

## HONDURAS ACCOMPANIMENT PROJECT – PROAH

### SUMMARY OF HUMAN RIGHTS ISSUES AND EVENTS IN HONDURAS JULY, AUGUST & SEPTEMBER 2013

The last quarter was marked by an escalation in the persecution of human rights defenders acting to protect **the environment against megaprojects**, including the **murder** of four indigenous people in two separate incidents, and **cases of criminalization**. These acts are committed against the background of the adoption, on 22 July, of the Law for the Promotion of Development and the Restructuring of the National Debt<sup>1</sup> which encourages the selling off of national assets, including natural resources, and which, along with a raft of other legislation adopted since the 2009 coup, including the Water and recently adopted Mining Laws, will promote further megaprojects.<sup>2</sup>

It is a mark of the seriousness of the human rights crisis that, of the 12 **declarations of concern or condemnation issued by the Inter-American Commission on Human Rights (IACHR)** via press release in July and August, four - a third – concerned Honduras<sup>3</sup>, a remarkable feat given that its population, at 8 million, represents less than 1% of the total under the jurisdiction of the IACHR. The figure of four declarations does not include the press release announcing the issue of the IACHR's damning report on Honduran prison conditions<sup>4</sup> (see P.10 below).

At the end of July, **Amnesty International** issued a statement<sup>5</sup> condemning **the killings of three leaders** committed to human rights in the space of just two weeks – the judge Mireya Mendoza Peña, Herwin Ramírez Chamorro, a defender of LGBTI and Afro-Honduran rights, and Tomás García, the leader of an indigenous community in Rio Blanco and member of COPINH (see below for further information on all 3 cases).

#### **RIO BLANCO DAM - MURDER OF TOMÁS GARCÍA AND CRIMINALIZATION OF COPINH**

On 15 July, the **Lenca leader Tomás García was murdered** and his 17-year-old son, Allan García Domínguez, was seriously injured after being shot without warning by the military as they were walking towards the construction site of the hydroelectric dam in Rio Blanco, the focus of peaceful protests by the indigenous community since 1 April. The shootings were strongly condemned by both Amnesty International and the IACHR<sup>6</sup>, with the Commission stressing the legitimacy of peaceful protest as a human right, as well as the need for states to ensure the prior, free and informed consultation of indigenous people – a process which, for the community, has failed to take place. A soldier has been arrested in connection with the killing but accused of murder in self-defense, a charge which allows him to be released on bail instead of imprisoned pending trial, as is normal for homicide cases. According to COPINH, the bail has been paid by DESA, the hydroelectric company.

The murder comes on top of a process of **judicial persecution of the leadership of COPINH** (Civic Council of Popular and Indigenous Organizations of Honduras) for supporting opposition against the

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1 *Ley de Promoción del Desarrollo y Reversión de la Deuda Pública* (see <http://www.elheraldo.hn/Secciones-Principales/Pais/Ratificada-ley-para-vender-bienes>)

2 See for example, [Bloomberg.com article of 5.9.13.](#)

3 <http://www.oas.org/en/iachr/default.asp>

4 [IACHR Presents Report on Persons Deprived of Liberty in Honduras](#) Press release No. 58/13 of 2 August 2013.

5 [Honduras: Amnesty International condemns the recent killings of people defending justice, equality and human rights](#) AMR 37/007/2013 of 29 July 2013.

6 Ibid and [IACHR Condemns the Murder of Lenca indigenous leader and injuries to a child in Honduras Military operation](#) Press release No. 52/13 of 19 July 2013. See also SOAWatch article [The Murder of Tomás García by the Honduran Military](#) and translation of interview with Bertha Cáceres [“A Desperate and Criminal Act”](#)

dam project. As reported in [our monthly summary for June](#), **Berta Cáceres and Tomás Gómez were detained and Berta charged with “illegally carrying weapons”**, after a gun - widely believed to have been planted – was found in their pickup by the military. On 13 June, she was granted a temporary stay in proceedings through lack of evidence, a decision which the Public Prosecution Service managed to have reversed, as a result of which these charges have been revived. Now both of them, plus Aureliano Molina, another member of the COPINH leadership, have been **charged with land usurpation, damage to private property and coercion**. Following the initial hearing, in La Esperanza, Intibuca, the judge issued a decision on 20 September sentencing Bertha Cáceres to prison pending trial, and Tomás Gómez and Aureliano Molina to alternative measures – signing at a court every two weeks and a prohibition on visiting the dam construction site<sup>7</sup>. At the hearing, which PROAH attended, no evidence was provided linking the three to the damage at the dam site. The 'coercion' appears to consist of COPINH's support for the communities in the Rio Blanco region which, over the past six or seven years, have consistently opposed a range of concessions in *cabildos abiertos*; and the 'usurpation', which is assumed to refer to the road block preventing access to the dam site was organized by the community on its own ancestral territory, to which, furthermore, it has a land title. It is obvious that the charges are spurious and designed to stifle legitimate protest - Amnesty International has stated that it will consider the three **prisoners of conscience** if they are imprisoned.<sup>8</sup>

Víctor Fernández, **COPINH's defense lawyer**, has revealed that he himself could now potentially face similar charges of 'inducement' for his support for the community of La Nueva Esperanza in its fight against mining (see below) in his capacity as Coordinator of MADJ (Broad Movement for Dignity and Justice).<sup>9</sup>

In a further case of potential criminalization, at 3 am on 5 September, policemen burst into the house in La Tejera, Rio Blanco, where COPINH member Desiderio Méndez was sleeping, firing shots and threatening the 14 members of the family, including 6 children. They stole belongings such as cell phones, and flashlights, vandalized property, and then, **without an arrest warrant, they took Desiderio Méndez away**, threatening to torture him so that “he would talk,” and refusing to say where they were taking him. They held him for 24 hours, and charged him with allegedly having a gun in the house. The hearing is scheduled for 2 October. Desiderio was near Tomás García when he was shot and killed, and his neck was grazed by one of the military's bullets. He is therefore a key witness in the murder case against the soldier.<sup>10</sup>

