

Honduras: Post- Electoral Political Crisis and its Impact on Human Rights



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General Information

The Honduran population continues to manifest discontent and demand transparency in the scrutiny of votes. To this date, 118 protests have taken place around the country, an average of 38 have been repressed with tear gas and conventional bullets. Amidst the use and abuse of tear gas and the use of physical force by the state security forces against the civilian population who are practicing their right to peaceful protest, there have been documented direct consequences for the population who has inhaled gas, with at least two people having suffered seizures and severe poisoning requiring hospitalization. The use of gas has not only affected protestors, but also pedestrians and the civilians of adjacent neighborhood around where the protests are taking place, severely affecting the right to health and life.

Available information indicates that 14 people have lost their lives through violence, all of them repressed in protests, 51 have been injured, 7 of them gravely injured, 148 detained protesters for aggravated robbery, 91 criminal records have been opened in Tegucigalpa, Ceiba, and San Pedro Sula. In San Pedro Sula, for those accused whose crimes cannot be proved, the district

attorneys office is contemplating accusing them of terrorism. An example is Marco Edgardo Alemendárez (35 years old) and Carlos David Silva Hernández (28 years old), accused of the crimes of terrorism, theft, and disrespect to authority. Members of military police captured both. 9 children have been accused of aggravated robbery in minor court, amongst the alternative measures applied to the children they were forbidden from participating in political protest.

In the neighborhood of Miraflores, Tegucigalpa agents of military policy PMOP, sprays pepper spray around the residences of people protesting with pots and pans as a peaceful measure, (“el *Cacerolazo*”) on December 2nd, affecting at least 3 families with children.

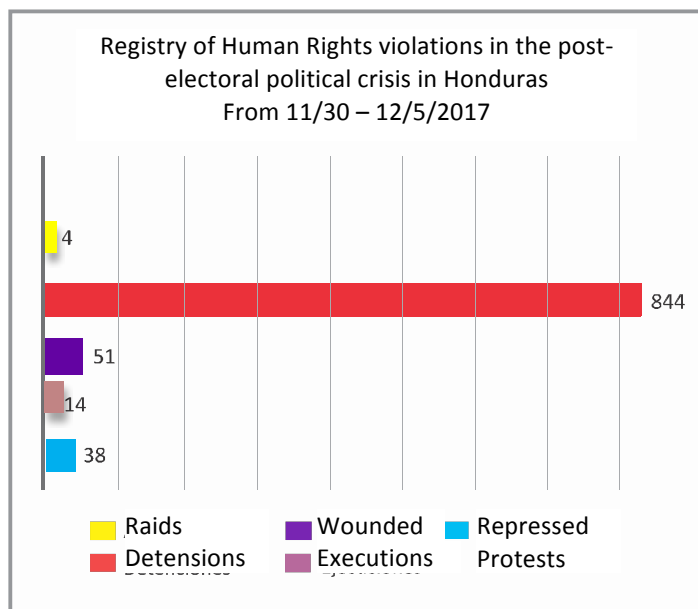
Four home raids have been perpetrated by the military police (PMOP), both registered by COFADEH in the Central District, two of them in the neighborhoods of El Pedregal and Vista Hermosa. A third one occurred in the neighborhood Villa Quezada, where PMOP agents penetrated an enclosed space and attacked

David Hipólito Raudales Maradiaga, removing him violently and causing a head injury. David was protesting as part of “El Cacerolazo” in his neighborhood. When he saw agents approaching he took refuge in his home, which turned out to be futile. A fourth raid took place in the Barrio La Plazuela in the home of a resident who was protesting in the street in front of his home.

