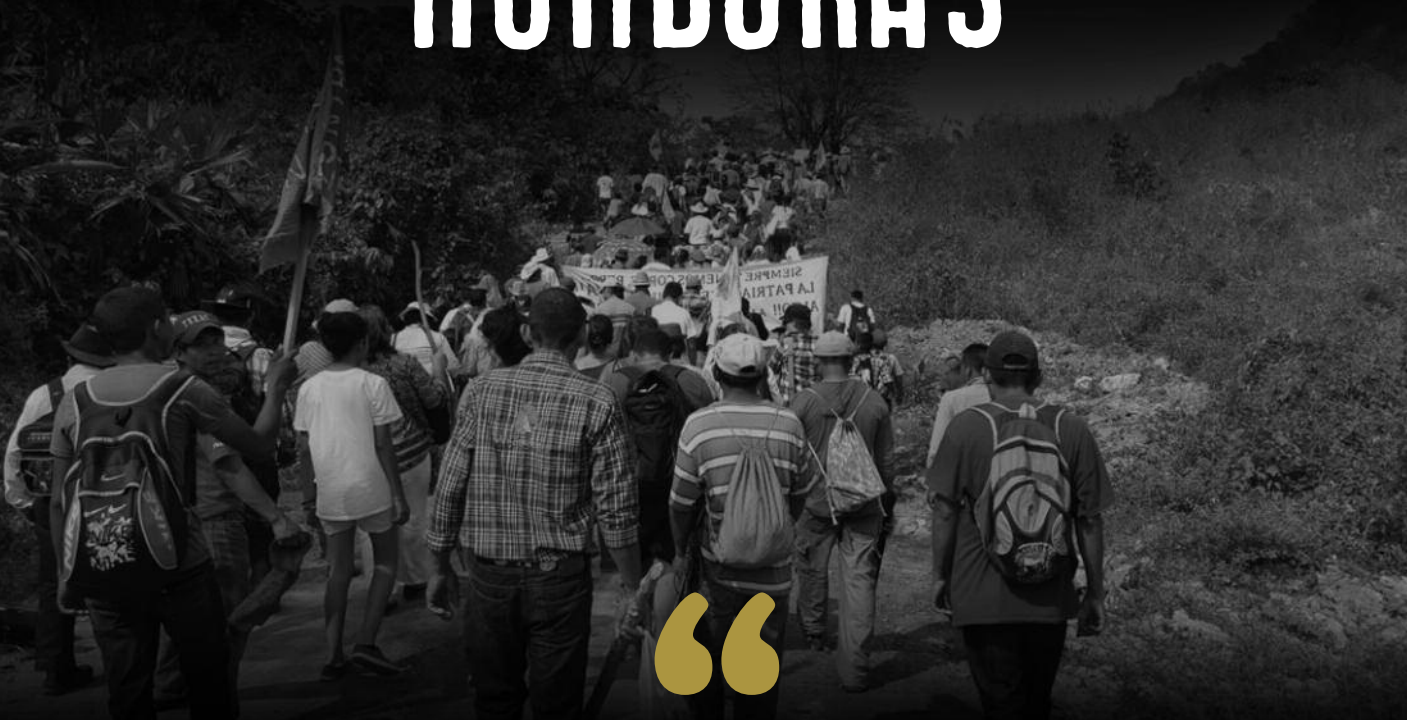


HONDURAS



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THE ALREADY FRAGILE HUMAN RIGHTS SITUATION IN HONDURAS IS LIKELY TO DETERIORATE FURTHER UNLESS THERE IS TRUE ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS, AND REFORMS ARE UNDERTAKEN TO ADDRESS THE DEEP POLITICAL AND SOCIAL POLARISATION IN THE COUNTRY

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**UN HIGH COMMISSIONER FOR HUMAN RIGHTS,
ZEID RA'AD AL-HUSSEIN**

HUMAN RIGHTS DEFENDERS (HRDS) IN HONDURAS SUFFER EXTRAJUDICIAL EXECUTIONS, enforced disappearances, torture and ill-treatment as well as judicial harassment, threats and stigmatisation. Journalists, lawyers, prosecutors, those defending the rights of the LGBTI community, indigenous and Afro-Honduran communities, and those working on environmental and land rights issues are particularly at risk.¹⁴⁸ LGBTI defenders in Honduras are doubly discriminated against. They are discriminated against, firstly, because they are HRDs and secondly, because they defend LGBTI rights.¹⁴⁹ Journalists continue to face risks when they report on human rights violations. Constant threats, harassment and killings of journalists have led many to self-censor. Since the 2009 military coup, the number of killings, threats and acts of intimidation against *campesinos* and environmental rights defenders has increased. The perpetrators of violations against defenders of environmental, land and indigenous peoples' rights are often influential landowners or logging companies.¹⁵⁰