### **MINING: MURDER OF THREE MEMBERS OF TOLUPAN INDIGENOUS GROUP IN YORO**

Three Tolupan were shot and killed on 25 August 2013 in Locomapa, Yoro, in northern Honduras. Members of the community had set up a road block allowing local traffic, but stopping vehicles of illegal loggers and of companies illegally mining antimony on their territory. According to MADJ (Broad Movement for Dignity and Justice) which is supporting the community, there are at least six different mining companies involved, all apparently Honduran. It was on the 12th day of the protest that two local men, allegedly employed by one of the mining companies, arrived at the roadblock on motorcycle and opened fire on the dozen or so activists there. Two men, Armando Funez Medina, and Ricardo Soto Funez, died in the entryway to the home of Maria Enriqueta Matute. She was an elderly woman who was also shot dead as she came out to see what was happening.<sup>11</sup> Before the killings, the authorities had been notified of death threats against community leaders but had failed to act. Arrest warrants have been issued for the two killers, but so far they remain at large. According to MADJ, they

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7 See Rights Action article [Struggle in Rio Blanco, Honduras: 142 Days and Counting ...](#)

8 See Amnesty International's press release [Honduran Indigenous leaders at risk of unfair imprisonment](#)

9 See MADJ alert [Persecución a Líderes del MADJ](#)

10 [Alert by COPINH](#) (5.9.13) with translation by SOAWatch.

11 See PROAH article [Mining: Three members of Tolupan indigenous group murdered in Yoro.](#)

are Selvin Matute and Carlos Matute, members of the “Matute Gang” of hit men, who offer their services to companies engaged in illegal logging and mining on Tolupan territory, and who operate with complete impunity. In the meantime, at least 10 members of the community have been forced to flee the area for their own safety, and those who remain continue to receive death threats.<sup>12</sup>

The Tolupan live in the mountains in the north of the department of Francisco Morazan as well as in Yoro, the majority in desperate poverty. With a population of around 18,000, it is one of the smaller of Honduras' nine indigenous groups but, according to the government, the one that has suffered the most persecution. Since the 1970s and 1980s, when the Tolupan began to assert their claims to their ancestral territories and protest about illegal logging and mining, **57 of their leaders have been assassinated with impunity**, the victims of powerful economic interests.<sup>13</sup>

### **MINING: LA NUEVA ESPERANZA - CONTINUED INTIMIDATION OF VILLAGERS FOLLOWING ABDUCTION OF PROAH MEMBERS**

As described in [our June monthly summary](#), this small community in the mountains of Atlántida, near the Caribbean coast, has, along with its supporters, been subject to a campaign of intimidation since Minerales Victoria began mining exploration on the community's land without any consultation.

In response to requests by members of the community, PROAH has been accompanying it through the dissemination of information and international alerts, and has visited La Nueva Esperanza several times. On one such visit, two PROAH accompaniers, French and Swiss, had spent the night at the home of a family which was receiving threats from armed men contracted by the company because of its refusal to sell its land to Minerales Victoria. The next morning, 25 July, the house was surrounded by about 40 men who work for the mining company, armed with guns and machetes. The **two international observers were held captive at gunpoint for two and half hours**, before being left in a neighboring community, Nueva Florida. They were told that if they returned they would be “disappeared in the woods” and that the community would suffer reprisals if they reported the incident. There is no doubt that a decisive factor in the release of the accompaniers was the action by COFADEH<sup>14</sup> and other human rights defenders, including members of the community, in reporting the incident and requesting the immediate intervention by the Honduran authorities and diplomatic community.<sup>15</sup>

Although police were mobilized to search for the international observers, and the Public Prosecution Service is actively investigating the case, **the gunmen continue to terrorize the community in the full knowledge of the state authorities**, including the Minister of Security. The family at whose home the PROAH members were seized were forced to flee La Nueva Esperanza for their own security, followed by another villager on 3 August, after he received threatening visits by the armed men. Members of the community have informed PROAH that the men regularly fire guns during the night to intimidate them, and the community school continues to be closed due to the security situation. Before the arrival of the armed men in June, the local police were directly involved in repressing and threatening the community, and now turn a blind eye to the armed men's persecution of the villagers.<sup>16</sup> Investigations by the Public Prosecution Service have revealed that the armed men are contracted by the Orion security company, believed to be the same company implicated in the killings of campesinos in the Bajo Aguan.<sup>17</sup> The first court hearing took place on 18 September, but it remains to be seen whether the case will result in the arrest or withdrawal of the armed men, or in the arrest of the

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12 MADJ document 'Dignidad y Justicia para el Pueblo Tolupan' (19.9.13)

13 See [website of SEDINAFROH](#) (Ministry for the Development of Indigenous and Afro-Honduran Peoples)

14 Committee for the Relatives of the Detained and Disappeared in Honduras.

15 See [Urgent Action issued by PROAH](#) (27.7.13)

16 See PROAH article [La Nueva Esperanza: So far, a situation of flagrant impunity](#)

17 Orion features prominently in [the report by the UN Working Group on the Use of Mercenaries](#), on their visit to Honduras in February this year.

intellectual author of the intimidation of the community of La Nueva Esperanza.

In the meantime, Minerales Victoria have filed a complaint with the Public Prosecution Service against La Nueva Esperanza's community council (Patronato) for alleged violation of the company's rights.

The company accuses the lawyers Victor and Martín Fernández, who through MADJ have been supporting the community, of inciting its population to issue threats and commit the crime of “obstruction of free circulation”, in a case which has obvious parallels with the coercion charge levelled at COPINH.<sup>18</sup>

Despite the abuses they have suffered, the villagers of La Nueva Esperanza continue to be steadfast in their opposition to the mining operations, with the **support of the national and international community**. There have been a number of visits by national and international activists and delegations in solidarity. Outside Honduras, actions have included [a letter sent to the US State Department](#) in which 24 US church denominations and organizations have registered their concerns about the situation in La Nueva Esperanza.