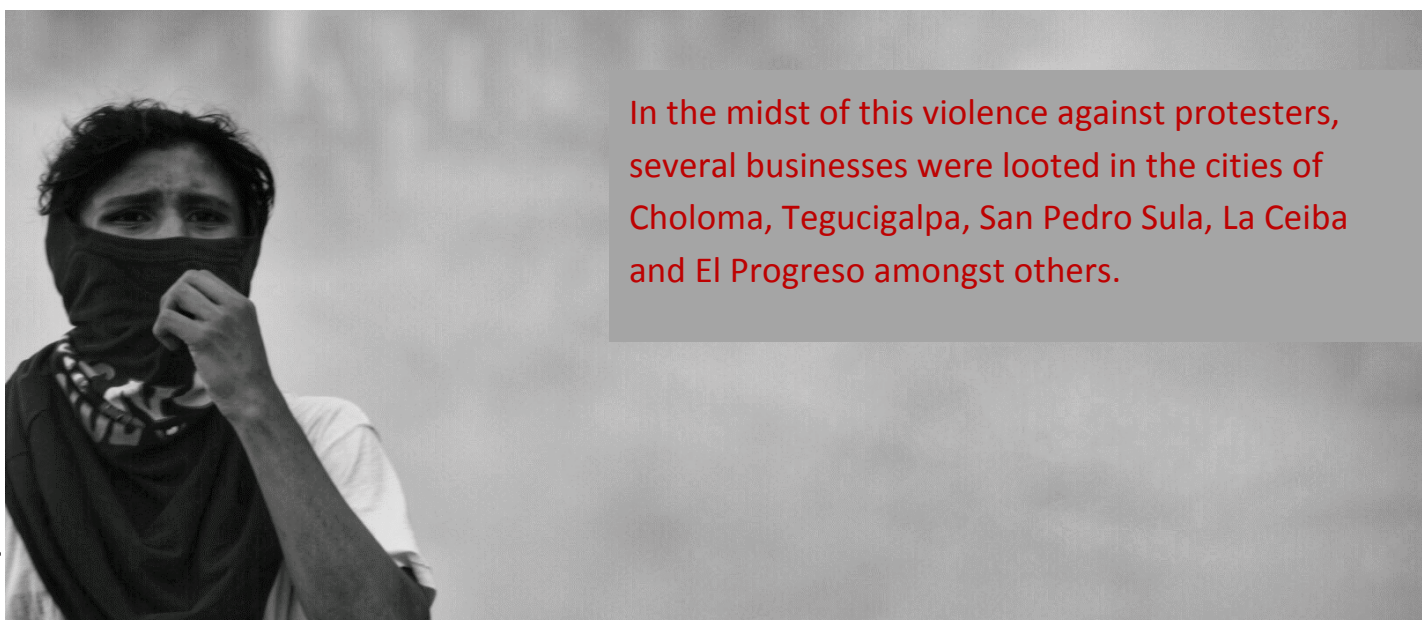
The COFADEH registered 127 people detained for violating curfew related to neighborhood protests, 29 were transferred by FUSINA elements to the 105th Infantry Brigade in the 3rd Infantry Battalion in Naco, Cortes. The media reported 501 detainees due to the curfew during its first two days. In the department of Cortes there were 74 registered detainees, in Francisco Morazan 71, in Olancho 64, in Valle 54, and in La Paz 34. Meanwhile in the rest of the country there have been detainees on a smaller scale.

The curfew was announced on radio and television stations at 10:30 p.m., entering into effect at 11:00 p.m., while over 65 people were recorded to be detained for public disturbance in relation to operations to disperse protesters.

The afternoon of December 4th, the Elite Forces of the Security Police declared that they would set down their arms and refused to deploy to the streets to repress the protesters and put out a statement. The higher-ups denied this and claimed that it was a pressure tactic because they had been misinformed that they would not be paid their bonuses.



Security Secretary Julián Pacheco Tinoco, a high-ranking military officer, Ex-Director of the national intelligence forces, declared to the press that they are an apolitical institution based on respect for Human Rights, and that it was not public but that they were reviewing the budget to provide a wage increase that President Juan Orlando Hernández had ordered two months ago and that they were working to provide them an additional bonus beyond the regular bonus as compensation for the work that they have been carrying out over these last 15 days, for the 100% commitment shown.⁴



EXCESSIVE USE OF FORCE

The excessive use of force by state security forces has been repeatedly denounced, especially in the repression of protests. In one week, 14 people died related to protests against the electoral fraud, 4 of them in the midst of enforcing the curfew and 9 in military operations to maintain public order.