In 2017, the Truth and Reconciliation Commission, established in line with the Tegucigalpa/San José Agreement,¹⁵¹ concluded that the causes of the coup d'état in 2009 were rooted in the profound inequalities in Honduran society, as well as the dysfunctional nature of the state. The Commission formulated 84 recommendations to address institutional weaknesses and set out a roadmap towards national reconciliation.¹⁵² Many of these recommendations have not yet been implemented but continue to be relevant, in particular with regard to strengthening democracy, constitutional reform, accountability for human rights violations and reforming the electoral system.¹⁵³ The Commission Follow-up Unit was dissolved by the government after the presentation of its report in 2013.

Violent crime is rampant in Honduras. Efforts to reform the institutions responsible for providing public security have made little progress. Marred by corruption and abuse, the judiciary and police remain largely ineffective. Impunity for crime and human rights abuses is the norm.¹⁵⁴ According to its Annual Report for 2016, the Honduran National Human Rights Commission (*Comisionado Nacional de Derechos Humanos CONADEH*)¹⁵⁵, stated that "despite institutional advances in Honduras, there is an obvious contradiction between the rights set out in the Constitution of the Republic, which upholds, as its highest priority, the progressive well-being of the people, and the reality faced by the majority of Hondurans who live in conditions of extreme deprivation as a result of poverty and social exclusion."¹⁵⁶

There are many causes of the violence in the country but drug trafficking and criminal activity by *Maras* (gangs) fuelled by poverty, lack of opportunities and unemployment play a particular role. Both the drug lords and the *Mara* leaders are able to exploit this situation, which facilitates the forced recruitment of gang members to carry out their criminal activity. However drug trafficking and gang activity are not the only factors contributing to violence and attacks on HRDs, in Honduras. Political and economic power in Honduras is controlled and manipulated by an entrenched elite, with close links to the army and the security services, who block reform initiatives to protect their own interests, and are often behind targeted attacks against HRDs who oppose their projects.

In February 2018, the Attorney General of Honduras and Asociación para una Sociedad más Justa (ASJ) launched a legal challenge against a recent legislative reform denounced by critics as an "impunity pact," "highlighting rising tensions between anti-corruption advocates and entrenched elites".¹⁵⁷ The reform in question, passed by Congress on 18 January 2018, if implemented, would have blocked investigations into allegations of corruption for periods of up to three years.¹⁵⁸ According to the Carnegie Endowment for Democracy "It is no longer possible to think of corruption as just the iniquitous doings of individuals, be they street-level bribe payers, government officials, or business executives. In five dozen or so countries, of which Honduras is emblematic, corruption is the operating system of sophisticated networks that link together public and private sectors and out-and-out criminals – including killers – whose main objective is maximising returns for network members. Corruption is built into the functioning of such countries' institutions".¹⁵⁹ On 15 February 2018, the head of the Organisation of American States' anti-corruption mission in Honduras announced that he would resign over a lack of support from the authorities.¹⁶⁰ It is this combination of institutional corruption, at the highest levels, and organised crime, which creates the situation in which HRDs can be killed with impunity.

As a result of consistent failure by the government to address these issues, over the last eight years Honduras has experienced its highest levels of violence in recent history. According to a 2017 report by the World Economic Forum, Honduras ranked ninth in the list of the 20 most dangerous countries in the world.¹⁶¹ Although the average homicide rate decreased from 86 violent deaths per 100,000 inhabitants (2011 – 2012) to 59 violent deaths per 100,000 (2016), this is more than nine times higher than the global average of 6.4 violent deaths per 100,000 inhabitants.¹⁶² In many ways the state itself is the root cause of insecurity given the failure of the criminal justice system to bring perpetrators to justice and the excessive use of force by the police, military police and army, who often operate in collusion with organised criminal gangs.¹⁶³