### **MINING: SIRIA VALLEY**

On 25 September, IDAMHO (Environmental Law Institute of Honduras) presented its **report**<sup>19</sup> on the socio-economic, environmental and health impacts of the San Martín Mine in the Siria Valley. Owned by the Canadian company Goldcorp, the mine operated from 2000 until 2008, and is the first open-cast mining project in the country to have gone through the full cycle of exploration, exploitation and closure. The study is therefore significant in showing the potential future for many communities in Honduras, given the huge number of concessions in the pipeline as a result of the new Mining Law. According to figures from CEHPRODEC (Honduran Center for the Promotion of Community Development) there are 292 mining concessions already approved, and 562 awaiting approval. Of this total of 854, exactly half are for metal mining, and thus potentially with the same impacts as for the Siria Valley.

The release of heavy metals into the air and water sources from dynamiting rocks and the use of cyanide to extract the gold has had an impact not only on **the environment but also on the health** of the people in the Siria Valley region. For example, the report cites a 2006 study stating that a community close to the mine had an infant mortality rate 12 times higher than the national average, rising to 33 times in the case of children of mineworkers. At the same time, the mine appears to have brought **little in the way of local economic benefits** – according to the study, the municipalities which rejected mining performed better in terms of human development indices than the municipality which ended up with the mine, as it damaged traditional livelihoods, such as agriculture, while in the end providing little local employment itself.

The report also highlights the lack of consultation of affected communities before mining began, and refers to the persecution of the **Committee of Environmentalists of the Siria Valley** for their opposition to the mine, including **criminalization** in their fight to achieve reparation for the damage caused and to defend their environment. PROAH has accompanied them in their legal cases.<sup>20</sup> Taking advantage of the new Mining Law, [Five Star Mining](#) (owned by the Italian Goldlake Group) now has set its sights on the Siria Valley to exploit iron.

### **LAND DISPUTES: SUGAR – DEATH AND CRIMINALIZATION IN THE SULA VALLEY**

**Felix Corea** died on 10 August when he was run down by a truck, deliberately, according to witnesses, who identified the truck, which had no license plates, as belonging to the sugar company AZUNOSA.

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18 See MADJ alert [Persecución a Líderes del MADJ](#)

19 IDAMHO report [La Mina San Martín en el Valle de Siria. Exploración, explotación y cierre: impactos y consecuencias](#)

20 See, for example, PROAH article [17 Siria Valley environmentalists free of charges, but their fight continues](#)

Felix was part of a land recuperation organized by the CNTC (National Center for Rural Workers) and the ADCP (Association for Campesino Development of Progreso) of lands occupied by AZUNOSA, a sugar company owned by the British multinational [SAB Miller](#).<sup>21</sup>

1600 campesino families have been involved in the recuperation of the land in Agua Blanca Sur, in the Sula Valley. According to Honduran land laws, no person or company can own more than 250 hectares of land in the Sula Valley unless they receive authorization. AZUNOSA had failed to do so despite operating on much more than this limit. As a result, in March 2012, INA (National Agrarian Institute) ruled to expropriate 3,644 hectares from AZUNOSA for landless campesinos to live on and grow crops. INA's Director reported that AZUNOSA “**has been illegally operating [on this land] for more than 20 years.**”<sup>22</sup> Despite profiting from this land for so long, AZUNOSA was to be compensated approximately \$10 million for the expropriation. However, AZUNOSA refused to give it up, and after much pressure, the National Agrarian Council reversed INA's decision, and granted AZUNOSA's appeal in November 2012. The campesinos have filed an appeal to the Supreme Court. In the meantime, they had occupied the land under dispute, but suffered **eviction** early in the morning on 19 June by 400 armed men - the Honduran military and police in conjunction with the company's private security guards – who also destroyed the crops and houses they had established on this land.<sup>23</sup>

This case has close parallels with that of **MOCSAM** (San Manuel Campesino Movement), which had conducted another land recuperation in the Sula Valley, as a result of INA's expropriation of land in 2012 from the CAHSA sugar company. Its members were evicted by an equally large militarized force a week earlier, on 11 June ([see June summary](#)). The previous month, on 17 May, two members of MOCSAM had been killed by CAHSA security guards during a demonstration to lay claim to a plot of land, and three days later, another had been murdered, shot in the back as she neared her house<sup>24</sup>.

**Magdalena Morales**, the CNTC Regional Secretary for Yoro department has suffered judicial persecution for her support for the campesinos in their recovery of the AZUNOSA land. On 26 July, policemen burst into the CNTC office in El Progreso, arrested her, and detained her for 24 hours. She was then brought before a judge who prohibited her from setting foot on the land under dispute, ordered her to sign at a court house every two weeks, and prohibited her from leaving the country. Magdalena is charged with usurping land as part of the **criminalization campaign** against campesinos in the Sula Valley to the benefit of large sugar companies, and is only one of a total of 52 campesinos with legal proceedings against them because of the Agua Blanca Sur land dispute. The decision on her case has been postponed yet again, to 26 October. She and other campesino leaders are also suffering persecution in the form of **surveillance and death threats**, and fear for their lives.<sup>25</sup>

## LAND DISPUTES: BAJO AGUAN

According to the Aguán Human Rights Observatory,<sup>26</sup> the **death toll** from the land disputes in the Bajo Aguán from the 2009 coup to the end of August was over 110 people, including a policeman and a soldier, and 12-15 security guards. The vast majority – around 100 – have been campesinos. The Observatory, established in late 2011, is formed by around 13 campesino organizations in the Bajo Aguán, with two representatives from each of these organizations, plus independent human rights defenders.<sup>27</sup>

On 2 July, relatives and friends, including priests and nuns, commemorated the first anniversary of the death of one of the victims, the campesino **Gregorio Chávez**, who was also a leader of the Catholic

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21 SOAWatch article [The Struggle for Land in Agua Blanca Sur](#)