118 PROTESTS CARRIED OUT
38 have been repressed

4 RAIDS
4 in Tegucigalpa

14 EXECUTIONS
12 dead protesters, all caused by agents of the military police (PMOP - Policía Militar del Orden Público).
2 in La Ceiba, state of Atlántida
4 in Choloma, state of Cortés
1 in Agua Blanca Sur, El Progreso, state of Yoro
4 in Tegucigalpa, state of Francisco Morazán
1 in Olanchito, state of Yoro
2 preventative police in confrontation with supposed criminals, who they stopped during the curfew in the state of Olanchito.

51 PEOPLE WOUNDED
7 seriously wounded
The majority reported in Tegucigalpa, San Pedro Sula, La Ceiba. Some of the wounded are in critical condition, or will have permanent disabilities.

844 DETENTIONS
501 During the curfew
127 Protesters arrested during curfew enforcement.
65 for public disturbance
148 for aggravated theft
3 for terrorism, in San Pedro Sula

Of these, 91 criminal files have been opened in Tegucigalpa, Ceiba and San Pedro Sula.

I. EXECUTIONS

Executions during post-electoral Honduran political crisis 11/30-12/5/2017

4

Tegucigalpa, Francisco Morazán

4

Choloma, Cortés

2

Olanchito

2

La Ceiba, Atlántida

2

Agua Blanca Sur y Olanchito, Yoro

JOSÉ ABILIO SOTO (46 years old)

Resident of the Delicias neighborhood in Ceiba, died from a bullet wound to the back while participating in the population's protest at the Río Danto bridge in Ceiba. The night of November 30th. His body was identified by Forensic Medicine on December 1st, 2017⁵. The protesters were violently dispersed by members of the military police (PMOP).

The second and third day of curfew enforcement have been the most violent. The second day six people died and the third day four people died.

LÓPEZ ARELLANO CASE

In the López Arellano neighborhood in Choloma, state of Cortes, on December 1st, the military police (PMOP) fired on protesters who were protesting the lack of transparency in the electoral process.

During the operation to disperse them, ROGER ALBERTO VÁSQUEZ REYES (35 years old), and VÍCTOR EVELIO MARTÍNEZ ÁLVAREZ (23 years old)

died immediately as a consequence of the shots fired, while JOSÉ DAVID RAMOS LAMBERT (22) and an unidentified person died in the Mario Catarino Rivas Hospital. David Ramos, father of José David Ramos Lambert, denounced that the Military Police did not negotiate nor use rubber bullets to disperse the protesters. And that in the surrounding area there was looting but the military police did not care, they were only worried about dislodging the protesters.⁶

JOSÉ FERNANDO MELGAR.

In Ceiba, in a second protest at the bridge over Río Danto, which was also repressed and included a shooting, the young man José Fernando Melgar died. According to reports from direct witnesses, a member of the military kicked him in the chest and the young man fell from the bridge. He died while they were transferring him to a private medical center. This occurred after the beginning of the curfew, on December 1st at 11pm.

KIMBERLY DAYANA FONSECA SANTA MARÍA, (19 years old), a student at the Instituto Honduras in Tegucigalpa, died from several bullet wounds, when members of the Military Police (PMOP), who were seeking to demobilize protesters in the Anillo Periférico to enforce the curfew that had recently been made public in a press conference, shot repeatedly at the protesters. Kimberly was hit by several bullets, also injured was Denis Fabricio Oseguera. Eyewitnesses reported that the intervention of the Policía Nacional Preventiva avoided the deaths of more people.⁷

It is unclear if the investigative authorities have initiated actions to deduce responsibility for the various occurrences. The spokespeople for the police have declared that they officially are not aware of these occurrences.

“They say that there are deaths, but they cannot be recognized by public authority because when they come they aren’t allowed, so we have zero reporting.”