THERE ARE MANY CAUSES OF THE VIOLENCE IN THE COUNTRY BUT DRUG TRAFFICKING AND CRIMINAL ACTIVITY BY MARAS (GANGS) FUELLED BY POVERTY, LACK OF OPPORTUNITIES AND UNEMPLOYMENT PLAY A PARTICULAR ROLE

EXCESSIVE USE OF FORCE DURING PEACEFUL PROTESTS

A huge cause for concern is the excessive and unnecessary use of force by the security forces during peaceful protests.¹⁶⁴ The response by the state to social protest has been to blame HRDs for the unrest and to threaten the suspension of the legal status of those who are accused of “promoting the destabilisation of the country.” According to José Ángel Herrera, Regional Director of the Ministry of the Interior, “a large portion of the problems stemming from the political crisis are being fuelled by organisations, in this case some international NGOs”.¹⁶⁵ The state’s ‘iron fist’ approach may be observed in the conduct of members of the Honduran security forces, particularly the military police, and their excessive use of force – including lethal force – to control and disperse the protests that took place following the controversial presidential elections of November 2017.¹⁶⁶

According to a report by the UN OHCHR, at least 22 civilians and one police officer were killed during the protests, including two women and two children who died as a result of shots fired by the security forces.¹⁶⁷ Although some of the protesters carried out violent acts, the report states that “an analysis of the types of injuries suffered by the victims indicates that the security forces intentionally used lethal force, going beyond dissuasive action or self defence tactics, for example, when protesters were fleeing”. This was evident in the case of seven victims who died from gunshot wounds to the head.

Furthermore, within the context of these protests, the UN OHCHR documented “acts of violence, intimidation and threats against HRDs, both individually and collectively. The UN OHCHR also documented violations of the right to privacy and property, for example, by HRDs becoming the target of surveillance, being followed, photographed or their computers being stolen. All of this is happening in the context of constant stigmatisation of their work which creates a situation of high risk for HRDs.”¹⁶⁸ On 20 February 2018, the body of Luis Fernando Ayala was found in the municipality of Concepción Sur in the Department of Santa Barbara. His body, which showed multiple signs of torture, was mutilated and his hands had been cut off.¹⁶⁹ Luis Fernando was a 16-year-old environmental activist who had been campaigning against mining projects in the area. Previously, Luis Fernando, along with other young people, had been harassed by the Military Police for participating in the peaceful protests to denounce the irregularities in the November 2017 elections. According to the Observatory¹⁷⁰ “these acts are part of a systematic campaign of public, verbal and physical attacks against HRDs and journalists in Honduras which has been exacerbated in the current context of social and political crisis in the country”.¹⁷¹

HONDURAS HAS CONTINUED TO BE ONE OF THE MOST DANGEROUS COUNTRIES IN THE AMERICAS GENERALLY FOR HRDs, ESPECIALLY THOSE WHO WORK FOR THE PROTECTION OF RIGHTS TO LAND AND TERRITORY, OR THE PROTECTION OF THE ENVIRONMENT

TARGETED KILLINGS OF HRDs

Further evidence suggests that the army and police responded to protests by targeting the perceived leaders of the movement. On 22 January 2018, HRD Ramón Fiallos was killed when police opened fire during a street protest held against the election results in the municipality of Arizona, Atlántida Department. Ramón Fiallos¹⁷² was the Community Coordinator of El Retiro MADJ¹⁷³ (*Movimiento Amplio que lucha contra la corrupción y para el bien manejo de los recursos naturales del país* – a broad-based movement against corruption

JOSÉ DE LOS SANTOS SEVILLA



On the morning of Friday, 17 February, 2017, José de los Santos Sevilla, leader of the Toluán indigenous people, was shot dead at his home in the community of La Ceiba in Montaña de la Flor, Francisco Morazán, in central Honduras. José de los Santos Sevilla, a teacher and community leader, was at home when five heavily armed men broke into his home and shot him several times. José died instantly. For almost a decade, the Toluán indigenous peoples of northern Honduras have been threatened, criminalised and killed for

operations that have plundered their resources without consulting the communities.