22 Proceso Digital [Ministro del INA confirma expropiación de tierras a compañías azucareras Azunosa y Cahsa](#)

23 SOAWatch article [The Struggle for Land in Agua Blanca Sur](#)

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

25 Ibid.

26 *Observatorio de los Derechos Humanos en el Aguan*

27 Conexihon [Prolifera la violencia e impunidad en el Aguán: Observatorio de Derechos Humanos](#)

church in Panamá community, in the municipality of Trujillo. They gathered to honour his memory and demand justice for his abduction and murder. He had been working on his plot of land when he disappeared. His body was found buried four days later on the Paso Aguán farm, which was patrolled by guards from the Orion security firm, contracted to Miguel Facussé's Dinant Corporation. At the time of the anniversary of his death, his relatives were not aware of any progress in the investigations into his case, and had still not been informed of the autopsy results.<sup>28</sup>

The figures vary on the number of murders of campesinos that had been committed in the Bajo Aguan from the coup up to July 2012, when Gregorio Chávez was murdered, ranging from 50 to 60. However, given that this figure has now, according to the Observatory, increased to a hundred in just over a year, it gives the lie to the pronouncement this July by **Colonel Germán Alfaro**, the head of Operation Xatruch III, the military-police joint task force in the Bajo Aguán, that 'not one drop of blood had been spilled' in the region since November 2012.<sup>29</sup> It is rather that the killings go unreported in the mainstream press.

It was against this background that environmental and human rights groups condemned the **4th Latin American Palm Oil Conference** held by the Round Table on Sustainable Palm Oil (RSPO) in San Pedro Sula on 6-8 August, as one of the event sponsors was Miguel Facussé's Dinant Corporation.<sup>30</sup>

**On 3 September, a 500-strong force from Operation Xatruch evicted 160 familias from the San Isidro farm**, members of MARCA (Authentic Campesino Land Recovery Movement of the Aguan).<sup>31</sup>

On 29 June 2012, **Antonio Trejo**, its legal representative, had succeeded in winning a legal case demonstrating that the campesinos of MARCA were the legitimate owners of that estate, plus of El Despertar and La Trinidad. He was **murdered** at a wedding on 22 September 2012, a month after having been detained along with 25 campesinos from MARCA who were protesting peacefully outside the Supreme Court against the (illegal) reversal of the ruling.<sup>32</sup> **José Trejo**, who was seeking justice for his brother Antonio's death, was himself **murdered** in February.<sup>33</sup> Although MARCA tried to mount a number of legal challenges to the eviction, the courts ultimately found in favor of Empresa Exportadora del Atlántico, an oil palm company and part of **Miguel Facussé's Dinant Corporation**. The eviction was peaceful – the 160 families dismantled their homes (most made of plastic sheeting) which were transported to Tocoa, the nearest town.<sup>34</sup>

## LAWYERS

The assassination of four lawyers in the last quarter brought to 68 the number of legal professionals murdered since January 2010, when Porfirio Lobo came to power, of which 15 have been committed this year, according to CONADEH (the National Human Rights Commissioner).<sup>35</sup>

Amnesty International<sup>36</sup> and the IACHR<sup>37</sup> strongly condemned the **assassination of Mireya Mendoza Peña, a trial court judge** in El Progreso, Yoro, on 24 July. She had just left a shopping center in her car at midday when she was killed by multiple gunshots fired by two hit men on motorbikes. One of the alleged murderers was arrested a few days after the murder. The mastermind behind the killing has

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28 Conexihon [Honduras: En aniversario de su muerte, claman justicia por campesino Gregorio Chávez](#)

29 MUCA statement at <http://www.hondurastierralibre.com/2013/07/honduras-jefe-de-la-operacion-xatruch.html>

30 Press Release by Rights Action, Rainforest Rescue, Biofuelwatch and Food First [Expanding Palm Oil Empires in the Name Of 'Green Energy' and "Sustainable Development"](#)

31 *Movimiento Autentico Reivindicador Campesino del Aguán*

32 Honduras Laboral [Asesinato de Abogado Antonio Trejo Defensor](#)

33 Amnesty International Press Release [Honduras must investigate killing of murdered activist's brother](#)

34 Conexihon [Aguán: Por fallo de la Corte desalojan a campesinos de la finca San Isidro](#)

35 CONADEH press release of 23.9.13 [Profesión de alto riesgo: En la impunidad el 97% de los abogados y periodista muertos en el gobierno de Pepe Lobo](#)

36 [Honduras: Amnesty International condemns the recent killings of people defending justice, equality and human rights](#) AMR 37/007/2013 of 29 July 2013.

37 [IACHR Condemns Murder of Judge in Honduras](#) Press release No. 55/13 of 30 July 2013.

been identified as the head of a gang of hit men who was already in custody and who was due to be tried by the judge.<sup>38</sup> At the time of her death, she was deputy secretary of the Association of Judges for Democracy<sup>39</sup>, a non-governmental organization working to strengthen the justice system in Honduras, whose members have suffered persecution since the 2009 coup.<sup>40</sup> Her murder has provoked anger among judges who have protested at the lack of security measures available to them<sup>41</sup> - she is the fourth judge to be killed during Porfirio Lobo's presidency.