“I cannot hide the truth that appears in the media, but in the official statistics we don’t have them and it is not because we want to hide it, but because there has not been due legal recognition.”⁸

RAÚL ANTONIO TRIMINIO SISNADO (35 years old)

Another killing occurred in sector 7 of the neighborhood Colonia Villanueva in Tegucigalpa. On December 3rd members of the PMOP military police who were travelling in a patrol car with no lights on in order to not be noticed by the protesters opened fire on

One bullet hit the head of Raúl Antonio Triminio Sisnado, who died in the Hospital Escuela.

ERICK JAVIER MONTROYA CRUZ (27 years old)

A law student from the national university UNAH, he was killed on December 3rd at 9:20pm by PMOP military police officers who repressed the protesters in the area of Paseo Los Laureles in the residential neighborhood of Francisco Morazán in Comayagüela with five motorized patrols. Montoya died from two bullet impacts, one in the side and the other in the abdomen. He was still alive en route to the Hospital Escuela, but was dead by the time he arrived at the medical center.

YARETH GONZÁLEZ (15 years old)

Died from a bullet to the head on Monday December 4th in the community of Agua Blanca Sur in El Progreso, Yoro. Available information indicates that the child tried to see what was happening in the protest when the national police (*Policía Nacional Preventiva*) showed up and fired on the protesters, who had blocked the road between Santa Rita and El Progreso.

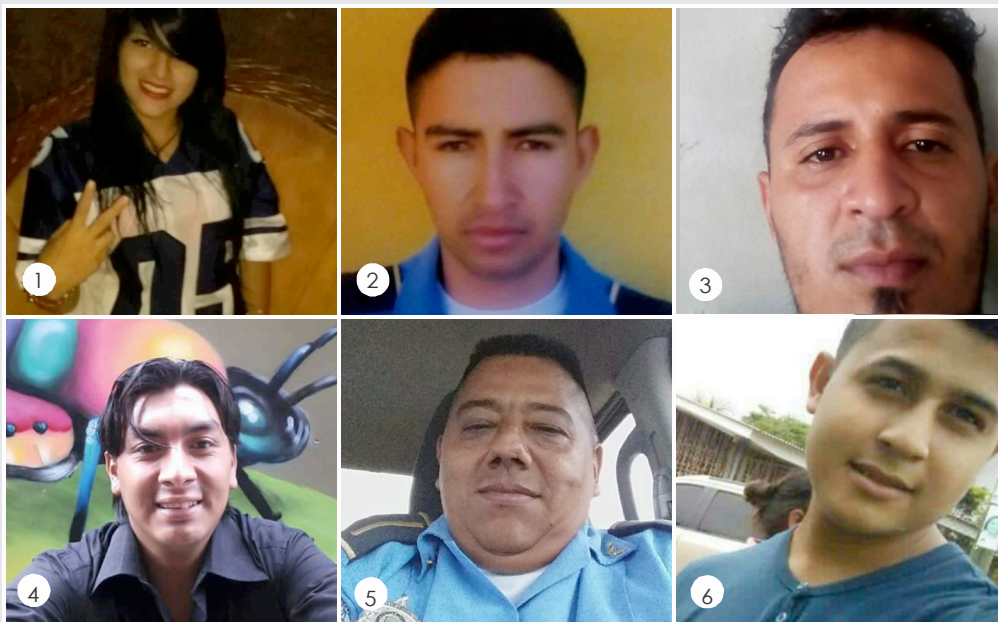
ARNOLD FERNANDO SERRANO MONCADA (32)

On Monday December 4th in Olanchito, Yoro, his body was found in an area known as La Pradera in the Las Vegas neighborhood. The victim had participated in several mobilizations of the Opposition Alliance against Continuity. The causes of his death are unknown as are the identities of the perpetrators.

Also in the midst of enforcing the curfew, police officers MILTON ORLANDO RIVERA CORTES and class 1 officer ISRAEL HERNÁNDEZ VARELA ended up dead after an apparent confrontation with two civilians who they had stopped. The civilians were identified and detained by the police.⁹

The state of emergency, supposedly aimed at protecting the people, is being used to restrict their rights to protest peacefully. Using the pretext of controlling public disorder, the circulation of human rights defenders has been unjustifiably prohibited.