SHERLYN MONTOYA



On 4 April 2017, LGBTI rights defender and transgender woman, Sherlyn Montoya, was found dead in the surroundings of Tegucigalpa, her body showing signs of torture. Sherlyn Montoya was a member of *Asociación LGBT Arcóiris* (LGBT Rainbow Association), an organisation which works on equality and justice for the lesbian, gay, bisexual, transgender and intersex (LGBTI) community in Honduras. The human rights defender was also a member of the *Grupo de Mujeres Transexuales – Muñecas de Arcóiris* (Transsexual Women’s Group – Rainbow’s Dolls), which is part of Arcóiris

and is dedicated to the discussion and advocacy of issues concerning transgender women.

which also campaigns for sustainable management of the country's natural resources) and was known for his leadership and work on environmental and social rights. On 23 January 2018, Geovanny Díaz Cárcamo¹⁷⁴ was found dead in an isolated part of Pajuiles, in the Tela Atlántida municipality. Geovanny was an active HRD and was also a member of the MADJ. He was taken from his home by soldiers at approximately 4am, without an arrest warrant, and was found dead later the same day.

Quite apart from the violence linked to repression of the protests against alleged election fraud, Honduras has continued to be one of the most dangerous countries in the Americas generally for HRDs, especially those who work for the protection of the rights to land and territory, or the protection of the environment.¹⁷⁵ HRDs working on these issues are seen as anti-development and an obstacle to the exploitation of the economic resources of the country. They are targets of defamatory campaigns, orchestrated both by state and non-state actors to discredit their work. They are frequently intimidated, threatened and attacked. In June 2017, members of the Honduran Civic Council of Peoples and Indigenous Organisations (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras – COPINH*) were the target of an armed attack when they were driving back from a meeting. COPINH is an indigenous Lenca organisation representing 200 Lenca communities in the western Honduran states of Intibuca, Lempira, La Paz, and Santa Barbara. It has defended communities and their natural resources from logging, dams, mining projects, and other mega projects that would destroy their way of life and the environment. There have been continuing attacks, threats and intimidation against COPINH members and supporters, which have intensified following the murder of Berta Cáceres¹⁷⁶ on 3 March 2016.

On 15 March 2016, Berta's colleague Nelson García was also shot dead and on 14 October 2016, there was an attempt on the lives of COPINH leaders Alexander García and Tomás Gómez Membreño, in two separate incidents.¹⁷⁷ Local NGOs have confirmed that legal attempts to secure redress for attacks and killings have been delayed or blocked as a way of harassing HRDs and forcing them to abandon their struggle. The majority of attacks registered against HRDs remain unresolved, as a result of the multiple obstacles faced during the investigation process and trial proceedings. Although the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials¹⁷⁸ contributed to some advances in the protection of HRDs, efforts to implement a properly organised and funded protection system for HRDs have made little progress.

In annual reports for 2014¹⁷⁹, 2015¹⁸⁰, 2016¹⁸¹ and 2017¹⁸², Front Line Defenders¹⁸³ documented a total of 64 HRDs who had been killed in this four year period: 17 in 2014, 7 in 2015, 33 in 2016, and 7 in 2017. In contrast to the figure for 2016, the number of HRDs killed in 2017 was significantly lower; however, this does not mean that there has been an increase in the level of recognition of the state's obligation to defend human rights, but rather that there has been a change in the strategies used to obstruct the work of HRDs. Recently, tactics such as criminalisation, defamation and stigmatisation of HRDs, have been used to restrict and impede HRDs from doing their work.

The Inter-American Commission on Human Rights (IACHR) has frequently urged the government to protect persons who are the target of intimidation or death threats as a result of their work in defence of the environment.¹⁸⁴ In its 2015 report regarding

ATTACKS ON JOURNALISTS ARE CRIMES AGAINST SOCIETY AS A WHOLE... WITHOUT REPORTERS TO DOCUMENT ABUSES, ALERT THE PUBLIC, AND DENOUNCE INJUSTICE, HUMAN RIGHTS VIOLATORS ARE EMPOWERED TO CONTINUE THREATENING AND KILLING ANYONE THEY PLEASE