The second victim, **Jose Angel Perez**, was murdered on 6 August by three unidentified men in San Pedro Sula in his car. A lawyer with his own private practice, one of his cases involved a dangerous gang member, as a result of which he had received death threats which, according to his family, he had reported to various authorities but without receiving any support. He had left the country for his own safety for over two months, having been warned by the Public Prosecution Service that there was a plot to kill both him and a prosecutor. He had only been back in Honduras a few days when he was murdered. There are currently no leads in his case.<sup>42</sup>

The third victim, **Dinia Mercedes Acosta**, was also a lawyer with her own private practice in San Pedro Sula, and was also murdered in her car. She was heading home from work on 17 September when her path was blocked by a car which sprayed hers with gunfire. She had been working on some financial cases and the police are investigating whether this could be a motive for the crime. As far as her family is aware, she had not received any threats.<sup>43</sup>

The fourth victim lawyer and former judge Amed Francisco Zelaya, was murdered in San Pedro Sula on Sunday September 29<sup>th</sup>. According to press reports the lawyer, Amed Francisco Zelaya and his client were at a soccer field celebrating a birthday party. At around 5pm, six armed and hooded men approached the men, forcing the two victims to move away from the group celebrating the birthday party. They made them lie face down on the ground where they shot them multiple times to assure that they were dead. The assassins then escaped in two vehicles. The police later recovered around 40 shells from AK-47 automatic weapons that had been used to commit the murders.<sup>44</sup>

According to CONADEH, the rate of impunity for murders of members of the legal profession is 97%.<sup>45</sup>

## LGBTI

The IACHR expressed concern at the **violence and discrimination against LGBTI people in the Americas** in a press release, with Honduras featuring prominently, as in July it accounted for 4 of the 23 murders of trans people and for one of the 13 murders of gay men.<sup>46</sup>

One of the most notable victims was an Afro-Honduran transsexual, **Herwin Alexis Ramirez Chamorro**, 24, also known as "Africa Noxema Howell", whose body was found on 21 July on the banks of a river in La Ceiba, Atlántida department. He had suffered multiple bullet and knife wounds.

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38 See El Heraldo article of 22.8.13 [Avanzan pesquisas de crimen contra juez](#)

39 *Asociación de Jueces por la Democracia*

40 See, for example, P.198 of the Commission of Truth report [The Voice of Greatest Authority is that of the Victims](#)

41 La Prensa article [Jueza de sentencia de El Progreso ya había sido amenazada](#)

42 See articles by Global Post [Attorney who revealed death threats murdered in Honduras](#) and La Prensa [Ultiman a abogado en San Pedro Sula que había sido amenazado](#)

43 La Prensa article [Sicarios asesinan a abogada en San Pedro Sula](#)

44 <http://www.tiempo.hn/portada/noticias/celebraban-un-cumpleanos-acribillan-a-exjuez-y-a-su-cliente>

45 CONADEH press release of 23.9.13 [Profesión de alto riesgo: En la impunidad el 97% de los abogados y periodista muertos en el gobierno de Pepe Lobo](#)

46 [IACHR expresses concern about violence and discrimination against LGTBI persons, particularly youth, in the Americas](#) Press release No. 60/13 of 15 August 2013.

Herwin Alexis was a well-known leader in his community where he volunteered for organizations working for HIV prevention and LGBTI rights and for the development of Afro-Honduran communities.<sup>47</sup>

In another prominent case of an attack on a transsexual, on 9 August, at 8.40pm in the center of Tegucigalpa, a **group of four men physically assaulted Arely Victoria Gomez** (known as Vicky), beating her severely, tearing out her studs and ear-rings, and stealing her valuables and other items she was wearing, including her shoes. There are strong indications that the attack was targeted, and motivated by Vicky's high-profile activities in defense of LGBTI rights in Honduras,<sup>48</sup> which included putting herself forward as a reserve candidate for the LIBRE party in the forthcoming elections, in November. It was in this capacity that she and other LGBTI candidates launched a **high-profile lawsuit against the evangelical pastor Evelio Reyes**, Presidential candidate Salvador Nasralla, and other public figures for alleged homophobic discrimination and hate speech. Evelio Reyes had been encouraging his congregation not to vote for LGBTI candidates in the November elections (labeling them 'the enemies of God'), but was found not guilty on 30 August, apparently because his church was considered to be a private, rather than public, place.<sup>49</sup>

The lawsuit sparked a great deal of controversy, provoking calls for a **reform of Article 321 of the Penal Code** (which outlaws discrimination, including on the basis of sexual orientation), as it 'militated against freedom of worship'. It led Amnesty International to write an [open letter](#) to the President of the Supreme Court asking him to resist such calls, and expressing alarm at the level of homophobia and intolerance generated by the case, particularly in the media. Civil society organizations within Honduras called a press conference to demand respect for Article 321.<sup>50</sup> It was in this context that Vicky was attacked, and may have been the motive for the **abduction for three hours of the daughter of APUVIMEH project manager**, Sandra Zambrano, who was taken on 20 June from very close to the scene of Vicky's assault.<sup>51</sup> PROAH accompanies **APUVIMEH on their monthly march** to the Public Prosecutor's Office where they call for an end to impunity for the murders of members of the LGBTI community.

On 1 September 2013, the offices of the organization **Asociación LGTB Arcoiris** (LGBT Rainbow Association) were broken into and a computer was stolen. The indications are that it was a targeted attack, the latest in a long line of acts of harassment of the organization's leaders and members.<sup>52</sup>

The **European Union** has initiated a project in the Sula Valley, in the north of the country, devoted to combating **discrimination** against members of the LGBTI community, including increased investigation of discriminatory practices in education, health and the workplace. It is being conducted in collaboration with HIVOS, the Dutch development agency and the Honduran **Asociación Kukulcan**, which defends LGBTI rights.<sup>53</sup>

## JOURNALISTS

Superficially the situation for journalists this year has been relatively good so far, with 'only' one murder – that of **Aníbal Barrow**<sup>54</sup> - out of a total of 28 since Porfirio Lobo came to power.<sup>55</sup> However,

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47 [Honduras: Amnesty International condemns the recent killings of people defending justice, equality and human rights](#)  
AMR 37/007/2013 of 29 July 2013.