Imprecise descriptions of suspicious attitudes or the lack of clarity in enforcement has led the military police to administer the death penalty to protesting civilians. Of the 14 cases documented in this context, ten are deaths are the responsibility of the PMOP military police, who have been invested with authority and discretion, in a context that is extremely delicate for human rights.



People executed during the curfew

- 1 Kimberli Dayana Fonseca Tegucigalpa, F.M.
- 2 Milton Rivera Olancho
- 3 José David Ramos Lambert Choloma, Cortés
- 4 Erick Javier Montoya Tegucigalpa, F.M.
- 5 Israel Hernández Varela Olancho
- 6 Yareth Gonzales El Progreso, Yoro

II. PEOPLE WOUNDED AND BEATEN DURING PROTESTS

Since November 27th the population and the political opposition and have protested against the lack of transparency in the process of vote-counting. But it was not until November 30th that the systematic use of excessive force to stop the protests, stifle dissidence and instill fear began. The country has faced an institutional crisis exacerbated by the lingering political problems of 2009. The population has taken the streets day after day simultaneously in neighborhood after neighborhood, city after city, community after community.

The security forces have violated the right to peaceful assembly, above all by repressing protests, violating the rights of 51 people to physical integrity:¹⁰ Some of the wounded are in critical condition or will have permanent disabilities.

DANIEL ISACC SUAZO VARELA (12 years old) was shot on Thursday November 30th, 2017 by members of the military police (PMOP), with a bullet that hit his back. The police who attacked him did not help him despite the demands of the populations who witnessed the events. The child was coming from playing soccer, as part of the kids team affiliated with one of the national soccer teams, and was not even a protester. He was operated on in the pediatric wing of the Hospital

explosive and left shards throughout his back. His family has reported threats and fear of retaliation by the perpetrators.

ROGER ARIAS CÁRCAMO (47 years old) was detained on Friday December 1st, 2017 at 3pm while travelling over the Puente el Chile bridge in Tegucigalpa, by officers from the national police (*Policía Nacional Preventiva*). They hit him in the head with their batons and they kicked him in the back as they put him into their patrol car. As a result of the blow to the head he had a seizure and was sent to the Hospital Escuela. He identified officers as Héctor Rivera and Hernández as those who hit him.

TIMI HERNÁNDEZ MENDOZA (22 years old) is a worker who was returning home on December 2nd, when he was hit in his left eye by a bullet shot by officers from the military police (PMOP), who were breaking up a protest in the Colonia Santa Eduvigis neighborhood in Comayaüela. The attending doctors reported that he lost his eye.



WILLIAM JOEL ALMENDÁREZ (13 years old) was in the terrace in his home in the Colonia Santa Eduvigis neighborhood on December 2nd at 9pm, chanting “JOH [short for Juan Orlando Hernandez] must go!” which others in the street were shouting, during one of the protests of people banging pots and pans. Somebody threw a rock at the military police, who had arrived, and they responded with gunfire, hitting this minor in his neck. He was attended to in the pediatric surgery unit of the Hospital Materno Infantil. Timi Hernández Mendoza was injured during the same incident.

FABIO ÁLVAREZ (58 years old) participated in the protest organized in Danlí, in the eastern state of El Paraíso, a protest that was repressed twice, by the military police and the national preventative police. He was injured in the head by a baton and two young people, identified only as Madeline (23 years old) and Franklin (27 years old) were each wounded in the left eye.

ERICSON ARIEL PÉREZ ROSALES (15 years old) was injured by a gunshot on December 2nd by security guards at the national university (UNAH). They were in a march near the university and the guards opened fire, apparently into the air, but wounded him in the left leg, sending him to the Hospital Materno Infantil.