SILVINO ZAPATA MARTÍNEZ



At twelve-thirty on the night of Saturday, 14 October, 2017, Silvino Zapata Martínez was murdered in Masca, Department of Cortés, on the Honduran Atlantic coast. Silvino was leaving his restaurant when two gunmen shot him repeatedly, leaving him for dead. Seriously wounded, Silvino was taken to the hospital in Cuyamel, but died minutes after being admitted. 73 year old Silvino, was a respected leader of the Garífuna (afro-descendant) community and chair of his community's Council of Elders. He had campaigned for years to protect the environment and the rivers of his region,

especially the Masca River, where unscrupulous businessmen, with government support, intend to build a hydroelectric dam, without considering the environmental damage involved. Silvino and the community succeeded in getting the project stopped temporarily on the basis that the company had failed to carry out the required consultation to secure the Free and Informed Prior Consent of the community.

BERTA CÁCERES



Berta Cáceres was a Lenca indigenous woman who worked for more than 20 years to defend the territory and rights of the Lenca people. In 1993 she co-founded *Consejo Cívico de Organizaciones Indígenas Populares – COPINH* (Civic Council of Popular Indigenous Organisations), which led campaigns against mega projects. She had successfully challenged illegal loggers, plantation owners, multinational corporations, and dam projects that would cut off food and water supplies to indigenous communities. She received threats of death, rape, and physical attack.

On 3 March 2016, she was shot dead by gunmen who broke into her home in the city of La Esperanza in the early hours of the morning. Nine people have so far been charged with her murder including David Castillo Mejía, the executive president of the company building the dam against which Berta had campaigned. He is the fourth accused to have close links to the Honduran military.

human rights in Honduras, the IACHR describes scores of cases of attacks, threats and harassment against HRDs. The Commission concluded that “the lack of a judicial response has provoked an adverse climate for their work”, highlighting that impunity has direct and grave repercussions for the work of HRDs.¹⁸⁵

The case of Berta Cáceres encapsulates the many problems that HRDs face in Honduras. Berta Cáceres, General Coordinator of COPINH, was killed in March 2016 by armed men who broke in to her home in La Esperanza, Intibuca Department. Berta Cáceres was an internationally-recognised leader of a campaign against the environmental and health impacts of the building of the Agua Zarca dam on the Gualcarque River. Berta had reported 33 death threats to the authorities and the Inter-American Commission had called on the government to intervene to protect her. Police did not investigate any of the threats against her prior to her assassination. In May 2017, the authorities detained five men for their alleged participation in Berta’s killing, including an army major and the official responsible for social and environmental affairs of the company contracted to build the Agua Zarca dam. The prosecutor maintained that the killing formed part of a conspiracy by the company. In September 2017, a sixth person was detained and in March 2018, Honduran authorities arrested Robert David Castillo,¹⁸⁶ executive president of Desarrollos Energéticos Ltd (DESA), as the alleged intellectual author of the killing of Berta.¹⁸⁷ However the investigation has been marked by numerous irregularities. According to local media, the case file, which contained evidence against various suspects, was stolen from the judge’s vehicle on 29 September 2017. Although the Supreme Court of Justice announced that it had copies of the case file, the manner in which the government handled the incident was heavily criticised.¹⁸⁸ The International Advisory Group, in its report¹⁸⁹ into the killing of Berta, concluded that senior business executives and Honduran officials had coordinated her murder, underscoring the extent of criminal collusion between the state and private enterprise in the Central American nation.”¹⁹⁰

VIOLENCE AGAINST WOMEN

According to the National Human Rights Commission,¹⁹¹ the violent deaths of women are of concern, particularly because of the cruelty and levels of violence used in each case. The lack of preventative or investigative strategies contributes to the prevalence of impunity in these cases. It is estimated that between 2006 and 2016, approximately 4,787 women died in violent circumstances in Honduras. According to the Honduran Autonomous National University’s Observatory (UNAH),¹⁹² 468 women were killed in 2016 and 389 in 2017. The majority of these crimes had

one common denominator, the cruelty and viciousness with which they were perpetrated. The risk posed to women human rights defenders (WHRDs) is two-fold: they are the target of persecution for their human rights work on a political level but also within their communities and even their own families. In a three-month period from June to August 2017, IM-Defensoras¹⁹³ published fourteen urgent action alerts regarding attacks suffered by WHRDs, their organisations and their communities. Discrimination and gender-based violence create additional risks for women activists who undertake an ever greater and more visible role within different social movements at the forefront of the struggle to defend land and territory. Between 2012 and 2016, IM-Defensoras

documented 1,128 attacks on and 13 killings of WHRDs in Honduras.¹⁹⁴

LGBTI DEFENDERS ARE MORE VULNERABLE TO SUFFERING ACTS OF VIOLENCE BECAUSE OF A COMBINATION OF FACTORS RELATED TO THE PERCEPTION OF THEIR SEXUAL ORIENTATION AND GENDER IDENTITY, THEIR ROLE AS HRDs AND THE RIGHTS WHICH THEY ARE DEFENDING