48 Frontline Defenders Action [Honduras: Physical attack on LGBTI rights defender Ms Arely Victoria Gómez](#)

49 El Libertador newspaper article [Honduras: pastor Evelio Reyes sería absuelto por discriminar diversidad sexual](#)

50 Defensoresenlinea [Sociedad civil exige respeto a artículo 321 del Código Penal, que sanciona a violadores de derecho a la igualdad](#)

51 Frontline Defenders Action [Honduras: Forcible seizure of daughter of human rights defender Ms Sandra Zambrano](#)

52 Front Line Defenders Action [Honduras: Break-in and theft at offices of LGBT rights organisation Asociación LGTB Arcoiris](#)

53 [Presentación del proyecto: “Construyendo bases para una sociedad respetuosa de los derechos humanos, con reconocimiento de la diversidad sexual” \(26/07/2013\)](#)

54 Referred to in [our monthly summary of June](#).

the killing was notable for the high profile of the journalist, a presenter for TV Globo, and for its sheer gruesomeness, as although he was murdered shortly after being kidnapped on 24 June, his body was apparently not discovered until 9 July, dismembered and partly burnt. There were a lot of rumors circulating that in fact his body was in the car when it was found by the police the day of the kidnapping. His friend Aldo Calderón, another well-known journalist, was apparently investigating Barrow's death and the allegations about the discovery of the body before he committed suicide on 15 July, in what some consider to be suspicious circumstances.<sup>56</sup> The atmosphere of speculation has not been helped by the fact that, since 2 May, the day after Arturo Corrales became Minister of Security, journalists have been forbidden from interviewing the police – all information is now disseminated by press release.<sup>57</sup> Whether or not deliberate, the net result has been to increase the climate of fear.<sup>58</sup> This, as noted in [our monthly summary for June](#), is being exploited by those who wish to intimidate journalists. They refer to the murder of Aníbal when sending threats to other journalists.<sup>59</sup> In the meantime, four of the five accused of the murder have lodged an appeal with the Supreme Court,<sup>60</sup> and there seems to be no progress in establishing who masterminded the murder, or its motive.

**C-Libre** have stated in discussions with PROAH that they have noted a general shift in the methods used to silence journalists in 2013 as compared to previous years – from murders to more subtle means, in what they consider to be an orchestrated **campaign of intimidation**. This includes an increase in threats to family members of journalists, a form of intimidation that barely featured last year, as well as an increase in threats to the journalists themselves, to the point where some are forced to seek exile, and assassination 'attempts' which are designed to fail, but which will be interpreted as a direct warning, such as spraying with sub-machine gun fire the radiator of a car carrying a journalist. Such methods will provoke less international concern than murders, as well as being under-reported, as many victims will not denounce such threats out of fear of reprisals. However, they will also be highly effective in silencing their targets. If there is a conscious strategy, then the murder of Aníbal Barrow could be considered to fit within it, as its grisly nature and the profile of the victim mean that it has had a huge impact, while at the same time, the statistics on murders of journalists this year remain low.

The latest journalist to go into exile (as far as is known, as some will choose to do so in secret) is **Joel Duron Coca**, who worked for Canal 11 (Channel 11) television station in Puerto Cortes. On 17 July he was attacked as he was leaving work by two men, one with a pistol and the other with a baseball bat, who broke two of his fingers and a rib. The motive for the attack is not stated in the press, but apparently, the assailant with the pistol refused to shoot him, and was found murdered a few days later, possibly as a punishment for failing to kill the journalist.<sup>61</sup>

## **POLITICAL ACTIVISTS**

**UNAH student leader and LIBRE youth activist Lennin Dubon** was murdered on 6 August in San Pedro Sula. The following day, **Darwin Barahona, the General Secretary of LIBRE Youth**, was kidnapped for a few moments in the Kennedy neighborhood of Tegucigalpa, where he was abandoned and robbed of his car. When he was kidnapped, he was accompanied by Nelson Colindres, Secretary of Political Formation in the Department of El Paraiso. Two men pointed firearms at both of their faces when Barahona was going to drop off Nelson at his house in the Kennedy neighborhood. LIBRE Youth

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55 C-Libre database. CONADEH figures also include a sports journalist murdered in Olancho in January, but according to C-Libre, he had not practised that profession for a number of years.

56 See, for example, account by the ex Head of Internal Affairs of the Police [Previo a su muerte Aldo Calderón investigaba asesinato de Aníbal Barrow](#)

57 El Heraldo article [Mordaza impuesta en Seguridad limita el derecho a la información](#)

58 See, for example, [interview with Bertha Oliva of COFADEH and Dr Juan Almendares of CPTRT](#)

59 C-Libre Alert [Periodistas son intimidados a través de mensajes de texto](#)

60 La Prensa article [Presentan recurso de apelación en caso de Aníbal Barrow](#)

61 La Prensa article [“Temo por mi vida y la de mi familia”: periodista Joel Coca](#)

are concerned that the incidents could be part of a systematic campaign of murder and intimidation against this group of activists.<sup>62</sup>

On Sunday 14 July, during a meeting, the **LIBRE Party headquarters in Santa María del Real**, Olancho department, was fired upon from a moving car, seriously injuring José Orlando Palacios Mayen, 17, a young leader of LIBRE. The candidates for Mayor and Congress, as well as President Zelaya's deputy, Carlos Muñoz, were also present at the time of the attack, but all escaped unharmed.<sup>63</sup>

Bertha Oliva of **COFADEH** has stated that, out of fear, there is **significant under-reporting** of politically-motivated attacks and murders of LIBRE activists, many of which are disguised as common delinquency, with families receiving death threats if they publicize the motive for the killing or attack.