YERWIN FERNANDO GALEAS GÓMEZ (16 years old) was injured by a gunshot on December 1st by security guards at the parking lot for the Midence Soto building in downtown Tegucigalpa. While he was returning from work, along with other young people, he was about to board a bus

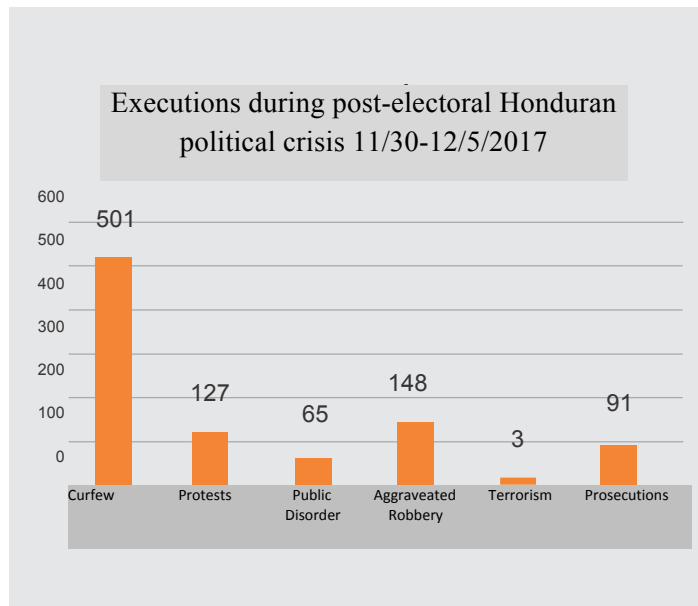
striking the young man in his back. He was taken to the Hospital Escuela, where they told his family that he suffered damage to his lung and kidney.

BAYRON AGUILAR ROMERO (23 years old). On December 4th in Azacualpa, Santa Bárbara, during a peaceful protest at 7pm, a military unit from the *Batallón de Infantería de Pinalero* arrived and opened fire without warning. They followed and shot at the vehicle in which Bayron Aguilar and other people were travelling, and hitting Bayron in his right leg, his wife Waleria Cristel Espinoza (19 years old) in her right gluteus, and Joseué Castañeda Aguilar (19 years old) under the lower eyelid of his left eye.

JUAN CARLOS PERDOMO REYES, 45 years old, was wounded by a bullet in the Colonia Centroamérica Oeste neighborhood, while gathering in the street and preparing to protest as part of the pots and pans protest at 9pm. On December 5th, at 7pm, police agents showed up by surprise and shot at a person they were following. Two of the shots hit him in the back. He was operated on in the Hospital Escuela and was determined to be stable, as the bullets did not damage any vital organs.¹¹

III. DETENTIONS

International human rights law recognizes the right to peaceful social protest and demonstration, the right to freedom of expression and opinion, the freedom of assembly and association.



In the current context, this right is not being guaranteed and the State has implemented undue limitations to its exercise. Examples include repression on the part of militarized police, excessive use of force, indiscriminate use of dissuasion, for example the militarization of public areas, massive and arbitrary detentions and limitations to the freedom to circulate with the objective of controlling, punishing or impeding the free exercise of the right to protest and demonstrate.

The indiscriminate use of force on the part of military and police forces has placed the rights to life, personal safety and freedom of the protestors and spectators at high risk. The detention of protestors has been used to restrict the right to protest. Cofadeh has registered 184 detentions.¹²

Of even greater concern is that some of those detained in peaceful protests have been taken to military installations, such as what occurred on December 2, 2017 when 29 people, 28 men and one woman, protested on the C-4 Highway in the Vida Nueva neighborhood of Cofradia in the department of Colon. They were detained with the argument that they had violated Decree 084-2017 and were transferred in a military truck to the installations of the 3rd Infantry Battalion in the 105th Military Brigade.

In Cucuyagua department of Copan, on December 2 at 3:00 a.m. the National Direction of Community Prevention evicted protestors with the opposition Alliance who had blocked the western highway and detained 17 people including three minors, charging them with violating the curfew¹⁴. The adults were sent to Police Headquarters number 4 and the minors to DINAF.