JOURNALISTS

Between 2001 and August 2017, the National Commission for Human Rights (CONADEH) recorded the violent death of 70 media professionals. In only 6 of these cases was a perpetrator convicted, meaning that 91% of cases remain unresolved.¹⁹⁵ The journalists most at risk are those investigating government corruption, human rights violations by military police and state security forces or organised crime. According to UNESCO Director-General Irina Bokova, “attacks on journalists are crimes against society as a whole... Without reporters to document abuses, alert the public and denounce injustice, human rights violators are empowered to continue threatening and killing anyone they please”.¹⁹⁶

LGBTI DEFENDERS

According to the Cattrachas Centre for the Monitoring of Media¹⁹⁷ (a lesbian feminist organisation), between 2009 and 2017, 277 LGBTI people were killed in Honduras, including 34 killings in 2017.¹⁹⁸ Given the level of violence in the country and the climate of impunity for these crimes, being a defender of LGBTI rights in Honduras is exceptionally dangerous. In August 2017, the Inter-American Commission for Human Rights (IACHR) urged Honduras to adopt specific measures to properly and effectively address the pattern of violence against LGBTI defenders.¹⁹⁹ The Commission has continued to follow up on numerous cases of violence perpetrated against LGBTI defenders in Honduras, such as the killing of Paola Barraza,²⁰⁰ a transgender HRD and member of the Board of Directors of the Arcoiris LGBTI Association, and the killing of LGBTI defender, René Martínez,²⁰¹ who was the president of the Sampedrana Gay Community,²⁰² an LGBTI advocacy group based in San Pedro Sula, that works throughout the north of Honduras. The Commission observed that LGBTI defenders are more vulnerable to suffering acts of violence because of a combination of factors related to the perception of their sexual orientation and gender identity, their role as HRDs and the rights which they are

defending.²⁰³ Arcoiris²⁰⁴ is an organisation that provides support to LGBTI persons who are victims of violence. It also works on awareness-raising initiatives, promotes HIV prevention programmes and lobbies the Honduran government to promote LGBTI rights in the country. Between June 2015 and January 2016, six of its members were killed and a number of others were victims of physical attacks, intimidation and threats. On 4 April 2017, Sherlyn Montoya, a transgender defender and member of Arcoiris, was found dead on the outskirts of Tegucigalpa and her body showed signs of torture.²⁰⁵



Left: Offering organised by members of COPINH to commemorate Berta Cáceres.

RECOMMENDATIONS TO THE GOVERNMENT OF HONDURAS

According to the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, the situation in Honduras, which was already fragile and suffering from high levels of violence and insecurity, will probably deteriorate further if those responsible are not held to account for these violations.²⁰⁶ The government of Honduras should:

- ❖ Make strong public statements recognising the legitimate role of human rights defenders and commit to guaranteeing their protection;
- ❖ Take effective action to enable the government to meet its international obligation to protect all HRDs, their families, colleagues and communities against threats and reprisals;
- ❖ Ensure that adequate protection measures are implemented which respond to the specific risks, context, identity and requests of each individual;
- ❖ Provide the staff, resources, leadership and political backing necessary to ensure the effective implementation of the HRD protection law and its operational regulations;
- ❖ Give the resources and political backing required by the judiciary to prosecute the material and intellectual authors of attacks on HRDs;
- ❖ Strengthen access to justice for indigenous and rural communities, taking into account geographical, linguistic and cultural barriers;
- ❖ Provide more resources for the Special Prosecutor's office for indigenous rights (*Fiscalía de Etnias*);
- ❖ Set out how it intends to implement all recent UN recommendations pertaining to the protection of HRDs, land rights and indigenous peoples' rights, community consultation and consent and business and human rights.