**Two activists from PAC (Anti-Corruption Party), including an election candidate, were shot in Tegucigalpa** on Friday 2 August as they were preparing for a party event. Armed men arrived to intimidate the two men and the other activists present. They shot Carlos Alberto Zelaya, a candidate for deputy of Francisco Morazan department, in the leg and the other victim (unnamed) in the chest in an attack which appears to be clearly politically motivated. Carlos Zelaya said that he would report the incident to the TSE (Supreme Electoral Tribunal) and to the authorities.<sup>64</sup>

On 12 August, Aracely Pavón, **a mayoral candidate for the National Party** for Potrerillos, Cortés, was wounded in an attack. She was in her car in San Pedro Sula when, at 11.40 am., it was intercepted by another car carrying a number of men, one of whom got out and began shooting, firing from only a metre away, wounding Aracely Pavón in the arm and leg and killing her brother-in-law who was driving at the time. She and her family did not know the motive for the attack. The police have stated that it was due to her candidature, although she is also a lawyer.<sup>65</sup>

On 14 September, Freddy Lemus, **the mayor of Santa Lucia municipality, Intibucá, representing the National Party**, was killed after being ambushed in his car, as he was driving home at night. He was seeking re-election in the November polls. The motive for the attack is not known, although mayors and municipal officials seem to be particular assassination targets.<sup>66</sup>

## **PROTECTION MEASURES UNDER THE INTER-AMERICAN SYSTEM**

**Report by CIPRODEH** - On 7 August, CIPRODEH (Center for the Investigation and Promotion of Human Rights in Honduras) presented its [report](#) on the state's implementation of the precautionary measures granted by the IACHR and the provisional measures granted by the Inter-American Court in response to the deterioration in the human rights situation in Honduras since the 2009 coup. PROAH attended the event.

The IACHR, reporting on its visit to Honduras in May 2010, had stated that *'the efforts the State made to implement the precautionary measures have been few, late in coming, inadequate and in some cases non-existent'*.<sup>67</sup> The conclusion of CIPRODEH's investigations, based on interviews with the beneficiaries, human rights organizations and state entities, is that the situation essentially has not changed since the IACHR's visit.

According to its report, the three main mechanisms for providing protection to beneficiaries in Honduras are patrols, escorts and a phone liaison officer, all of which are normally provided by **the police**. Given that the police force is a known perpetrator of human rights abuses, and in the absence of genuine reform, the beneficiaries of protection measures often prefer to dispense with its services, fearing that the police will treat the measures as an opportunity to harass them and to conduct

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62 Translation of [LIBRE Youth Press Release](#) at Rights Action website.

63 Article [Office of LIBRE Party fired upon during meeting](#) on FNRP website.

64 Proceso Digital [Hieren en la pierna a candidato a diputado del PAC](#)

65 El Heraldo [Atentan contra candidata del Partido Nacional](#)

66 Proceso Digital [Asesinan alcalde municipal de Santa Lucia, Intibucá](#)

67 Para. 71 of [Preliminary Observations of the Inter-American Commission on Human Rights on its Visit to Honduras, May 15 to 18, 2010](#), OEA/Ser.L/V/II., Doc. 68, 3 June 2010

surveillance. In addition, in the case of escorts, due to the lack of state funds, beneficiaries are often asked to meet their food and transport costs, and with the phone liaison officers, there is a lack of continuity and little communication with the beneficiaries.

There is also a general **lack of training** on the protection measures granted under the Inter-American System – in Honduras the term '*medidas cautelares*' (precautionary measures) is also used for the conditions imposed on a person who has received a non-custodial court sentence, and so the beneficiaries are often treated as criminals.

Many human rights defenders present at the event pointed out that the lack of implementation of the measures as another example of the **failure of state institutions** to protect the population, and that such measures would not be necessary if the justice system functioned.

The state officials present seemed as frustrated as the beneficiaries. The representative from the Ministry of Security said that the **number of cases of protection measures granted to Hondurans by the Inter-American System has leapt since the coup from 48 to 375**, without a corresponding increase in staffing – and the number of individual beneficiaries would be much higher, as measures have been granted to entire families, communities and organizations (Precautionary Measure 196/09, for example, granted the day of the coup to the ex-Foreign Minister, was ultimately extended to include hundreds of people at risk of state persecution). The Human Rights Public Prosecutor stated that the Public Prosecutor's Office (*Fiscalía*) had only two lawyers looking after 160 cases of protection measures (which also meant that the remaining 215 cases out of the 375 were completely neglected by the system). Furthermore, the Office has no experts in telecommunications, which means that **it is impossible to investigate death threats to human rights defenders issued by phone or e-mail**, the usual 'delivery' methods.<sup>68</sup>

### **Murder of policeman**

On 20 August, **Rubén Rolando Méndez Montenegro**, was murdered by hit men in Tegucigalpa. He was a policeman who worked for a special unit in which he was responsible for investigating the attacks which had resulted in protection measures being granted under the Inter-American System, and acted as a liaison point for their beneficiaries. Human rights organizations believe that his murder may be connected with his work.<sup>69</sup> He was considered a dedicated officer, and a number of human rights defenders attended his funeral.

### **TOM LANTOS HUMAN RIGHTS COMMISSION HEARING – HUMAN RIGHTS IN HONDURAS<sup>70</sup>**

The Tom Lantos Human Rights Commission of the United States Congress held a hearing on human rights in Honduras in Washington, D.C. on 25 July, 2013. The witnesses to the hearing pointed to **the collapse of state institutions since the 2009 coup and their co-option by the rich and powerful**, a trend particularly evident with the military and the judiciary, with political appointments – most notoriously those of the Supreme Court and now the Public Prosecutor – contributing to the rampant **impunity** in the country, combined with a lack of resources. Another factor contributing to impunity was the corruption and incompetence of the police force, the reform of which had failed to produce any results. However, rather than seek to bolster this reform, the state had resorted to using the military, a worrying reversal of a regional trend towards the demilitarization of policing duties.