On December 5, COFADEH received information that the youth, Andres Contreras, was the victim of detention and aggressions by three members of the Military Police that were patrolling the Guadalupe barrio at 9:00 p.m. without fluorescent vests. Andres was returning to his house after participating in the Pots and Pans activity when he was surprised by a patrol consisting of three agents.

He attempted to escape but the soldiers pointed their weapons at the place where they thought he was hiding. The three hid their faces with ski masks and they took him in a violent manner to the bridge that connects the Guadalupe barrio with the Jucos barrio in the Barrio Morazon sector. Then, while threatening him with their weapons, they took him toward the Alameda neighborhood and then toward the La Pagoada N.1 barrio in the sector of the Honduras School. The patrol was reinforced with three more soldiers. They continued to beat him and before releasing him they threatened to kill him if they saw him in the street again. A patrol vehicle was waiting for them on the Suyapa Boulevard. Andres thinks that the helicopters that have been flying over the city of Tegucigalpa since before the 26th of November, are doing surveillance from the air for police on the ground. On recent nights, the helicopter has flown very low over the barrio that has carried out actions of resistance. Cofadeh has documented two other cases with a similar pattern of surveillance and attacks on the civilian population by the Military Police.

The use of tear gas, physical aggression and firing live bullets, together with arbitrary detentions have been the methods most frequently used to restrict the right to protest. On the nights of November 30 and December 1, those protesting in front of the INFOP installations in Tegucigalpa were victims of the effects of tear gas sprayed in an indiscriminate manner when ex-President Zelaya and the candidate for the Alliance, Salvador Nasralla, approached the INFOP gate.

IV. RAIDS

On December 2 in the Colonia Miraflores of Tegucigalpa, the candidate for Representative to Congress, Jorge Calix, denounced that Military Police agents repressed those who oppose continuism by banging pots and pans from their houses. Military patrols were deployed on the streets where residents have been identified as part of the opposition and launched tear gas bombs with their guns into the homes with no concern for children and elderly living there. Similar actions were reported in the Colonia San Angel, Kennedy, Pedregal, los Llanos, las Vegas and other neighborhoods.

To intimidate people, the military police has carried out searches and attempted searches in the homes and closed spaces in different neighborhoods where people protested the lack of transparency in the electoral process. The intention is to instill fear. Police kicked on doors and demanded that residents leave their homes. An example is the case of Villa Quezada and Colonia Cerro Grande where military police beat the private security agent in order to enter the closed space and then penetrated the residences. The areas most heavily affected are all areas where people are participating in the pots and pans protest.

A neighbor of Barrio La Plazuela protested in front of his home on December 4, 2017 when six military police on foot patrol entered his residence, forcing the gate open and searching the house. The residents hid on the property of the house. The agents stayed in the house for five minutes and then another 15 minutes in front of the house.

V. HUMAN RIGHTS DEFENDERS

Recognition of the right to defend human rights is consecrated in Article 1 of the Declaration on the right and duty of individuals, groups and institutions to promote and protect universally recognized human rights and fundamental freedoms adopted by the United Nations General Assembly.

Human rights defenders have the right to observe protests and obtain information to carry out their work. However, in this context, this work is being restricted.

Matthew Ginsberg-Jaeckle, member of the International

theft of information. After verifying information on the situation of wounded in the Hospital Escuela, unknown actors removed his computer from the vehicle in which he was traveling. There were other objects in the vehicle but only his computer was taken.¹⁵

Pedro Landa, an environmental defender, has been the target of unwarranted checks by members of the military while observing the peaceful protests of the Opposition Alliance and social organizations.

Unknown actors have thrown highly explosive mortars at the COFADEH installations from moving vehicles on three consecutive occasions. The Convergence against Continuism has held press conferences, stating its position in the framework of the electoral process and re-election of Juan Orlando Hernandez, in these offices.

Decree 084-2017, restricts the right to defend human rights when it does not exempt civil societies human rights defenders from the restriction on circulation in the framework of the curfew. This situation impacts their work because the serious human rights violations are occurring precisely during the hours when the curfew is in effect.

VI. POLITICAL ACTORS

One of the District Coordinators of the Opposition Alliance denounced that he was the victim of a kidnapping by unknown, heavily armed men who interrogated him about the routines and actions of the Alliance coordinators.

Fatima Meno, independent candidate for Mayor of San Pedro Sula, denounced that she is the subject of surveillance by elements of the Armed Forces of Honduras. On November 30, in the city of Tegucigalpa, as she returned to her hotel a military officer reported that he had identified the objective and described the clothes that she was wearing. In recent days she has been supporting the defense of the vote for the presidential candidate of the Alliance with whom she was a partner in the Anti-Corruption Party.

HONDURAS POST-ELECTORAL POLITICAL CRISIS AND ITS IMPACT ON HUMAN RIGHTS



VII. CONCLUSIONS AND RECOMMENDATIONS

The deficiency and weakness of the justice system that characterizes Honduras is notable in this context. As of this moment, we are not aware of any actions on the part of the Special Prosecutor for Human Rights to investigate the deaths of protestors in the repression by military police. Human rights violations in a political context usually remain in impunity in Honduras.

The twelve registered cases of violent deaths were perpetrated by the Military Police during peaceful demonstrations that became violent due to the intervention of authorities charged with upholding the law.

The detentions during curfew enforcement are not related only to the presumed lack of compliance, rather they are repeatedly used to demobilize protestors.

Decree 084-2017 violates constitutional rights including the right to demonstrate, to assemble and freedom of expression. It also restricts the right to defend human rights.

We recommend: 1) That the authorities of the State of Honduras withdraw the Military Police from the work of security in the current context.

2) Guarantee the political opposition its right to demonstrate and to assemble without resorting to repressive measures.

3) The Special Prosecutor for Human Rights should designate enough qualified special prosecutors to initiate the process of investigation of serious human rights violations including violations of the right to life, physical safety, personal freedom and other violations that have been committed in the current context.

4) Immediately lift and revoke Decree 084-2017 because it violates constitutional rights.

6) Investigate, in accordance with international standards, all of the cases of those detained who were taken to military centers.

7) Control the use of toxic substances, the use of physical force and the use of firearms against the civilian population because this endangers peoples' lives, safety and health.

We ask international organizations to follow events in Honduras because among many other violations of human rights, violations of the right to life, safety, personal freedom and the right to protest have increased.

Sources

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- 3) www.elsalvadortimes.com/articulo/internacional/policia-honduras-revela-porque-no-quiere-asesinar-pueblo/20171204185725032611.html
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- 6) <http://www.latribuna.hn/2017/12/03/cuatro-muertos-deja-balacera-la-lopez/>
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- 10) Monitoring of hospitals and complaints received.
- 11) Information provided by phone to COFADEH by victim's family.
- 12) Incident registry at police stations, UDEP, 1, 3, 4. Complaint by Alliance District Coordinators.
- 13) http://www.laprensa.hn/honduras/1131489-410/detenidos-naco-toque_queda
- 14) <http://www.laprensa.hn/honduras/1131469-410/cop%C3%A1n-reporta-primeros-detenidos-de-la-zona-tras-toque-de-queda> Nahim Uriel Hernández García (19) Cucuyagua, José Fernando Lara Navarrete (18) Cucuyagua, Gelin Yajaira Valerio López (27) Corquin, María Telma Rodríguez (38) Macuelizlo, Elmer Antonio Peña (21) Cucuyagua, Wilmer Rene Martínez (21) San Pedro de Copan, José María Calero (47) de origen Salvadoreño, Ángel Antonio Rodríguez Alvarado (19) Originario de Talgua, José Armando Pérez (37) San Sebastián Lempira, Juan Ramón Guevara Lara (31) originario de Cucuyagua, Hugo Antonio Lara (27) Nueva Frontera Santa Bárbara, Wilson Yobany Martínez (17) La Unión Copan, Edwin Arnaldo Guevara Lara (26) Cucuyagua, Keylin Dayanara Molina Lara (16) Cucuyagua, Nansy Gisela Chacon Mejía (13) Lucerna Ocotepeque
- 15) Denounced to COFADEH by delegation coordinator.