It was stated that, while the US now funded the Special Victims Task Force, to investigate murders of

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68 See also article by defensoresenlinea [Gobierno incumple aplicación de Medidas Cautelares defensores de DDHH](#) and [report following visit in February 2012](#) of Margaret Sekaggya, the UN Special Rapporteur for Human Rights Defenders

69 See C-Libre Alert 48-2013 [Asesinan a policía que investigaba atentados a periodista](#)

70 See [transcript of hearing](#).

targeted at vulnerable sectors, such as journalists and members of the LGBTI community, **the US government, and in particular its Embassy in Honduras, is remarkably silent on the persecution of equally vulnerable groups, such as members of the political opposition and campesinos defending their land rights.** In the hearing, Dana Frank stated that Lisa Kubiske, the US ambassador, on a trip to the Bajo Aguan, had failed to condemn the murder of campesinos by security guards working for the major landowners and had said that those advocating land recuperation should be prosecuted.<sup>71</sup> Tirza Flores Lanza, of the Association of Judges for Democracy, had noted that EU embassies were a lot more accessible than that of the US, and made public pronouncements on key issues of concern regarding human rights.<sup>72</sup>

## MILITARIZATION

The militarization of the country continues apace, ahead of the elections.<sup>73</sup> The number of areas in which the military has an active role continues to increase, and now includes, for example, prison control.<sup>74</sup> At the same time, the police force itself is becoming increasingly militarized, the latest development being the establishment of the 'Public Order Military Police',<sup>75</sup> scheduled to be on the streets by 3 October. These officers have been recruited from the armed forces, and will report to the Ministry of Defense. Initially 1,000-strong, it is envisaged that the force will ultimately have 5,000 officers, engaged in a variety of duties including combating organized crime and drug-trafficking.<sup>76</sup> Human rights groups have expressed concern that the primary role of the elite force will be repression.<sup>77</sup> Its first public outing was in the Independence Day parade to the National Stadium, on 15 September, in an intimidating show of strength.<sup>78</sup>

## PRISONS – IACHR REPORT

On 2 August, the IACHR presented its [Report on the Situation of Persons Deprived of Liberty in Honduras](#). The Commission's findings were based on a visit to Honduras by an IACHR delegation led by the Rapporteur on the Rights of Persons Deprived of Liberty, Commissioner Rodrigo Escobar Gil, two months after the fire in Comayagua prison on 14 February 2012, in which 362 people died. The report notes that this tragedy was not without precedent in Honduras, as 107 inmates died in 2004 in a fire at the San Pedro Sula National Penitentiary. In the case of both fires, the State authorities were known to have been aware of the risks and did not take timely corrective steps to prevent these tragedies. The report states that they took place in the overall context of a “collapsed prison system with serious structural deficiencies and in which the fundamental rights of prisoners are systematically violated”. On 24 September, charges of culpable homicide and dereliction of the duties of public officials were brought against the ex-director and three policeman for the Comayagua fire.<sup>79</sup> Escobar Gil stated that “The prison system in Honduras is dehumanized, miserly, and corrupt. Living conditions in the prisons are completely contrary to human dignity. The authorities of the State of Honduras, in all branches of government, must foster a radical change of attitude toward the prison system and react urgently and forcefully to the profound structural crisis the system is undergoing.”<sup>80</sup>

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71 See, for example, La Prensa [Preocupa a EUA conflicto en el Bajo Aguán](#)

72 See P.61 of transcript.

73 See [Dana Frank's article in the Miami Herald](#), which gives an excellent overview.

74 See, for example, [Proceso Digital article Honduras: Militares con una Infinidad de Tareas](#)

75 *Policía Militar de Orden Público*

76 El Heraldo article [Policías militares estarán acorazados](#)

77 El Tiempo article [Copiaron al 3-16 cuestiona Bertha O.](#)

78 See photos of Conexihon article ["Estas no son las palillonas que venimos a ver"](#)

79 El Heraldo [Confirman posible responsabilidad penal en incendio de cárcel](#)

80 [IACHR Presents Report on Persons Deprived of Liberty in Honduras](#) Press release No. 58/13 of 2 August 2013

## **FIDH MISSION TO HONDURAS**

On 27 September, a delegation from the FIDH (International Federation for Human Rights) presented its preliminary findings following its week-long mission in the country. Its objective was to analyze the administration of justice in the light of the **International Criminal Court's preliminary examination of Honduras**, which it began in November 2010, in which it is assessing whether there are grounds for a formal process on the grounds of political persecution, including crimes against humanity. The members of the delegation were Luís Guillermo Pérez Casas, a Colombian human rights lawyer and FIDH Secretary-General for the Americas, and Magdalena Garcés, a Chilean lawyer who has taken cases against soldiers under the Pinochet dictatorship. They met with representatives of a range of sectors of Honduran society, including women's organizations, LGBTI and environmental groups, as well as with state authorities.

Among their concerns were the **increase in attacks on human rights defenders**, and in particular the judicial persecution of Bertha Caceres and her lawyer Victor Fernandez. In relation to this, they also condemned the **'total dysfunction' of the justice system**, including the lack of cooperation with the Human Rights Special Prosecutor by other state institutions (even by the Public Prosecution Service itself). They also criticized the politicization of the justice system, including the sacking of four Supreme Court judges from the constitutional chamber, and **accused the President of the Supreme Court of corruption**, along with other members of the judiciary, and recommended his immediate resignation or removal.

They criticized the state's lack of willingness to respect ILO Convention 169, particularly in relation to free, prior and informed consultation of **indigenous peoples** regarding decisions that affect them, and on the other hand its willingness to divide indigenous communities and resort to corruption to gain its ends.<sup>81</sup>

Their final recommendation was to the **ICC Prosecutor, recommending that he move from the preliminary examination to a full investigation into those primarily responsible for political persecution in Honduras.**

## **APPOINTMENT OF NEW DIRECTOR OF PUBLIC PROSECUTIONS**

The FIDH mission also condemned the appointment of the Public Prosecutor and his deputy by Congress on 1 September, arguing that it was illegal and unconstitutional. Oscar Fernando Chinchilla, the new Public Prosecutor for a term of five years, is a National Party figure, and there are deep concerns that in the event of challenges to the election results, any fraud will be condoned, particularly given the National Party's control of the Supreme Court. In addition, his newly appointed deputy Rigoberto Cuellar was previously Minister for Natural Resources and the Environment (SERNA) and in that capacity had promoted the adoption of the new Mining Law and other legislation under which he granted a huge number of concessions. Now he has responsibility for considering legal challenges to those concessions.

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>

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81 Defensoresenlinea [Misión de la FIDH recomienda destitución inmediata del presidente de la CSJ](#)